



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM**

**NOTICE OF PROPOSED REGULATORY
ACTION**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the action described below in the Informative Digest after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend the Public Employees' Medical and Hospital Care Act Regulations to update the definitions set forth and incorporated by reference at section 599.500 and to add Article 2 titled "Prefunding Plan for Health Care Coverage for Annuitants" which includes new sections 599.550, 599.552, 599.553, and 599.554.

II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 pm on December 18, 2006. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; e-mail at the following address: barbara_galli@calpers.ca.gov; or mail to the following address:

Barbara Galli, Regulations Coordinator
California Public Employees' Retirement System
400 Q Street, Room W2580
P.O. Box 942702
Sacramento, California 94229-2702

Telephone: (916) 795-4098

III. PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the Health Benefits Committee of the CalPERS Board:

December 19, 2006
9:30 a.m.
California Public Employees' Retirement System
Auditorium, 400 Q Street, Sacramento,
California 95814

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The CalPERS Board has authority under the Public Employees' Medical and Hospital Care Act (California Government Code Title 2, Part 5, Chapter 1, Article 2 (PEMHCA)) Section 22796 to adopt all necessary rules and regulations to carry out the provisions of PEMHCA. The CalPERS Board is also charged under PEMHCA at Article 11 (commencing with section 22940) with administering the prefunding of health care coverage for annuitants. CalPERS Board has the sole and exclusive control and power over the administration and investment of the Annuitants' Health Care Coverage Fund. The proposed regulations clarify and make specific statutory provisions in PEMHCA Article 11.

**VI. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Legislature recognized a need to establish a means for prefunding retiree health benefits and in 1988 it adopted a law (Stats. 1988, ch. 331) that created the Annuitants' Health Care Coverage Fund for the purpose of prefunding health care coverage for annuitants. This law allows a PEMHCA employer to elect to participate in the prefunding plan. The law provides further that the CalPERS Board has sole and exclusive control and power over the administration and investment of the fund. The Proposed regulations clarify and make specific the current law by defining terms, providing how an employer contracts with CalPERS, providing that CalPERS is to determine the amount of administrative costs and expenses to be paid by each participating employer, and specifying the terms and conditions that

must be included in the contract (which include disbursements from the plan, the methodology and assumptions used to calculate the actuarial accrued liability for health care coverage, the method of payments to and disbursements from the plan, the reporting requirements, the method for allocating investment income, the circumstances for transfer of assets into or out of the plan, and the conditions under which the plan may be terminated).

The Governmental Accounting Standards Board Statement No. 45 requires governmental employers to report in their financial statements the estimated costs and liabilities associated with postemployment health benefits for current and future retirees. The Annuitants' Health Care Coverage Fund provide a vehicle for participating employers to contribute an amount to cover some or all of their expected liabilities for health care coverage for annuitants. The Fund would serve the purposes of enhancing security for retirees, providing employers a choice of investment vehicles implementing California Government Code sections 22940 *et seq.* The proposed regulations provide the administrative details necessary to implement the Prefunding Plan for Health Care Coverage for Annuitants.

Proposed Correction to Title of PEMHCA Regulations

Existing Subchapter 3 refers to the *State Employees' Medical and Hospital Care Act Regulations*. Government Code section 22750 provides that Part 5 is to be called the *Public Employees' Medical and Hospital Care Act*. This proposal would change the title of the regulations to conform to the name of the act as set forth in statute.

Proposed Amendment of section 599.500

Section 599.500 was adopted in 1979 and has not been amended to reflect changes in code sections and definitions incorporated from PEMHCA into the regulations. This proposal would include the PEMHCA definitions in the regulations by reference to Part 5, instead of to individual code sections.

Proposed Addition of Heading and Article Designation

For convenience and ease of reference, existing PEMHCA Regulations are proposed to be placed under new Article 1. Definitions, Coverage, Enrollment, Minimum Standards, and Medicare Part B. The proposed new regulations are proposed to be placed under new Article 2. Prefunding Plan for Health Care Coverage For Annuitants.

Proposed Adoption of CCR Section 599.550

PEMHCA Article 11 makes reference to health care coverage for annuitants, to employers that elect to participate, and to a prefunding plan. The CalPERS Board is charged with administering the prefunding plan and

investing the Annuitants' Health Care Coverage Fund. In line with its responsibilities of administration, this section defines the terms "health care coverage for annuitants," "participating employer," and "prefunding plan" used in PEMHCA Article 11. Under the proposed definitions, health care coverage for annuitants includes other post employment benefits as that term is defined in the Governmental Accounting Standards Board Statements 43 and 45; participating employer means an employer that elects to participate in the prefunding plan and that also contracts with the CalPERS Board to participate in PEMHCA; and prefunding plan as a section 115 Trust under the Internal Revenue Code, to administer the plan such that the income to the fund will be exempt from federal income tax.

Proposed Adoption of Section 599.552

The law grants the Board the sole and exclusive authority to administer the prefunding plan. This proposed regulation requires that the governing body of a participating employer enter into a contract with the Board, which contract may be in the form of a resolution adopted pursuant to existing PEMHCA provisions.

Proposed Adoption of Section 599.553

This proposed regulation sets forth the terms and conditions that are to be included in the resolution for prefunding plan participation, including the frequency and amount of contributions to and disbursements from the prefunding plan, the methodology and assumptions used to calculate the actuarial accrued liability for health care coverage for annuitants, the method of payments to and disbursements from the plan, the manner of allocation of investment income to participating employers as well as the allocation of administrative costs and expenses. In addition, this proposed regulation sets forth the circumstances for termination of participation of a participating employer and the order of payment of assets in the event of termination of the prefunding plan.

Proposed Adoption of Section 599.554

This proposed regulation specifies that the Board will determine the amount of administrative costs and expenses to be paid by each participating employer in accordance with the terms of the resolution filed pursuant to section 22922.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to state, school, and public agency members' voluntary participation in a Prefunding Plan for Health Care Coverage for Annuitants.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500, et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that representative private persons or businesses would necessarily incur due to the proposed regulatory action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for

which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

David Lamoureux
 Actuarial and Employer Services Division
 California Public Employees' Retirement System
 P.O. Box 942709
 Telephone: (916) 341-2473
 Fax: (916) 341-2744
 E-mail: david_lamoureux@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Barbara Galli, CalPERS Regulations Coordinator, at (916) 795-4098 (barbara_galli@calpers.ca.gov), or Joe Parilo, Manager, Management Services Section, at (916) 795-3484 (joe_parilo@calpers.ca.gov).

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Barbara Galli, Regulations Coordinator, at the address shown in Section II.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend CCR sections 599.500, 599.550, 599.552, 599.553, or 599.554 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

XIII.

One can access the regulatory material regarding this action at www.calpers.ca.gov; *About CalPERS*; *Legislation, Regulations and Statutes*; *Regulatory Actions*; *Current Regulatory Actions*.

TITLE 4. STATE ATHLETIC COMMISSION PROGRAM

NOTICE IS HEREBY GIVEN that the State Athletic Commission Program (hereinafter “program”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the program at its office not later than 5:00 p.m. on December 18, 2006.

The program does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the program. The request must be received at the program office no later than 5:00 p.m. on December 1, 2006.

The program, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18641, 18642, 18643, 18648, 18661, 18665, 18705, 18706, 18710, 18712, 18714, 18723, 18725, 18728, 18733, 18738, 18748, 18840, 18855,

and 18860 of said Code, the program is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the proposed amendments and additions is to clarify a variety of existing regulations including, the responsibilities of the promoter and the referee, the licensing requirements of the matchmaker, the health and safety of the athlete, and to comply with the national standards as outlined in Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

1. Amend Section 214. Existing regulation does not include the Hepatitis C (HCV) virus in the required blood tests for licensure as a boxer. This proposed regulation would bring the regulation into compliance with Business and Professions Code section 18712.

2. Amend Section 217. Existing regulation requires a matchmaker to pass a written examination administered by the program on California laws and regulations relating to boxing and indicates that the examination may be waived if the applicant has a valid matchmaker license in another state or country and has not been subject to any disciplinary action. This proposed regulation amends Section 217 by permitting a matchmaker to obtain a temporary license and serve in an apprentice program supervised by the program and by permitting a licensed promoter in the United States with documented experience in matchmaking equivalent to that required in the apprentice program to be issued a matchmaker license.

3. Amend Section 240. Section 240(a) states that the promoter may not release the names of contestants to the media or otherwise publicize a contest unless a contract has been executed between the parties. This proposed regulation would allow the promoter to publicize a bout as soon as the Executive Officer or his designee approves it.

Section 240(b) provides for the grounds for denial of a promoter’s request to hold a boxing contest. The proposed regulations would clarify that this section applies to boxing and martial arts. This proposal would also add a provision that if the promoter does not identify the potential contestants in a timely manner, then the program can deny the promoter’s request to hold a boxing contest.

4. Amend Section 281. Existing regulation does not describe the specific indicators that the program uses to evaluate the physical condition of the boxer. This proposal would add a provision that describes the physical condition requirements used by the program to evaluate the physical condition of the boxer.

This proposal would also specify that no license shall be issued to any applicant who is missing all or part of a limb.

5. Amend Section 283. Existing regulations provide that the boxer shall satisfy the program that the boxer has the ability to compete before a license can be issued.

This proposal would specify that the factors listed in Rule 281 shall be considered in evaluating a boxer's ability to perform. This proposal would also require that an applicant for a boxer's license shall provide verifiable documentation of the applicant's competitive history.

6. Amend Section 294. Existing regulations require that a club shall ensure that there is emergency equipment and adequate access available at the site during a show.

This proposal would add a requirement that the club shall provide at ringside at least one oxygen tank and mask for the health and safety of competitors.

7. Amend Section 298. Existing regulations provide for the different weights and classes in a boxing match.

This proposal would add another weight classification consistent with the weight classes established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

8. Amend Section 303. Existing regulations specify that the administration or use of any drugs, alcohol or stimulants, or injections in any part of the body, either before or during a match, to or by any boxer is prohibited.

The proposed regulations would clarify specific health and safety requirements regarding drug testing.

9. Amend Section 322. Existing regulation specifies the weight of the gloves to be used by contestants.

This proposal would clarify requirements for the determination of glove weight.

10. Amend Section 323. Existing regulations specify the standards for hand bandaging.

This proposal would amend existing regulations to conform to the hand bandage requirements established by the Association of Boxing Commissions, Regulatory Guidelines and Rules modified July 27, 2005.

11. Amend Section 337. Existing regulations specify the different types of fouls in boxing.

This proposal would add additional types of fouls.

12. Amend Section 338. Existing regulations specify the types of intentional fouls.

This proposal would clarify the types of determinations a referee may make regarding intentional fouls and the consequences for the contestants who commit intentional fouls.

13. Amend Section 339. Existing regulations provide for types of unintentional or accidental fouling.

This proposal would clarify the referee's determination of unintentional fouls and the consequences of unintentional or accidental fouls.

14. Amend Section 362. Existing regulation provides that a second shall not excessively coach a boxer during a round. This proposal would clarify the definition of excessive coaching from ringside.

15. Amend Section 363. Existing regulations provide that excessive use of water or ice between rounds is prohibited.

This proposal would provide specific clarification for the use of water or ice in the corner.

16. Amend Section 364. Existing regulations specify that a manager or chief second of a contestant may toss a towel into the ring in token of defeat.

This proposal would specify the manner in which the chief second of a contestant may instruct the referee to stop a bout.

17. Amend Section 381. Existing regulation does not define the term "Alternative Provisions." This regulatory proposal defines the term "alternate" provisions and changes the term "Alternative" to "Alternate."

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The program has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The program has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The program is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The program has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The program must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements in writing relevant to the above determinations.

INITIAL STATEMENT OF REASONS AND INFORMATION

The program has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained on the California State Athletic Commission Program's web site, <http://www.dca.ca.gov/csac> or upon request from the Headquarters Office at 1424 Howe Avenue, Suite 33, Sacramento, California 95825, (916) 263-2195.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Susan Lancara
Address: 1424 Howe Avenue, Suite 33
Sacramento, CA 95825
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-mail Address: Susan_Lancara@dca.ca.gov

The backup contact person is:

Name: William Douglas
Address: 1424 Howe Avenue, Suite 33
Sacramento, CA 95825
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-mail Address: William_Douglas@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/csac.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and Labor Code Section 148.7, the Occupational Safety and Health Appeals Board of the State of California has set the time and place for Public Hearings on proposed changes to Title 8, California Code of Regulations, Chapter 3.3, Articles 1, 1.5, 2, 3, 4, and 5 Sections 347, 350.1, 355, 359, 371.2, 374, 385, 386, 392.4, and 392.5:

PUBLIC HEARINGS

On **November 15, 2006, at 11:00 a.m.**
Occupational Safety and Health Appeals Board
100 N. Barranca, Suite 410
West Covina, California.

On **December 6, 2006, at 1:00 p.m.**
Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, California

On **December 18, 2006, at 11:00 a.m.**
Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, California

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings of the Occupational Safety and Health Appeals Board should contact the Disability Accommodation Coordinator at (916) 274-5751 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH APPEALS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 that the Occupational Safety and Health Appeals Board, pursuant to the authority granted by Labor Code Section 148.7, and to implement Labor Code Sections 148.7, 148.8, 6301, 6600, 6601, 6603, 6604, 6605, 6610, 6618 and 6620, will consider the following proposed revisions to Title 8, Rules of Practice and Procedure, of the California Code of Regulations, as indicated below, at its Public Hearings on November 15, December 6, and December 18, 2006.

TITLE 8: RULES OF PRACTICE AND PROCEDURE

Chapter 3.3, Subchapter 4, Articles 1, 1.5, 2, 3, 4, and 5
Sections 347, 350.1, 355, 359, 371.2, 374, 385, 386, 392.4, and 392.5.

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Appeals Board (Board) is charged with hearing and resolving appeals filed by employers from occupational safety and health citations issued by the Division of Occupational Safety and Health. California Labor Code Section 148.7 authorizes the Board to adopt rules of practice and procedure for the matters that fall within its jurisdiction. The Board has adopted regulations to govern the appeals process and the procedure for reconsidering decisions made on such appeals (Title 8, California Code of Regulations, Sections 345-397).

This rulemaking proposal would expand and clarify various existing provisions pertaining to appeals. It would also add a regulation to address motions filed during the Board's reconsideration process. These proposed modifications will have the effect of clarifying the requirements for the parties to appeals before the Board, and will allow the Board flexibility to adapt to evolving technology.

This proposed rulemaking action contains non-substantive editorial changes, reformatting of subsections, and grammatical revisions. While these non-substantive revisions are not all discussed in this Informative Digest, they are clearly indicated in the regulatory text in underline and strikeout format, a copy of which is attached to this Notice. In addition to these non-substantive revisions, the following measures are proposed:

Section 347

This section contains definitions for terms used in the Board's regulations. The Board proposes to add two new definitions in subsections (e) and (f) for "completed appeal form" and "day," respectively. The effect of adding these definitions will be to clarify terms used elsewhere in the regulations.

Section 350.1

This section describes the authority of the Board's administrative law judges (ALJs), who are charged with hearing and resolving employer appeals from occupational safety and health citations. Subsection (a) lists a number of functions that the ALJs may perform. Amendments are proposed to explicitly state that ALJs may hold settlement conferences, compel discovery at any time in the proceedings, and take other actions during a proceeding that are deemed appropriate to fulfill the purposes of the California Occupational Safety and Health Act. These amendments will further clarify existing language in this section that affords the ALJs "the full power, jurisdiction and authority to hold a hearing and ascertain facts for the information of the Appeals Board" and "to regulate the course of a hearing."

Section 355

This section addresses proper methods of serving documents during an appeals proceeding. Subsection (a) discusses the Board's maintenance of an official address for the parties to the proceeding. An amendment is proposed to state that an employer's failure to keep the Board apprised of its current contact information throughout the proceedings may result in dismissal of the appeal. This proposed change will clarify the importance of keeping this information current and will afford the Board a means to dispose of an appeal if it is no longer able to contact the employer.

Section 359

Subsection (a) of this section specifies when an appeal is deemed filed with the Board. A proposed amendment would clarify that an appeal cannot be initiated by contacting the Division of Occupational Safety and Health. This amendment will clarify that communication with the Division does not effectuate an appeal.

Section 359.1

This section addresses the appeal form used by the Board. Subsection (a) specifies the need to file the form with the Board. Proposed amendments would clarify when the form must be filed and explain that failure to file the form in a timely fashion constitutes grounds for dismissal. These amendments will add clarity and will notify employers of the consequence inherent in failing to complete their appeal.

Section 371.2

Section 371.2 pertains to amendments made to citations or appeals prior to the hearing. Proposed amendments to subsection (a) would clarify when parties are deemed notified that an appeal has been docketed. These proposed changes will clarify the time period during which amendments may be made.

Section 374

Section 374 addresses prehearing conferences. Subsection (b) discusses expectations for the parties participating in a prehearing conference. A proposed change would clarify that prehearing participants must be prepared to address the status of discovery compelled by the ALJ prior to the prehearing during the prehearing conference. This amendment will clarify existing regulatory language (section 350.1(a)) that affords the ALJs "the full power, jurisdiction and authority to hold a hearing and ascertain facts for the information of the Appeals Board" and "to regulate the course of a hearing." It will also clarify expectations for the parties so that they can properly prepare for the prehearing conference.

Section 385

This section pertains to decisions issued by the ALJs. Subsection (a) states that all proceedings shall be sub-

mitted at the close of the hearing unless otherwise ordered. An editorial amendment would clarify that "submitted" means "submitted for decision." This amendment will clarify the term "submitted."

Section 386

Section 386 addresses post-submission amendments to the issues on appeal and to the Division's action. Subsection (a) currently states that the Board may make these amendments after a proceeding is submitted for decision. A proposed change would state that the Board may amend these issues after both parties have presented evidence. This amendment will afford the Board the flexibility to make amendments before the matter is submitted for decision.

Section 392.4

A new section 392.4 is proposed to address motion practice during the Board's reconsideration process. The Board receives motions from parties after a petition for reconsideration has been filed. Subsections (a) and (b) of the new regulation would instruct parties on the requirements for filing motions as well as for submitting responses or opposition to a motion, and subsection (c) would specify the timeframes for the same. Subsection (d) would grant the Board discretion to permit late filings upon a demonstration of good cause. This regulation will provide clear guidance regarding the requirements and timeframes for motions submitted during the reconsideration process.

Section 392.5

This section states that the Board will provide copies of tapes made of the appeal hearings upon request. Technical amendments are proposed for the title and subsections (a) and (b) to clarify that the Board may provide a copy of the hearing in a recording medium other than a cassette tape (e.g., a CD). An amendment to subsection (c) would state that the requesting party is responsible for the cost of "delivery" as opposed to the cost of "postage." The regulation currently refers to "postage." These amendments will afford the Board the flexibility to use and rely on different forms of recording technology and will allow the Board to recoup the costs it incurs when a party requests that the Board deliver documents in a manner other than by standard mail.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Appeals Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local

agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the proposed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment(s) may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of this proposal will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DOCUMENT AVAILABILITY

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Appeals Board’s Office, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833, (916) 274-5751. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions and a description of any identified alternatives considered has been prepared and is available upon request from the Appeals Board’s Sacramento Office.

The Occupational Safety and Health Appeals Board’s rulemaking file on the proposed actions, including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Appeals Board’s Sacramento Office.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Chief

Counsel 15 days prior to the date on which the Appeals Board adopts the proposed changes.

Once the Final Statement of Reasons is prepared, it may be obtained by calling the telephone number listed above.

You can also access the Board's notice and the other materials associated with this proposal on the Appeals Board's website, the address for which is <http://www.dir.ca.gov/oshab>.

PUBLIC COMMENT

Notice is also given that any interested person may comment on this proposal in writing, or orally at the public hearing. It is requested, but not required, that written comments be submitted so that they are received no later than December 1, 2006.

The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 18, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided above or submitted by fax to (916) 274-5785 or e-mailed to oshab@dir.ca.gov. The Occupational Safety and Health Appeals Board may thereafter adopt the above proposal substantially as set forth without further notice.

CONTACT PERSON

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Jeff Mojcher, Chief Counsel, or Heidi Smith, Counsel, at (916) 274-5751.

TITLE 10. CALIFORNIA DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner ("Commissioner") proposes to amend Sections 260.140.8, 260.140.41, 260.140.42, 260.140.45, and 260.140.46 of Title 10, California Code of Regulations, under the Corporate Securities Law of 1968, as amended (the "CSL"), relating to the standards for the exercise of the Commissioner's authority with respect to compensatory benefit plans.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department of Corporations' ("Department") contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Karen Fong, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m. on **December 18, 2006**. Written comments may also be sent to Karen Fong (1) via electronic mail at regulations@corp.ca.gov or (2) via fax at (916) 322-5875. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department regulates the offer and sale of securities pursuant to the CSL. Under the CSL, it is unlawful to offer or sell a security unless the offer or sale is qualified by the Commissioner, is exempt from qualification, or not subject to qualification. (See Corporations Code Section 25110.)

Under Corporations Code Section 25140, the Commissioner may refuse to qualify an issuance of securities unless the Commissioner finds that the proposed issuance of securities is "fair, just, and equitable." The Commissioner has adopted qualification guidelines for various types of offerings of securities, including securities issued pursuant to compensatory benefit plans. In addition, compliance with the guidelines serves as a condition precedent to the availability of the exemption set forth in subdivision (o) of Corporations Code Section 25102 for plans that otherwise comply with Rule 701 ("Rule 701") of the Securities Act of 1933, as amended (17 C.F.R. 230.701).

The Commissioner believes that compensatory benefit plans play an important and positive role in the development of businesses, especially newer and smaller businesses that seek to utilize capital to grow rather than for individual compensation. These plans can provide the opportunity for employees, officers, directors, consultants and others to participate in the potential future

growth of the company where they work. Options, when awarded and exercised in a lawful and proper manner, can serve as a powerful incentive for employees to enhance business growth and create shareholder value.

The Commissioner is unaware of any other state that imposes similar requirements to California. The Commissioner has concerns that the Compensatory Plan Regulations may not achieve an appropriate level of uniformity and consistency with regulation by the other states and the federal securities laws, may impose a burden on businesses seeking to create jobs and expand operations in California, and may unduly restrict the ability of Californians from participating in compensatory benefit plans. See Corporations Code Section 25612.5(b)(1) (prescribing rules with a view to achieving maximum uniformity of registration statements, applications, and reports wherever practicable).

Accordingly, the Commissioner has determined that the standards adopted in Sections 260.140.8, 260.140.41, 260.140.42, 260.140.45 and 260.140.46 should be amended. The proposed amendments would (i) conform the class of eligible persons to those persons described in Rule 701, (ii) eliminate the restriction on the minimum exercise price for options and the minimum purchase price for securities, (iii) eliminate the minimum vesting period for non-management employees, (iv) permit security holder approval of a plan or agreement at any time prior to the grant of an option or issuance of a security under such plan or agreement in California and (v) provide a limited waiver from the security holder approval requirement for foreign private issuers.

The proposed amendments clarify that (i) the right to exercise an option in the event of termination of employment may not be extended past the original option expiration date and (ii) options may not be granted pursuant to any option plan and securities may not be issued pursuant to any purchase plan more than 10 years after the earlier of the date that the plan was adopted or approved by the issuer's security holders, whichever is earlier.

Finally, the proposed amendments exclude plans seeking to utilize the exemption in Corporations Code Section 25102(o) from having to include provisions regarding rights of repurchase, voting rights, limitations on the number of securities, and information to security holders.

AUTHORITY

Sections 25102, 25140, 25610 and 25612.5, Corporations Code.

REFERENCE

Sections 25102, 25110, 25140, and 25612.5 Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulations should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulations for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action and the initial statement of reasons may be obtained from the Department's website at www.corp.ca.gov. Further, the text may be obtained upon request from any office of the Department. Request Document PRO 27/06-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 27/06-C. As required by the Administrative Procedure Act, the Office of Law and Legislation maintains the rulemaking file, which is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

- Cost or Savings to any State Agency: None.
- Direct or Indirect costs or savings in federal funding to the state: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; or (3) the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of the proposed regulatory action may affect small businesses.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as request for copies of the text of the proposed regulations may be directed to Karen Fong at (916) 322-3553. Inquiries regarding the substance of the proposed regulations may be directed to Mark Uyeda, Chief Advisor to the Commissioner at (916) 324-9011, or Colleen Monahan, Senior Corporations Counsel, at (916) 322-3553.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to add permanent regulations relating to notice that health care districts must provide to the Attorney General within thirty days of transferring or leasing district assets to other corporations pursuant to recent amendments to Health and Safety Code sections 32121 and 32126.

PUBLIC COMMENT PERIOD

The Department of Justice will accept written comments presenting statements, arguments or contentions relevant to the proposed regulations for a period of 45 days from the date of publication of this Notice of Proposed Action. The DOJ will not consider any comments which are not received by 5 p.m. on December 18, 2006. No later than 15 days prior to the close of this written comment period, any interested person or his or her duly authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Written comments or requests for a public hearing should be addressed to Deputy Attorney General Jeffery M. Ogata, Department of Justice, Office of the Attorney General, P.O. Box 944255, Sacramento, California, 94244-2550.

AUTHORITY AND REFERENCE

The proposed regulations add Chapter 17, section 999.40 to Title 11, Division 1 of the California Code of Regulations, pursuant to the authority of Health and Safety Code sections 32121 and 32126 which require notice of certain transactions by health care districts to the Attorney General. New Chapter 17 will be entitled "Attorney General Regulations Regarding Health Care Districts Under Health and Safety Code sections 32121 and 32126."

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code sections 32121 and 32126 require health care districts to follow certain requirements with respect to the leasing or transferring of district assets. Both sections allow the lease or transfer to any type of corporation, including for-profit corporations. These code sections were originally supposed to sunset on January 1, 2006.

In 2005, the Legislature, in AB 1131, extended the original language of sections 32121 and 32126 for five years. Also, the Legislature added subdivision (p)(12) to section 32121 and subdivision (c) to section 32126

that required the districts to report to the Attorney General, within 30 days of entering into any lease or transfer of district assets, the type of transaction and the entity to whom the assets were leased or transferred.

The proposed regulations set forth the appropriate Attorney General's Office address to whom the health care districts must report, and the requirement that the report must contain the type of transaction, and the entity, including address and telephone number, to whom the assets were leased or transferred.

DISCLOSURES REGARDING THE REGULATIONS

Fiscal Impact on Public Agencies: There will be a minor cost to the health care districts in complying with these regulations as there will be some personnel costs associated with reporting this information to the Attorney General's Office. These costs are not a mandate and are not reimbursable as these regulations do not require a new program or an increased level of service in an existing program.

The Attorney General estimates direct costs of compliance with the proposed regulations as follows:

1. Personnel costs: one support staff using one-half hour to prepare and mail the report to the Attorney General's Office is estimated to cost \$8.50.¹
2. Fringe benefits associated with that personnel cost are approximately \$2.50.²
3. No additional equipment will be required for compliance.

There are no indirect costs.

Therefore, the total cost of complying with the proposed regulations for one transaction is estimated to be \$11.00.

Mandate and cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic effect directly affecting business including the ability of California businesses to compete with businesses in other States: None.

¹ Office Technician at \$17 per hour.

² Fringe benefits at thirty percent of hourly wage.

Effect on small businesses: The proposed regulation only requires health care districts and not the businesses themselves to report the transactions. There is no benefit or detriment to small businesses due to this proposed regulation. Therefore, there is no impact on them.

Significant effect on housing costs: None.

In accordance with Government Code section 11346.3, the DOJ has assessed whether and to what extent adoption of the regulations will affect the following:

- (a) The creation or elimination of jobs within the State of California: None.
- (b) The creation of new businesses or the elimination or expansion of existing businesses with the State of California: None.

STATEMENT OF REASONS AND INFORMATION

DOJ has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the exact language of the proposed regulations, the initial statement of reasons and other information, if any, may be obtained upon request from the Department of Justice, Office of the Attorney General, 1300 I Street, Sacramento, CA 94244-2550, Attn: Jeffery M. Ogata, or by telephoning the contact person listed below.

CONTACT PERSON

General or substantive inquiries concerning the regulatory actions should be directed to Deputy Attorney General Jeffery M. Ogata at the above address or at (916) 327-6820. The backup contact person to whom general inquiries may be directed is Sandy Blazak, Associate Governmental Program Analyst, who may be contacted at the above address or at (916) 327-7882. The backup contact person to whom substantive inquiries may be directed is Supervising Deputy Attorney General Kelvin Gong who may be contacted at 455 Golden Gate Avenue, Suite 11000, San Francisco, California, 94102-7004 or at (415) 703-5510.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

Interested persons are invited to submit written comments on the adoption of the regulations. A public comment period is provided from November 3, 2006

through December 18, 2006. Filing of written statements will be accepted at the Department of Justice, Office of the Attorney General (Attention: Jeffery M. Ogata, Deputy Attorney General), 1300 I Street, Sacramento, CA 95814, or by mail addressed to P.O. Box 944255, Sacramento, CA 94244-2550, until the close of business 5:00 p.m. on December 18, 2006. The DOJ will not consider written comments received after December 18, 2006.

PROPOSED REVISIONS, FINAL ADOPTION OF REGULATIONS

Following the close of the written comment period, the DOJ may adopt, as final, the regulations as described in this Notice and Informative Digest. Copies of the regulations, as finally adopted, will be sent to all persons who have requested copies by filing a written request with the contact person identified above. If, as a result of public comments, significant or substantial changes to the proposed regulations is deemed appropriate, copies of the proposed changes will be sent to all persons who previously requested copies, all persons who submitted written comments during the comment period, all persons who submitted oral or written comments at a public hearing if one is held, and those who have requested copies of information regarding the regulations.

Thereafter, DOJ will accept written comments, arguments, evidence and the like for a period of 15 days after the date upon which changes were made available. If adopted, the regulations will appear in the California Code of Regulations, Title 11, Division 1, Chapter 17, section 999.40.

The DOJ must determine that no reasonable alternative considered by it or that has otherwise been identified or brought to the attention of the DOJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF MATERIALS ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, the Final Statement of Reasons, the text of the proposed regulations, the date a rulemaking action is filed with the Secretary of State, and the effective date of the rulemaking action will all be posted on, and may be downloaded from, the website of the Charitable Trusts Section of the Office of the Attorney General in the DOJ (<http://ag.ca.gov/charities>).

TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Board Meeting, in San Diego on February 2, 2007, at 10:00 AM. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Kathleen Cook in this Notice, must be received by the board at its office not later than 5:00 p.m. on January 31, 2006, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2470 of the Business and Professions Code; and to implement, interpret or make specific Sections 2480 and 2488 of the Business and Professions Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

Amend Section 1399.664. Review of National Board Applications; Processing Time.

Existing regulations set forth the guidelines for the filing and approval of applications for certificates to practice podiatric medicine upon an applicant's successful completion of the required examinations. This section relates to the notification of applicants.

This amendment would delete language relating to application processing times, and the specific form of communication, which was adopted in compliance with the Permit Reform Act (Govt. Code § 15374 et seq.). The Permit Reform Act was repealed in 2003, chapter

229, AB 1757. This proposal would remove language which does not apply to current applicant processes. The board uses many forms of communication to notify the applicant including but is not limited to forms of written communication.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed amendment to regulation would not affect small businesses. Regulation changes apply only to the language pertaining to applicant processing time and is consistent with current practices relating to applicant notification.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less

burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the web-site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kathleen Cook
 Address: 1420 Howe Avenue, Suite #8
 Sacramento, CA 95825
 Telephone No.: (916) 263-0315
 Fax No.: (916) 263-2651
 E-mail Address: Kathleen_Cook@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger
 Address: 1420 Howe Avenue, Suite #8
 Sacramento, CA 95825
 Telephone No.: (916) 263-2647
 Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Kathleen Cook, (916) 263-0315.

Materials regarding this proposal can be found at: <http://www.bpm.ca.gov/lawsregs/index.htm>

TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the **Board of Vocational Nursing and Psychiatric Technicians** (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Engineers Board Hearing Room, 2535 Capitol Oaks Drive (Third Floor), Sacramento, CA 95833 at 10:00 A.M. on Wednesday, December 20, 2006.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M. on Tuesday, December 19, 2006, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 125.9, 148, 2854, and 4504 of the Business and Professions (B&P) Code, and to implement, interpret or make specific sections 101.6, 108, 2859, 2875, 2876, 2878, 2878.1, 2878.5, 4502, 4503, 4517, 4520, 4521, and 4521.2 of said Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to B&P Code section 2854 (Vocational Nursing); and B&P Code section 4504 (Psychiatric Technicians), the Board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry out the provisions of these chapters.

Legislation established by Chapter 640, Statutes of 2003 (SB 358, Figueroa), requires licensed vocational nurses (LVNs), psychiatric technicians (PTs), and their employers to report known violations of the act to the Board effective January 1, 2004. The legislation specified that a licensee who fails to report this information to the Board may have his or her license suspended or revoked for unprofessional conduct. This legislation also requires a licensee's employer to report to the Board any suspension or termination for cause of a licensee. The legislation makes employers who fail to make a report subject to an administrative fine.

This proposal will implement and make specific the mandatory reporting requirements by specifying when, how, and under what conditions a licensee or employer must report. It will also specify the consequences for failure to make a report to the Board and it will make other conforming changes to the Board's regulations.

Additionally, the Board has existing authority to issue licensees a citation and fine pursuant to Business and Professions Code section 125.9 and existing regulations. Chapter 788, Statutes of 2003 (SB 362, Figueroa) increased the maximum amount of the administrative fine that may be assessed in a citation to \$5,000. This proposal would make conforming changes to the Board's regulations. This proposal will also delete acts designated as exceptions from the citation process and will amend the appeal procedure for a citation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

It is anticipated that there will be additional expenditures of approximately \$861,000 in the 2007/08 State Fiscal Year (\$744,000 Vocational Nursing Program; \$117,000 Psychiatric Technician Program) and \$739,000 in the 2008/09 State Fiscal Year (\$649,000 Vocational Nursing Program; \$90,000 Psychiatric Technician Program).

Nondiscretionary Costs/Savings to Local Agencies:
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Michele Hedding, Associate
Governmental Program Analyst
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No.: (916) 263-7848
Fax No.: (916) 263-7859
E-mail Address: michele_hedding@dca.ca.gov

The backup contact person is:

Name: Cheryl Anderson, Nursing
Education Consultant
Address: 2535 Capitol Oaks Drive,
Suite 205
Sacramento, CA 95833
Telephone No.: (916) 263-7839
Fax No.: (916) 263-7859
E-Mail Address: cheryl_anderson@dca.ca.gov

Website Access — Materials regarding this proposal can be found at www.bvnpt.ca.gov.

TITLE 19. GOVERNOR'S OFFICE OF EMERGENCY SERVICES

NOTICE OF PROPOSED RULEMAKING

CALIFORNIA CODE OF REGULATIONS
TITLE 19. PUBLIC SAFETY
DIVISION 2. OFFICE OF EMERGENCY SERVICES
CHAPTER 2. EMERGENCIES AND MAJOR DISASTERS

The Office of Emergency Services (OES) proposes to revise the regulations as described below after considering all comments, objections and recommendations regarding the proposed action.

Proposed Regulatory Action

The OES proposes to amend portions of Title 19 Regulations Sections 2510, 2520, 2530, 2540, and 2550 of the California Code of Regulations (CCR). These sections govern the California Hazardous Substances Incident Response Training and Education program. This action adds applicable sections of the regulations concerning new courses, revises course instruction and ad-

ministration procedures, revises instructor certification requirements and incorporates the new Plan of Instruction and Student Notebooks by reference.

Public Hearing

The OES has not scheduled a public hearing on this proposed regulation package, however, the OES will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by US Postal Service mail, e-mail or fax, relevant to the proposed regulatory action to the OES. The written comment period closes at 5:00 PM on December 18, 2006. The OES will consider only comments received at the OES offices by that time. Submit comments to:

Michael H. Brady
 Chief, Hazardous Materials Section
 California Specialized Training Institute
 Governor’s Office of Emergency Services
 P.O. Box 8123
 San Luis Obispo, CA 93403–8123

Fax: (805) 549–3555

e-mail: Michael.Brady@oes.ca.gov

Authority and Reference

Government Code Section 8574.20(a) authorizes the Governor’s Office of Emergency Services to adopt regulations necessary to implement the California Hazardous Substances Incident Response Training and Education Program as described in Government Code Section 8574.19(c).

**INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW**

The current regulations under Title 19 CCR Sections 2510, 2520, 2530, 2540 and 2550 provide a framework and uniformity for the training, certification and maintenance of instructors and curriculum. State law sets the minimum standards of instructional competence to be delivered and maintained. By requiring measurable competence and monitoring and maintaining the instructional support structure, the Office of Emergency Services assures a high level of instructor competence and course delivery.

The proposed revisions to existing regulations are intended to refine, fine tune and enhance the quality of the delivered training. These revisions include a variety of

corrections, deletions and rearrangements of existing courses, and the addition of several new courses. These changes are based on peer reviews, changes within the industry, instructional experience, feedback from students, changes in Occupational Safety and Health (OSHA) law and other accepted trade standards. As an example; OES, the Commission of Peace Officer Standards and Training (P.O.S.T., the California Department of Justice), the Federal Office of Domestic Preparedness, (Grants and Training), Cal–OSHA and the target agencies, determined that Law Enforcement has a role in terrorism incidents that places field officers at a greater risk of exposure to chemical — biological, and radiological agents, than previously anticipated. OES developed a new course to address these needs. In addition, OES also developed an instructor training course to allow individual agencies and departments to provide in–house training. Both the course and instructor training requirements are included in the new proposed changes.

Government Code Section 8574.20 authorizes OES to develop curriculum, establish minimum standards for instructors, train and certify instructors, approve classes, certify students, and review and revise the program. This regulatory action modifies the existing regulations in Chapter 1, Division 2, Title 19 of the California Code of Regulations. The following is a summary of the proposed major changes:

Additions:

§ 2510 Definitions:

Added (g), (h) and (i)

§ 2520 Student Certification Curriculum:

1. Added new titles and updated reference texts to sections (k), (l) and (n)
2. Added new course: Assistant Safety Officer/ instructor requirements. Section (r)
3. Added new course: Hazardous Materials/ Weapons of Mass Destruction: First Responder Operations, Emergency Medical Response Course and instructor requirements. Section (v)
4. Added new course: Hazardous Materials/ Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course and instructor requirements. Section (ee)
5. Added new course: Hazardous Materials/ Weapons of Mass Destruction: Terrorism for the Technician/Specialist Course and instructor requirements. Section (ff)

§ 2530 Instructor Certification Requirements:

Added all instructor requirements as noted in 2520 above

§ 2540 Administrative Procedures:

1. Added Medical Qualification form for students who will be trained with respiratory protective equipment. Section (k)
2. Added CSTI Injury and Accident Form to formalize the student accident or injury reporting process. Section (k)
3. Added course text and Plan of Instruction(s) for new courses as listed above

§ 2550 Administrative Form:

Added three forms

Deletions:

§ 2510 Definitions:

Deleted the majority of listed definitions as duplicative and inconsistent with the needs of this regulation. Added new terms consistent with this sections intent.

§ 2520 Student Certification Curriculum;

1. Deleted a variety of items from (n) that were not deleted when those items were moved to (m) in a previous regulation package filed with OAL.
2. Deleted Section (v) Hazardous Materials Emergency Response: Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders, and replaced it with Hazardous Materials/Weapons of Mass Destruction: First Responder Operations, Emergency Medical Response Course. Due to the difference in objectives, it is more efficient to delete the old course rather than attempt to modify it.

§ 2530 Instructor Certification Requirements

1. Deleted old names. Sections (f) and (g)
2. Deleted a certification requirement under (f) to clarify the intended target teaching level.

§ 2540 Administrative Procedures

1. Deleted the course titles of courses that were changed or deleted.

Comparable Federal Regulations/Statute

The program authorized by Government Code Section 8574.20 has no federal counterpart. There is no comparable federal regulation or statute.

Disclosures Regarding the Proposed Action

The OES has made the following determinations:

Mandate by federal law:	None
Mandate on local agencies and school districts:	None
Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:	None

Other non–discretionary cost or savings imposed upon local agencies:	None
Cost or savings in federal funding to the state:	None
Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.	None
Adoption of these regulations will (1) neither create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.	None
Significant effect on housing costs:	None
Effect on small business:	Yes
Business reporting requirements:	None

Cost or Savings to Any State Agency

Agencies conducting specific courses, such as Title 19 CCR Section 2520(v), (w), (ee) and (ff), may incur additional costs. These agencies will be able to apply for/or use federal terrorism funds or absorb the additional costs into their existing budgets and resources. No additional costs or savings are incurred because the remainders of these regulatory changes are technical, non–substantive or clarify changes to the current law and regulations.

Consideration of Alternatives

In accordance with Government Code Section 11346.5, subsection (a)(13), OES must determine that no reasonable alternative it considered or that has otherwise been identified and brought to OES’ attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The OES invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the 45–day written comment period.

Potential Cost Impact on Private Persons or Directly Affected Businesses

This proposal would require individuals teaching certain courses to have on hand specific pieces of equipment. In the case of the HazMat/WMD Law Enforcement Field Support Course, the specific equipment required are items commonly found within a Law Enforcement agency or department, with few exceptions. These exceptions tend to be reusable for training and in many cases are already in the agency’s stockpile. As part of the proposed new courses: “Assistant Safety Officer” and “Terrorism for Hazardous Materials Technicians/Specialists”, private persons or affected businesses will be required to purchase, rent or borrow sufficient equipment to complete the course objectives.

The agency makes every effort to supply instructors certified under these programs with all materials necessary to conduct training as per these regulations. These regulations contain minimal record-keeping requirements that impose no significant cost or burden.

Contact Person (s)

Please direct general or sustentative inquires concerning the proposed action to either Mr. Michael Brady or Mr. Mark Lodge.

Michael H. Brady
Chief, Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P.O. Box 8123
San Luis Obispo, CA 93403-8123
Telephone: (805) 549-3549

Please direct requests for copies of the proposed text of the regulations, initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Mr. Mark Lodge.

Mark Lodge
Regulations Coordinator
Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P.O. Box 8123
San Luis Obispo, CA 93403-8123
Telephone: (805) 549-3204
Fax (805) 549-3555

Availability of Statement of Reasons and Text of Proposed Regulations

The OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. Additional copies will be made available at convenient locations as needed. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. You may obtain copies by contacting Mr. Mark Lodge at the address or phone number listed above.

Availability of Changed or Modified Text

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying at the conclusion of the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. The OES will mail copies of the Final Statement of Reasons to everyone who requested a copy of the proposal. You may obtain a copy by contacting Mr. Mark Lodge at the above address or phone number.

Internet Access

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying throughout the rulemaking process and at the conclusion of the rulemaking process on the internet at www.csti.ca.gov.

15 Day Availability of Changed or Modified Text

After the written comment period ends and following a public hearing (if requested), OES may adopt the regulations substantially as described in this Notice, without further notice. If OES makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public (including through the OES Website as described above) for at least 15 days before OES adopts the regulations, as modified. Inquires about and requests for written copies of any changed or modified regulations should be addressed to the agency contact person identified in the Notice.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621
C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

**CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
CESA No. 2080-2006-023-02**

PROJECT: Cohasset Road Widening Project
LOCATION: City of Chico, Butte County
NOTIFIER: Gallaway Consulting, for the City of Chico

BACKGROUND

The City of Chico proposes to widen and repave approximately 2.3 miles of Cohasset Road from the Sycamore Creek Bridge to Ryan Avenue in north Chico. The project will take Butte County meadowfoam (*Limnanthes floccosa* ssp. *Californica*; "BCM") by impacting 0.066 acres of its habitat.

Because of the project's potential for take of BCM, and other federally protected species, on July 26, 2006 the Federal Highway Administration consulted with the U.S. Fish and Wildlife Service ("Service"), as required by the Endangered Species Act ("ESA") (16 U.S.C. § 1531 et seq.). On August 21, 2006 the Service issued Biological Opinion No. 1-1-06-F-0190 ("BO") for the Cohasset Road Widening project (FHWA# 02-BUT-CR, Document # P54837) (SCH # 2006062023), describing the project actions and setting forth measures to mitigate impacts to BCM and its habitat. BCM is listed as an endangered species under the ESA and the California Endangered Species Act ("CESA") (Fish and Game Code Sections 2050 et seq.). On September 18, 2006, the Director of the Department of Fish and Game ("DFG") received a notice from Gallaway Consulting, on behalf of the City of Chico, pursuant to Fish and Game Code Section 2080.1, requesting a determination that the BO is consistent with CESA.

DETERMINATION

Based on the terms and conditions in BO No. 1-1-06-F-0190, DFG has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c). The Department specifically finds that the measures identified in the Biological Opinion will minimize and fully mitigate the project's potential impacts on BCM. These measures include, but are not limited to, the following requirements:

1. The City of Chico will mitigate for 0.066 acres of direct effects to BCM by preserving BCM habitat at the Service recommended ratio of 10:1 and will mitigate for 0.505 acres of indirect effects to BCM by preserving BCM habitat at a ratio of 5:1. To fulfill this obligation, the City of Chico will preserve 0.66 acres of BCM habitat for the direct effects and 2.525 acres for the indirect effects, for a total of 3.185 acres of BCM habitat, at the Butte County Dove Ridge Conservation Bank.
2. The City of Chico will place exclusion fencing 2 feet from the edge of pavement adjacent to suitable BCM habitat and will maintain the fencing for the duration of project activities.

Although not a condition of the BO, DFG requests that the City of Chico provide copies of the bill of sale for the BCM habitat credits as well as copies of any reports submitted to the Service as part of the reporting requirements of the BO.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of Butte County meadowfoam that occurs during implementation of the project,

provided that the City of Chico implements the project as described in the BO and complies with the mitigation measures and other conditions set forth in the BO. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the BO, the City of Chico will be required to obtain a new consistency determination or a CESA incidental take permit from DFG.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice

For Publication November 3, 2006

**CESA CONSISTENCY DETERMINATION FOR
San Diego Creek Emergency Flood Control Capacity
Project Orange County**

The Department of Fish and Game (“Department”) received notice on October 23, 2006 that the Orange County Resources & Development Management Department (“County”), proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (“CESA”). This project consists of the emergency removal of approximately 41,000 cubic yards of sediment from three in-line basins constructed within the bed of San Diego Creek in the City of Irvine, Orange County. The activities resulted in impacts to 11.2 acres of riparian/marsh habitat and 26 acres of ruderal habitat containing coastal sage scrub elements.

The U.S. Fish and Wildlife Service, on October 19, 2006 issued to the U.S. Army Corps of Engineers (“Corps”), a no jeopardy federal biological opinion (1-6-06-F-3810.3) which considers the Federally and State endangered least Bell’s vireo (*Vireo bellii pusillus*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the County is requesting a determination that the federal biological opinion 1-6-06-F-3810.3 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the County will not be required to obtain an incidental take permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2006-022-02

PROJECT: Sheldon Road/State Route 99
Interchange Improvement Project
LOCATION: City of Elk Grove, Sacramento County
NOTIFIER: City of Elk Grove

BACKGROUND

The City of Elk Grove, in cooperation with the Sacramento County Department of Transportation, the City of Sacramento, the California Department of Transportation (“Caltrans”), and the Federal Highway Administration (“FHWA”) plan to reconstruct the existing Sheldon Road/State Route 99 (“SR 99”) interchange and associated frontage road alignments and access ramps. The project involves reconstructing the existing hook-ramps and two-lane over-crossing structure into a modified partial cloverleaf interchange with a six-lane over-crossing. East Stockton Boulevard will require minor realignment. The reconstruction and widening of Sheldon Road will extend from the intersection of Lewis Stein Road to the Power Inn Road intersection. The project will result in 0.059 acres of temporary impacts to suitable upland habitat for the Giant garter snake (*Thamnophis gigas*) (“GGG”).

Because of the project’s potential for take of the federally listed threatened GGS, the Federal Highway Administration consulted with the U.S. Fish and Wildlife Service (“Service”), as required by the Endangered Species Act (“ESA”) (16 U.S.C. § 1531 et seq.). On August 17, 2006 the Service issued Biological Opinion No. 1-1-06-F-0201 (“BO”) for the Sheldon Road/State Route 99 Interchange Improvement Project. The BO describes the project actions and sets forth measures to mitigate impacts to the GGS and its habitat. The GGS is also listed as a threatened species under the California Endangered Species Act, Fish and Game Code Sections 2050 et seq. (“CESA”). On September 21, 2006, the Director of the Department of Fish and Game (“DFG”) received a notice from the City of Elk Grove pursuant to Fish and Game Code Section 2080.1, requesting a determination that the BO is consistent with CESA.

DETERMINATION

DFG has determined that Biological Opinion No. 1-1-06-F-0201 is consistent with CESA because the mitigation measures contained in the BO meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c). Specifically, DFG finds

that the measures identified in BO will minimize and fully mitigate the project’s potential impacts on the GGS. These measures include, but are not limited to, the following:

1. The City of Elk Grove shall restore 0.059 acres of temporary disturbed on-site upland GGS habitat as described in the *FHWA Giant Garter Snake Programmatic Biological Opinion Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat*. The City of Elk Grove shall also adhere to the avoidance and minimization measures described in its June 9, 2006 letter to the Service, the January, 2006, Sheldon Road/State Route 99 Interchange Project–Biological Assessment prepared by Caltrans, the *Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake Habitat*, and the terms and conditions of its January 24, 2005 *Programmatic Biological Opinion on the Effects of Small Highway Projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo and Yuba Counties, California* (“Snake Programmatic Consultation”; Service File Number 1–1–03–F–0154).
2. The Service has required that the proposed project comply with other measures defined in the Snake Programmatic Consultation.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of GGS for the project, provided that the City of Elk Grove implements the project as described in the BO and complies with the mitigation measures and other conditions described in the BO. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the BO, the City of Elk Grove will be required to obtain a new consistency determination or a CESA incidental take permit from the Department.

OFFICE OF ADMINISTRATIVE LAW

**REQUEST FOR PUBLIC INPUT
ANNUAL RULEMAKING CALENDAR
GOVERNMENT CODE 11017.6**

Each year all state government agencies with rule-making authority are required to prepare a rulemaking calendar pursuant to section 11017.6 of the Government Code. The rulemaking calendar lists anticipated rulemaking activity by the agency for the coming year. The rulemaking calendar is non-binding. Section 11017.6 specifically allows agencies to adopt rules that were not listed in the rulemaking calendar if it is required by unanticipated circumstances.

The requirement to prepare a rulemaking calendar was established in 1982 and has not been amended since 1987. In 2000 the Legislature adopted section 11340.85 of the Government Code, which requires state agencies to post all their rulemaking activity on their web sites. The information that must be posted on the web pursuant to section 11340.85 is much more extensive than that included in the annual rulemaking calendar pursuant to section 11017.6. Use of the internet as a primary information source has, obviously, increased greatly since 1982.

The Office of Administrative Law is attempting to evaluate the public’s current level of reliance upon the annual rulemaking calendar as a source of information about state agency rulemaking. If you have found that the annual rulemaking calendar continues to be a valuable source of information to you, please let us know through one of the following methods:

1. Send an e-mail message to staff@oal.ca.gov;
2. Send a note via fax to (916) 323–6826;
3. Leave a telephone voice message at (916) 323–6815; or
4. Send a letter to:

Office of Administrative Law
Rulemaking Calendar Survey
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Any information that you could provide on this subject would be greatly appreciated.

**RULEMAKING PETITION
DECISIONS**

**PUBLIC EMPLOYEES’ RETIREMENT
SYSTEM**

**Board of Administration
California Public Employees’ Retirement System**

**Decision on Petition for Adoption of Regulation
California Government Code section 11340.7**

INTRODUCTION

On September 18, 2006, Mr. James McRitchie filed a petition with the Board of Administration, California Public Employees’ Retirement System (CalPERS), pursuant to California Government Code section 11340.6 (“Petition”). The Petition requested that CalPERS amend the California Code of Regulations to “place strict limits on campaign contributions from

firms doing business with CalPERS, of no more than \$250 and meals and gifts valued at no more than \$50.” The Petition further urged the limits should apply “not only to the 13-member board but also the governor and gubernatorial candidates.”

Pursuant to Government Code section 11340.7, and for the reasons set forth below, CalPERS hereby denies the Petition.

DECISION

Public officials and employees at CalPERS are governed by myriad statutes and regulations that place limitations on campaign contributions and gifts, and require disclosure of financial interests. Government Code section 19990 prohibits state officers and employees from engaging in activities inconsistent or in conflict with their duties. The Political Reform Act, (Government Code sections 81000 et. seq.) provides limitations on gifts to public officials, imposes restrictions on campaign contributions, and requires disclosure of economic interests. Government Code section 87100, in particular, prohibits a public official from participating in making or in any way attempting to use the official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Government Code section 1090 provides that state officers and employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members.

Government Code section 20094 states that CalPERS counsel shall notify each new board member upon his or her assumption of office and each member of the board annually that he or she is subject to the provisions of Chapter 9.5 (commencing with Section 89500) of Title 9 of the Government Code, the Ethics in Government Act of 1990. Pursuant to Government Code section 19990, CalPERS enacted its own Incompatible Activities Statement, embodied as California Code of Regulations, title 2, section 558. CalPERS’ Conflict of Interest Code was adopted and promulgated as California Code of Regulations, title 2, section 560. CalPERS requires that all staff report all gifts greater than \$10 on a monthly basis.

In early 2006, the California State Teachers’ Retirement System (CalSTRS) began reviewing rules respecting gifts, campaign contributions and communications, and has been considering the adoption of internal policy changes, regulations, or legislative amendments to provide for more stringent restrictions. In September 2006 the CalPERS Board of Administration requested that staff provide the Board with information regarding CalSTRS’ progress and findings

as an information item the October 17, 2006, Benefits and Program Administration Committee meeting.

CalPERS continues to review existing state laws and regulations and CalSTRS’ proposals regarding campaign contribution limits and other ethics and conflict of interest provisions.

Due to the complexity of the issue, and because CalPERS is already reviewing these matters and CalPERS’ work in this regard is ongoing, CalPERS is not adopting new regulations at this time, and therefore denies the Petition.

CONTACT PERSON

Interested parties may obtain a copy of the Petition by contacting CalPERS.

CalPERS Contact: Gina M. Ratto, Assistant Chief Counsel
CalPERS
Lincoln Plaza North
400 Q Street, Suite 3340
Sacramento, California 95814

Dated: October 19, 2006

/s/
PETER H. MIXON
General Counsel

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES November 3, 2006

NOVEMBER 16, 2006 MEETING OF THE SCIENCE ADVISORY BOARD’S CARCINOGEN IDENTIFICATION COMMITTEE

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment

(OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **THURSDAY, NOVEMBER 16, 2006** at the California Environmental Protection Agency Headquarters Building, *Byron Sher Auditorium*, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m. Please note the room change. The date and time of the meeting has remained the same as previously announced.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS**
- II. INTERNATIONAL AGENCY FOR RESEARCH ON CANCER (IARC) CARCINOGEN CLASSIFICATION GUIDELINES**
 - **Presentation: Vincent James Cogliano, Ph.D.**
 - **Committee discussion**
- III. MECHANISMS OF HORMONAL CARCINOGENESIS**
 - **Presentation: Leena Hilakivi-Clarke, Ph.D., Georgetown University**
 - **Committee discussion**
 - **Presentation: Paul Foster, Ph.D., National Institute of Environmental Health Sciences**
 - **Committee discussion**
- IV. RECONSIDERATION OF A CHEMICAL LISTED AS KNOWN TO THE STATE TO CAUSE CANCER: VINCLOZOLIN**
 - **Staff presentation**
 - **Committee discussion**
 - **Public comments**
 - **Committee discussion and decision**

V. COMMITTEE DISCUSSION OF PETITION TO CONSIDER PERFLUOROOCTANOIC ACID (PFOA) FOR LISTING AS KNOWN TO THE STATE TO CAUSE CANCER

- **Staff presentation**
- **Public comments**
- **Committee discussion**

VI. STAFF UPDATES

VII. SUMMARY OF COMMITTEE ACTIONS

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

DEPARTMENT OF AGING

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

Published Pursuant to Title 1, section 270(e), California Code of Regulations

(COUNCIL OF AGING, SILICON VALLEY, INC.)

(One-Time-Only) [CTU # 06-0928-01]

Pursuant to Section 270(e) of Title 1 of the California Code of Regulations, the Office of Administrative Law has accepted the following petition for consideration of an alleged underground regulation.

Rona P. Layton (SBN: 121238)
 SIMS & LAYTON
 84 W. Santa Clara St., #660
 San Jose, CA 95113
 (408) 998-3400

Attorneys for Petitioner

OFFICE OF ADMINISTRATIVE LAW

IN RE COUNCIL ON AGING, SILICON VALLEY, INC.,
 Petitioner.

RE-SUBMITTED PETITION TO THE OFFICE OF ADMINISTRATIVE LAW RE: ALLEGED UNDERGROUND REGULATION

1. This Petition is brought by the Council on Aging, Silicon Valley, Inc. (hereafter "COA"), a California nonprofit organization which is the Area Agency on

Aging for Santa Clara County. It is presented by the Petitioner's attorney:

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This Petition was originally submitted to the Office of Administrative Law on April 21, 2006. On May 30, 2006, Petitioner's attorney received a letter dated May 25, 2006, from Kathleen Eddy, Senior Counsel for the OAL, stating that the challenged Department, the Department of Aging, had agreed to adopt the provisions dealing with One-Time-Only funds in compliance with the Administrative Procedure Act. Ms. Eddy also notified Petitioner's counsel that if the Department of Aging does not pursue the adoption of regulations in a timely manner, Petitioner may resubmit the petition. (A copy of Ms. Eddy's letter is attached as Exhibit 1.) Four months have passed since Ms. Eddy sent her letter, and the Department has not published proposed regulations. Therefore, Petitioner is resubmitting this Petition.

2. The State agency being challenged is the California Department of Aging (CDA).

3. The alleged underground regulation is found in CDA's Program Memo No. PM 04-22 (P). A copy is attached as Exhibit 2.

4. CDA has prepared and sent out to the Area Agencies on Aging ("AAAs") the 2006-07 Area Plan Contract Revisions for Exhibits A, B D and E. (The full document is attached as Exhibit 3.) AAAs are required to sign the Area Plan Contract in order to obtain their funding. Exhibit B, Article I, Section G is entitled "One-Time-Only Funds", and is a new addition to the Contract for 2006-07.

Section G reads as follows:

1. Title III, VII & III E federal Program One-Time-Only funds shall be used for one-time-only purposes and cannot be used to increase baseline needs. One-time-only funds can be used for the following purposes:

- (a) **The purchase of equipment which enhances the delivery of services to the eligible services population.**
- (b) **Home and community-based projects which assist families and/or caregivers to maintain the eligible service population in a home environment, as approved by the Department.**
- (c) **Innovative pilot projects as approved by the Department.**

2. NSIP One-Time-Only funds shall be used to purchase food in the Elderly Nutrition Program.

3. Title III B, III C-1, III C-2 and III E federal Administration One-Time-Only funds shall be used for one-time-only purposes and cannot be used to increase baseline administrative needs.

The CDA Area Plan Contract 2006-07 includes, in its final pages, its Authority for Contract Revisions. With regard to Section G.2, above, the Petitioner has no dispute. The authority for that provision, which addresses one-time-only funds for purchasing food under the NSIP (Nutrition Services Incentive Program), is 22 C.C.R. 7636.9(c)(1). There is no doubt that the cited regulation applies.

However the only authority offered by CDA for the remaining portions of Section G is "PM 04-22 (P)." This is the underground regulation to which COA is objecting. Without following the APA process, CDA is limiting how COA (and all other AAAs) may use their one-time-only money.

5. PM 04-22 (P) is clearly an underground regulation. California Government Code § 11340.5 provides:

(a) No State agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter.

California Government Code Section 11342.600 broadly defines a regulation as "every rule, regulation, order, standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure."

The term "regulation" has been interpreted by the courts:

A regulation subject to the APA thus has two principal identifying characteristics. [Citation omitted.] First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. [Citation omitted.] Second, the rule must "implement, interpret, or make specific the law enforced or administered by [the agency], or . . . govern [the agency's] procedure." (Gov. Code, § 11342, subd.

(g)). *Tidewater Marine Western, Inc. v. Victoria L. Bradshaw* (1996) 14 Cal. 4th 557, 571.

Each characteristic set forth in *Tidewater Marine Western* will be taken in turn.

A. The Rule Applies General

The first factor cited in *Tidewater Marine Western* is the rule's general applicability. The Program Memo section at issue meets this requirement. The rule regarding one-time-only money was not imposed on a single AAA. Rather, CDA's PM section on the use of one-time-only money has been inserted into the 2006-07 Contract which must be signed by all California Area Agencies on Aging. All AAAs are now restricted in their use of one-time-only funds by means of this rule.

B. The Rule Implements the Law Administered by CDA

Tidewater Marine Western's second factor is also met. CDA administers Title III/VII federal one-time-only funding, and allocates it to the AAAs.

Because Program Memo No. PM 04-22 (P) easily meets the criteria set forth by law, it is a regulation, and is subject to the requirements of the APA. Furthermore, there is no express statutory exemption to those requirements available to the CDA.

6. Each of the 33 Area Agencies on Aging is a unique organization, providing diverse services to seniors in various parts of California. Each AAA has different needs. It is improper for the CDA to make blanket rules about how those funds may and may not be used, and then insert the rules into the AAA contract without giving the AAAs and other interested groups and individuals an opportunity to comment on them through the regulation process. Due to the funding schedules, COA has no choice but to sign its 2006-07 contract with CDA, including the underground regulation, in order to obtain its funding. However a prompt ruling on this issue would alleviate the burden on COA (and other AAAs.)

7. A contributing factor in COA's frustration in this process is that it did not even see a copy of the 2006-07 contract until early April, 2006. CDA apparently gave prior copies of it for comment to a "contract subcommittee" of the California Association of Area Agencies on Aging. COA, which is not a member of that organization, did not have an opportunity to review and comment upon the contract until it was being asked to sign it.

8. Certification

I certify that I have submitted a copy of this petition, and all attachments, to:

Lora Connolly, Acting Director
California Department of Aging
1300 National Drive, Suite 200
Sacramento, CA 95834

Dated: 9/25/06

By: /s/
Rona P. Layton
Attorney for Petitioner Council on
Aging, Silicon Valley, Inc.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

Reading First — Significant Progress

This rulemaking package adopts regulations to Title 5, defining the "Reading First Achievement Index" (section 11991), "Significant Progress" (Section 11991.1) and the appeal process for local educational agencies ("LEAs") that are defunded based on failing to meet the requirements of Sections 11991 and 11991.1.

Title 5

California Code of Regulations

ADOPT: 11991, 11991.1, 11991.2

Filed 10/23/06

Effective 11/22/06

Agency Contact: Debra Strain (916) 319-0641

CALIFORNIA HORSE RACING BOARD

Term of License

This regulatory action amends the term of license for grooms, stable employees and assistants and mule racing participants. All original licenses for these persons will expire on the last day of the calendar year in which they are issued, but automatically be extended once to expire on the last day of the birth month of the licensee in the subsequent year. Any renewals of these licenses will expire on the last day of the birth month of the licensee on an annual basis.

Title 4

California Code of Regulations

AMEND: 1486

Filed 10/24/06

Effective 10/24/06

Agency Contact: Harold Coburn (916) 263-6397

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area

This certification of an emergency regulatory action adds Los Angeles County to the eradication area for the Gypsy Moth (*Limantria dispar*). The regulation also establishes the means and methods that may be used to eradicate and control this pest within this area.

Title 3
California Code of Regulations
AMEND: 3591.6(a)
Filed 10/19/06
Effective 10/19/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
Reinsurance Oversight Regulations

This rulemaking action sets forth general requirements applicable to reinsurance agreements and related oversight and sanctions.

Title 10
California Code of Regulations
ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
Filed 10/24/06
Effective 11/23/06
Agency Contact: Arlene Joyce (415) 538-4424

DIVISION OF WORKERS COMPENSATION
Workers' Compensation — Forms

The Division of Workers' Compensation is amending the captioned sections in order to provide the new address: P. O. Box 420603, San Francisco, CA 94142-0603.

Title 8
California Code of Regulations
AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33
Filed 10/18/06
Effective 10/18/06
Agency Contact: Destie Overpeck (415) 703-4659

EMPLOYMENT TRAINING PANEL
Welfare to Work

This action repeals the Employment Training Panel's current regulation governing the funding of training programs for CalWORKS recipients.

Title 22
California Code of Regulations
REPEAL: 4428
Filed 10/24/06
Effective 11/23/06
Agency Contact: Maureen Reilly (916) 327-5422

FISH AND GAME COMMISSION
Marine Reserves

This rulemaking will change the Dana Point State Marine Park to the Dana Point State Marine Conservation Area. This change will allow for commercial lobster fishing. State marine parks do not allow for any commercial fishing.

Title 14
California Code of Regulations
AMEND: 632(b)(72)
Filed 10/19/06
Effective 10/19/06
Agency Contact: Sheri Tiemann (916) 654-9872

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MAY 24, 2006 TO
OCTOBER 25, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
10/12/06 AMEND: 714
09/27/06 AMEND: 18754
09/07/06 AMEND: 21904, 21905
09/05/06 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1
08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
08/15/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
08/11/06 AMEND: 1859.2, 1859.40, 1859.51, 1859.70, 1859.93.1, 1859.95, 1859.147, 1859.202, 1866

07/24/06 AMEND: 18944
 07/06/06 AMEND: 575.1, 575.2
 06/20/06 AMEND: 18537
 06/08/06 AMEND: 18526
 05/26/06 ADOPT: 18438.5 AMEND: 18438.8
 05/25/06 AMEND: 18942
 05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560
 05/24/06 AMEND: 433.1

Title 3

10/19/06 AMEND: 3591.6(a)
 10/12/06 AMEND: 3433(b)
 10/12/06 AMEND: 3433(b)
 10/12/06 AMEND: 3424
 10/06/06 AMEND: 3700(c)
 10/06/06 AMEND: 3591.13(a)
 10/05/06 AMEND: 3433(b)
 10/05/06 AMEND: 3589
 10/02/06 AMEND: 3591.6(a)
 09/19/06 AMEND: 3433(b)
 09/12/06 AMEND: 3406(b)
 09/12/06 AMEND: 3591.12(a)
 09/08/06 AMEND: 3423(b)
 09/07/06 AMEND: 3433(b)
 09/05/06 AMEND: 3406(b)
 08/29/06 AMEND: 3433(b)
 08/24/06 AMEND: 3433(b)
 08/23/06 AMEND: 3591.12(a)
 08/17/06 AMEND: 3591.19(a)
 08/16/06 AMEND: 3433(b)
 08/15/06 AMEND: 3700(c)
 08/15/06 AMEND: 3700(c)
 08/10/06 AMEND: 3591.6(a)
 08/01/06 AMEND: 3424(b)
 08/01/06 AMEND: 3591.6(a)
 07/28/06 AMEND: 3591.2(a)
 07/26/06 AMEND: 3700(c)
 07/21/06 REPEAL: 1366
 07/19/06 ADOPT: 6310 AMEND: 6170
 07/18/06 ADOPT: 6960 AMEND: 6000
 07/17/06 AMEND: 3591.6(a)
 07/05/06 AMEND: 3591.6
 07/03/06 AMEND: 3589(a)
 06/28/06 AMEND: 3433(b)
 06/12/06 AMEND: 3433(b)

Title 4

10/24/06 AMEND: 1486
 10/16/06 AMEND: 1733
 09/26/06 AMEND: 1976.8
 07/19/06 AMEND: 12358, 12359
 07/17/06 AMEND: 2240(e)
 06/20/06 AMEND: 1472
 06/01/06 AMEND: 8070(d), 8071(a)(9), 8072,
 8073(c), 8074(b), 8076(c)(1)

Title 5

10/23/06 ADOPT: 11991, 11991.1, 11991.2
 10/16/06 ADOPT: 11987, 11987.1, 11987.2,
 11987.3, 11987.4, 11987.5, 11987.6,
 11987.7
 09/29/06 ADOPT: 19833.5, 19833.6 AMEND:
 19815, 19816, 19816.1, 19819, 19824,
 19828.1, 19831
 09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3,
 18074.4, 18074.5, 18074.6
 08/30/06 ADOPT: 15566, 15567, 15568 REPEAL:
 15569
 08/15/06 AMEND: 1030.7, 1030.8
 07/31/06 ADOPT: 1043.2, 1043.4, 1043.6, 1043.8,
 1043.10, 1047, 1048 AMEND: 1040,
 1041, 1043, 1044 REPEAL: 1042, 1045,
 1046
 07/27/06 ADOPT: 40500.1, 40511, 40512, 41020
 AMEND 40100
 07/25/06 ADOPT: 1207.1, 1207.2 AMEND:
 1204.5
 07/21/06 ADOPT: 15566, 15567, 15568, 15569
 07/14/06 ADOPT: 51016.5, 55183
 06/12/06 ADOPT: 19833.5, 19833.6 AMEND:
 19815, 19816, 19816.1, 19819, 19824,
 19828.1, 19831
 06/09/06 ADOPT: 19827 AMEND: 19812, 19813,
 19814, 19814.1, 19815, 19816, 19817,
 19817.1, 19826, 19826.1, 19836, 19851,
 19853
 05/25/06 AMEND: 1074

Title 8

10/18/06 AMEND: 9768.5, 9768.10, 9788.11,
 9788.31, 9789.33
 09/29/06 AMEND: 341, 341.1
 09/25/06 AMEND: 4920
 09/21/06 ADOPT: 10001, 10002, 10003
 09/19/06 ADOPT: 1532.2, 5206, 8359 AMEND:
 5155
 07/31/06 AMEND: 5154.1
 07/28/06 AMEND: Subchapter 4, Appendix B,
 Plate B-1-a
 07/27/06 ADOPT: 3395
 07/19/06 ADOPT: 10004, 10005 AMEND:
 10133.53, 10133.55
 07/18/06 AMEND: 3270
 06/30/06 AMEND: 9793, 9795
 06/26/06 ADOPT: 6858 AMEND: 6505, 6533,
 6551, 6552, 6755, 6845, 6657 REPEAL:
 6846
 06/06/06 AMEND: 5155
 05/25/06 AMEND: 4650

CALIFORNIA REGULATORY NOTICE REGISTER 2006, VOLUME NO. 44-Z

Title 9

09/25/06 ADOPT: 3400
 06/07/06 ADOPT: 10056, 10057
 05/24/06 ADOPT: 3400

Title 10

10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
 10/16/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
 10/10/06 AMEND: 2498.4.9
 10/03/06 AMEND: 2498.5
 10/02/06 AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19
 09/20/06 AMEND: 2318.6, 2353.1
 09/14/06 AMEND: 3528
 08/29/06 AMEND: 2699.6600
 08/28/06 ADOPT: 803, 810, 810.1, 810.2, 810.3, 810.4, 810.5, 810.6, 810.7 AMEND: 800, 801, 802, 804, 806, 807
 08/08/06 ADOPT: 3583 AMEND: 3500, 3525, 3527, 3528, 3541, 3542, 3543, 3544, 3563, 3568, 3603, 3622, 3668, 3681, 3682, 3761 REPEAL: 3541
 08/02/06 ADOPT: 2790.7
 08/01/06 ADOPT: 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377
 07/28/06 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
 07/26/06 ADOPT: 5280, 5281, 5282, 5283, 5284, 5285, 5286
 07/24/06 ADOPT: 2498.6
 07/18/06 AMEND: 2498.5, 2498.6
 07/14/06 AMEND: 2632.5, 2632.8, 2632.11
 07/12/06 AMEND: 2498.4.9
 07/12/06 AMEND: 2697.6
 07/12/06 ADOPT: 2190.20, 2190.22, 2190.24
 07/10/06 ADOPT: 2509.21
 06/30/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
 06/19/06 AMEND: 2318.6, 2353.1, 2354
 06/05/06 AMEND: 3528

06/01/06 ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12
 05/25/06 ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8

Title 11

10/13/06 AMEND: 30.1
 10/13/06 AMEND: 30.5
 08/16/06 ADOPT: 1084
 07/27/06 AMEND: 1001, 1005, 1008, 1011, 1014, 1015, 1018, 1052, 1053, 1055, 1056, 1081 and Procedures D-1, D-2, D-10 E-1, F-1, and F-6
 07/12/06 AMEND: 999.2
 06/28/06 ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066
 06/28/06 ADOPT: 4400(l), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406

Title 13

10/16/06 AMEND: 1956.8, 2404, 2424, 2425, 2485
 10/05/06 AMEND: Section 1
 09/14/06 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 09/11/06 ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5, 2467.6, 2467.7, Incorporated Documents REPEAL: 2467.8, Incorporated Test Method 512
 09/07/06 AMEND: 1956.1, 1956.8, 2023.1, 2023.4
 08/24/06 AMEND: 28.22
 07/28/06 AMEND: 154.00
 06/30/06 ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08
 06/29/06 AMEND: 345.16
 06/16/06 AMEND: 2023.4
 06/15/06 AMEND: 1239

Title 14

10/19/06 AMEND: 632(b)(72)
 10/11/06 AMEND: 895, 895.1, 1038, 1038(f)
 10/06/06 AMEND: 670.2

09/20/06 AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]

09/19/06 AMEND: 502

09/15/06 AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1

08/31/06 AMEND: 27.80

08/11/06 AMEND: 7.50

08/11/06 AMEND: 1261

08/04/06 ADOPT: 701, 702 AMEND: 1.74, 27.15, 27.67, 478.1, 551, 601, 708

07/31/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04

07/31/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

07/28/06 ADOPT: 7.50(b)(178)

07/28/06 AMEND: 15411

07/19/06 ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11

07/12/06 AMEND: 507.1

07/11/06 AMEND: 15251

07/11/06 ADOPT: 1723(g) AMEND: 1722(j), 1722, 1722.1, 1722.1.1, 1723(a), 1723.1(c), 1723.1(d), 1723.5, 1723.7(d)(2)(f), 1723.8

06/30/06 AMEND: 360, 361, 362, 363, 364

06/30/06 AMEND: 11900

06/29/06 AMEND: 851.23

06/23/06 AMEND: 1220

06/16/06 AMEND: 895, 895.1, 1038, 1038(f)

06/08/06 AMEND: 746

06/05/06 AMEND: 791.7, Form FG OSPR-1972

05/26/06 AMEND: 670.2

Title 14, 22

07/27/06 ADOPT: 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214 REPEAL: 19030, 19031, 19032, 19033, 19034, 19035, 19036, 19037, 19038, 19039, 19040, 19041, 19042, 19043, 19044

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