



California Regulatory Notice Register

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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. STATE LANDS COMMISSION

**TITLE 2. ADMINISTRATION
DIVISION 3. STATE PROPERTY OPERATIONS
CHAPTER 1. STATE LANDS COMMISSION
ARTICLE 4.5. MARINE INVASIVE SPECIES CONTROL.**

NOTICE OF PROPOSED REGULATORY ACTION

The California State Lands Commission (the Commission) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend Section 2271 under Article 4.5 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). This section would amend the fee to be paid by vessels calling at California ports (the Fee). The Fee is to be used for the Marine Invasive Species Control Fund (the Fund) under Division 36 of the Public Resources Code (P.R.C.) entitled, "Marine Invasive Species Act," established under Chapter 491, Statutes of 2003 (the Act). The proposed regulation would establish a Base Fee of six hundred twenty five dollars (\$625) per vessel per voyage if the vessel has traveled outside of California. The proposed regulation would also implement an Annual Qualifying Voyage Fee Adjustment based on an Adjustment Formula utilizing the Consumer Price Index. Provisions are also included whereunder the Commission's Executive Officer would appoint a technical advisory group (TAG) to provide recommendations with regard to the Fee.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5.00 p.m. on March 17, 2008. All written comments must be received at the Commission by that time. Written comments should be submitted to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, the Commission 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.

AUTHORITY AND REFERENCE

P.R.C. Section 71207 describes the State program to regulate discharges of ballast water in order to limit the introduction of nonindigenous species. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret or make specific P.R.C. Section 71215.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

P.R.C. Section 71215 created the Fund and requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act. It also mandates that the Fee may not exceed one thousand dollars (\$1,000) per vessel voyage. This amount may be adjusted for inflation every two years. Under P.R.C. Section 71215(c), the State Board of Equalization shall collect the fee from the owner or operator of each vessel that arrives at a California port or place from a port or place outside California. That fee may not be assessed on any vessel arriving at a California port or place if that vessel comes directly from another California port or place and during that transit has not first arrived at a port or place outside California or moved outside the EEZ prior to arrival at the subsequent California port or place.

Accordingly, the proposed regulation would amend the Fee requirement under P.R.C. Section 71215(b)(1).

The Fee is required to fulfill the specific multi-agency tasks mandated by the Act. However, the current Fee amount (\$400 per vessel per voyage) is expected to produce revenues that will not meet the costs of the programs mandated under the act. Section 2271(a)(1) of the CCR would, for the first 12-month period of this regulation, set the Base Fee to be used to support the programs required under the Act, at six hundred twenty five dollars (\$625) per vessel voyage. After the first 12-month period of this regulation, the owner or operator of a vessel shall pay an amount per qualifying voyage, called the "Annual Qualifying Voyage Fee", which is determined in accordance with Section 2271(b).

DIFFERENCES FROM FEDERAL REGULATIONS

Recognizing the severity of the problem, the federal government implemented a voluntary National ballast water exchange and reporting program in July 1999 for vessels entering the United States and consisted of little more than information gathering. In September 2004, the United States Coast Guard adopted mandatory ballast water management regulations. The Federal program provides for review of shipboard ballast exchange records and selective ballast water sampling. The Federal program does not contain regulations requiring performance standards for the discharge of ballast water, controlling hull fouling, or mechanisms to research alternative methods of ballast water and hull fouling management. The state program established a mandatory, statewide, multi-agency ballast water management and control program.

Responsible agencies include the Commission, Department of Fish and Game, Board of Equalization and the State Water Resources Control Board. Each agency is required to work in cooperation with the others in developing reports and conducting research into the extent of current invasions, and potential long-term solutions to the problem of nonindigenous species introductions. All the activities required by the Act are paid for through the Fund.

Small Business Determination

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610 because all affected businesses are commercial maritime transport owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

ESTIMATED COSTS TO THE STATE

No costs to the State would be incurred in implementing and enforcing these proposed regulations beyond

those collected in the Fund. Since the regulation here proposed is limited to amending a fee to pay for programs already mandated by the Act; the regulations will not increase costs to the State. While the various programs mandated under the Act are estimated to cost approximately \$4,784,000 each year all of those programs are mandated by the Act; none can be attributed to the regulatory action here proposed. Under this proposal, the Base Fee and Annual Qualifying Voyage Fee would be set at a level that is expected to provide revenues equal to costs required to implement the Act. No costs will be incurred by the State in implementing any or all programs mandated by the Act beyond the amounts generated through collection of the Fee.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Part 7 (commencing with section 17500) of Division 4 of the Government Code: None.

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

Costs 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.

Cost impact on private persons or directly affected businesses: All vessel owners or operators affected by the proposed amended regulation will be required to pay a base fee of six hundred twenty five dollars (\$625) per vessel voyage for the first 12-month period of this regulation. This is a two hundred twenty five dollar (\$225) increase per vessel voyage to directly affected businesses. After this first 12-month period, all vessel owners or operators will be required to pay per qualifying voyage an adjusted annual qualifying voyage fee. Per Section 2271(b), the Annual Qualifying Voyage Fee Adjustment Formula shall be used to determine the adjusted Annual Qualifying Voyage Fee.

Creation or elimination of jobs within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of businesses within the State of California.

Expansion of businesses currently doing business within the State of California: The Commission has determined that the proposed regulations would not have a significant impact upon expansion of businesses currently doing business within the State of California.

The Commission has made an initial determination that the action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no alternative considered by it 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 Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Maurya Falkner
Environmental Program Manager I
California State Lands Commission
Marine Facilities Division
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-2568

Or to:

Mark A. Meier
Senior Staff Counsel
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1853

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
Telephone: (562) 499-6400

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. 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. Copies may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, if requested, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Ravi Varma at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations, can be accessed through the Commission's website at: http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **March 20, 2008**, at 10:00 a.m.
in the Glendale City Hall,
Council Chambers
613 E. Broadway, Glendale,
California 91026.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **March 20, 2008**, following the Public Meeting
in the Glendale City Hall,
Council Chambers
613 E. Broadway, Glendale,
California 91026.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING: On **March 20, 2008**, following the Public Hearing
in the Glendale City Hall,
Council Chambers
613 E. Broadway, Glendale,
California 91026.

At the Business Meeting, the Board will conduct its monthly business.

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/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 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 STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **March 20, 2008**.

TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 11
Sections 3412, 3413, 3414, and 3416
Outdoor Advertising Structures—Fall Protection

Descriptions of the proposed changes are as follows:

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is the result of a Division of Occupational Safety and Health (Division) Memorandum dated December 28, 2001, to the Occupational Safety and Health Standards Board (Board) regarding General Industry Safety Orders (GISO) Section 3416 and fall protection on outdoor advertising structures. The Division's memorandum references a letter from Mr. Mark Chen, representing John A. Batchelor Co.

Inc., a fall protection equipment vendor who provides fall protection systems used by employers to protect their workers from falls from elevated locations while performing work on outdoor advertising structures (billboards). Mr. Chen stated that existing Title 8 outdoor advertising structure (OAS) fall protection standards are out of date and inconsistent with current industry practice. The OAS standards reference the use of body belts in an environment where the use of fall arrest systems are the norm as opposed to fall restraint or positioning devices which can be used with body belts and a 5 foot lanyard length restriction which unduly restricts the mobility of employees working from billboard platforms.

On July 26, 2007, the Board staff convened a representative advisory committee (committee) which included OAS labor and management representatives and persons representing fall protection equipment manufacturers. The committee reached consensus on a number of recommended amendments to Sections 3412, 3413, 3414 and 3416.

The proposal contains a number of amendments which include, but are not limited to: updated terminology associated with OAS work based on American National Standard for Ladders — Portable Special Duty Ladders (ANSI) A14.10–2000 contained in Marking No. 4 of the ANSI A14.10 standard, a clarification of the applicability of the proposal by including a reference to the Construction Safety Orders (CSO) for standards that would apply to OAS construction, fall protection for ladders, and use of personal fall protection systems.

The following amendments are proposed:

Section 3412. General.

The existing section contains information pertaining to the scope and application of Article 11 standards. An amendment is proposed to add a Note to subsection (a) to make it clear that standards governing the construction of OAS are contained in the CSO.

An amendment is proposed for subsection (b) to augment the existing definition of “Special Purpose Poster Ladder” to include “Type 1A industrial extra heavy-duty” in addition to “Type 1 industrial heavy-duty” ladder and to define the two types of duty rating in terms of their respective working load capacities based on information contained in the ANSI A 14.10–2000 standard. The effect of the proposed amendment would be to clarify to the employer the definition of industrial heavy duty and industrial extra heavy duty and to be consistent with current national consensus standards.

Subsection (b) is also amended to delete the word “aluminum” in recognition of the fact that these ladders may be made of other materials.

Section 3413. Ladders.

This section contains safety requirements for ladders used in OAS work.

Amendments are proposed to clarify to the employer that all portable ladders are to be Type 1 or Type 1A industrial ladders as shown in subsection (c) of Section 3413. An additional clarifying amendment is proposed in subsection (c) which addresses special purpose industrial ladder approval, and indicates to the employer that the ladder is not restricted to aluminum construction but can be an extra heavy-duty type.

Section 3414. Poster Ladder Scaffolds.

This section contains standards addressing the safe use of poster ladder scaffolds.

Amendments are proposed in subsection (g) to clarify that a full body harness rather than a safety belt is to be used in conjunction with lanyards attached to independently-anchored safety lines or self-retracting life lines attached to approved anchorages.

The proposed amendments will clarify to the employer how personnel working on OAS are to be protected from the hazard of a fall from an elevated location and to be consistent with industry practice, existing Title 8 fall protection requirements and applicable national consensus standards.

Section 3416. Fall Protection.

This section addresses fall protection requirements.

A proposed amendment of subsection (a) clarifies that employees are to be provided and wear an approved personal fall protection system when working at certain heights from OAS platforms not provided with guardrails. The proposed amendment will require employers to purchase on a case-by-case basis a personal fall protection system for each employee who works as described in subsection (a) and implement administrative procedures to ensure each affected employee wears fall protection.

The proposed amendment to the Exception statement clarifies that safety belts are not permitted as part of a special purpose ladder fall protection system.

Existing subsection (c)(1) requires a removable horizontal safety line to permit attachment of a safety belt and lanyard when employees work from a special purpose ladder. Amendments are proposed to clarify in subsection (c)(1) that safety belts are not permitted to be worn and that body harnesses must be connected by lanyard to a non-removable horizontal safety line when working from the upper half of the ladder. The effect of the proposed amendments is to be consistent with industry practice and will require the permanent attachment of independently-anchored safety lines when they are used.

Subsection (d) requires that lanyards not exceed 5 feet in length. It is proposed that subsection (d) be

amended to require that a shock-absorbing device be installed in the lanyard and that the lanyard not exceed 6 feet in length, consistent with the design and construction of lanyards used by workers in the outdoor advertising industry. An exception statement is proposed to subsection (d) that would allow the use of self-retracting lifelines in lieu of shock absorbing lanyards. The effect of the proposed exception is to allow employers flexibility in selecting the most effective system for their operation.

A new subsection (e) is proposed that informs the employer that self-retracting lifelines may be used with Type 1 or Type 1A ladders or when attached to an approved anchorage. The proposed amendment clarifies that when the self-retracting lifeline option provided in subsection (d) is used, they may be used with either type of poster ladder or attached to an approved anchorage.

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. The State of California does not construct, maintain or operate its own outdoor advertising structures.

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 an initial 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. The proposal updates, clarifies and corrects current practices consistent with industry practice.

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. The proposal updates, clarifies and corrects current practices consistent with industry practice and national consensus standards.

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 Standards 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 the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, 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.)

The 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, the 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.)

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal updates, clarifies and corrects current practices consistent with industry practice.

ASSESSMENT

The adoption of the proposed amendments to these regulations 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.

REASONABLE ALTERNATIVES CONSIDERED

Our 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.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. 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, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than March 14, 2008. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on March 20, 2008, 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 below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

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 Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105

REG-2007-00056

January 22, 2008

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE RATES

Rates for Liability, Uninsured Motorists and Medical Payment Coverages for Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, San Benito, San Luis Obispo, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties

SUBJECT OF HEARING

California Insurance Commissioner Steve Poizner will hold a public hearing to consider current rates for certain counties in the California Low Cost Automobile Insurance program that have been established in the last two phases of expansion by prior emergency regulations.

Legislation involving the California Low Cost Automobile Insurance program, Stats. 2005, chapter 435 (SB 20, Escutia), was approved by the Governor on September 30, 2005. The legislation extended the program, then currently in Los Angeles County and the City and County of San Francisco, to Alameda, Fresno,

Orange, Riverside, San Bernardino and San Diego counties, commencing on April 1, 2006. The bill further authorized expansion of the program to all counties in California at the discretion of the Commissioner, subject to specified procedures. The legislation does not specify a rate, but authorizes the Commissioner to adopt regulations establishing a rate, in consultation with the California Automobile Assigned Risk Plan (CAARP), as emergency regulations. Previous legislation mandated the availability of optional uninsured motorists and medical payments coverages to policyholders at additional premiums.

Following such procedures, the Commissioner expanded the program to Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus counties, effective June 1, 2006. In consultation with CAARP, the Commissioner established rates for the enumerated counties and additional expansion counties on an emergency basis. Subsequently, a Certificate of Compliance for these prior emergency regulatory actions was approved on December 27, 2006. The Commissioner further expanded the program, in consultation with CAARP, on an emergency basis to Merced, Monterey, Santa Barbara, Sonoma, Tulare, and Ventura counties, effective March 30, 2007. Subsequently, after public hearing, rates for these expansion counties were approved in regulatory action, effective October 10, 2007.

In accordance with statutory procedures, the Commissioner determined the need for the program in the twenty (20) additional counties of Amador, Butte, Calaveras, El Dorado, Humboldt, Kings, Lake, Madera, Marin, Mendocino, Napa, Placer, San Benito, Santa Cruz, Shasta, Solano, Sutter, Tuolumne, Yolo, and Yuba. The Commissioner's determination of need is based on a consideration of the number or percentage of uninsured motorists within each county, the number or percentage of low income population in each county, the availability of affordable insurance options in the voluntary market, and affirmation of the need and desirability of the program expressed by consumers at public meetings in each county.

To expedite the program's expansion to the twenty additional counties, on July 19, 2007, CAARP's Advisory Committee proposed to the Commissioner rates for the liability policy and optional coverages. Upon review, the Commissioner determined that the rates proposed by CAARP were adequate and consistent with statutory rate-setting standards and proposed those rates for adoption on an emergency basis, which were approved, effective October 1, 2007. The prior emergency regulation file, ER-2007-00003, is hereby incorporated by reference and is available for public review.

In addition, following statutory procedures, the Commissioner determined the need for the program in the sixteen (16) remaining counties of Alpine, Colusa, Del Norte, Glenn, Inyo, Lassen, Mariposa, Modoc, Mono, Nevada, Plumas, San Luis Obispo, Sierra, Siskiyou, Tehama, and Trinity. To expedite the program's expansion to the final sixteen counties, CAARP proposed rates on October 26, 2007. Upon review, the Commissioner determined that the rates were consistent with statutory rate-setting standards and proposed those rates for adoption on an emergency basis, which were approved effective December 10, 2007. The prior emergency regulation file, ER-2007-00004, is hereby incorporated by reference, and available for public review.

As approved by emergency regulations, the annual premiums for the 36 counties, by county, are \$311 for Alpine, \$280 for Amador, \$253 for Butte, \$275 for Calaveras, \$284 for Colusa, \$285 for Del Norte, \$285 for El Dorado, \$288 for Glenn, \$263 for Humboldt, \$271 for Inyo, \$273 for Kings, \$268 for Lake, \$286 for Lassen, \$253 for Madera, \$297 for Marin, \$279 for Mariposa, \$260 for Mendocino, \$292 for Modoc, \$286 for Mono, \$277 for Napa, \$263 for Nevada, \$314 for Placer, \$276 for Plumas, \$274 for San Benito, \$226 for San Luis Obispo, \$252 for Santa Cruz, \$260 for Shasta, \$297 for Sierra, \$259 for Siskiyou, \$304 for Solano, \$291 for Sutter, \$280 for Tehama, \$288 for Trinity, \$279 for Tuolumne, \$286 for Yolo, and \$286 for Yuba. A 25 percent surcharge is added to the base rate for unmarried male drivers ages 19 through 24 years of age.

Annual premiums for optional uninsured motorists coverage for the 36 counties, by county, are currently \$41 for Alpine, \$39 for Amador, \$33 for Butte, \$38 for Calaveras, \$38 for Colusa, \$39 for Del Norte, \$36 for El Dorado, \$38 for Glenn, \$35 for Humboldt, \$38 for Inyo, \$36 for Kings, \$37 for Lake, \$39 for Lassen, \$42 for Madera, \$36 for Marin, \$39 for Mariposa, \$36 for Mendocino, \$40 for Modoc, \$40 for Mono, \$35 for Napa, \$36 for Nevada, \$35 for Placer, \$39 for Plumas, \$37 for San Benito, \$33 for San Luis Obispo, \$32 for Santa Cruz, \$35 for Shasta, \$41 for Sierra, \$38 for Siskiyou, \$32 for Solano, \$36 for Sutter, \$37 for Tehama, \$39 for Trinity, \$37 for Tuolumne, \$36 for Yolo, and \$41 for Yuba.

For optional medical payments coverage, by county, premiums are currently \$28 for Alpine, \$28 for Amador, \$28 for Butte, \$25 for Calaveras, \$28 for Colusa, \$27 for Del Norte, \$25 for El Dorado, \$26 for Glenn, \$25 for Humboldt, \$27 for Inyo, \$26 for Kings, \$27 for Lake, \$26 for Lassen, \$34 for Madera, \$26 for Marin, \$26 for Mariposa, \$27 for Mendocino, \$27 for Modoc, \$27 for Mono, \$27 for Napa, \$25 for Nevada, \$26 for Placer, \$26 for Plumas, \$25 for San Benito, \$23 for San Luis Obispo, \$25 for Santa Cruz, \$27 for Shasta, \$27 for

Sierra, \$25 for Siskiyou, \$28 for Solano, \$27 for Sutter, \$28 for Tehama, \$27 for Trinity, \$26 for Tuolumne, \$26 for Yolo, and \$30 for Yuba.

The Commissioner will consider the current rates and invites other comments from the public. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

**AUTHORITY TO ADOPT RATES
AND REFERENCE**

Authority for the proposed rates is vested in the Insurance Commissioner pursuant to California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, and 11629.79. Premium rates are referenced in Section 27 and Exhibit E of the Program's Plan of Operations. The proposed regulation implements, interprets, and makes specific Insurance Code sections 11629.7, 11629.72, and 11629.79, as amended by 2002 Stats., chapter 742, 2005 Stats., chapter 435, and subsequent decisions of the Commissioner. Government Code Section 11343(a) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

Date and Time: April 9, 2008
10:00 a.m.
Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (415) 538-4111
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
mohre@insurance.ca.gov
Telephone: (415) 538-4112
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 9, 2008**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed

above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Insurance Code Sections 11629.7 through 11629.85 set forth, within the California Automobile Assigned Risk Plan, established under Section 11620 of the Insurance Code, a statewide low-cost automobile insurance program.

Recent legislation, Stats. 2005, chapter 435 (SB 20, Escutia), authorized expansion of the program from the initial counties of Los Angeles and the city and county of San Francisco to all counties in California, subject to specified procedures, mandating commencement of operations in Alameda, Fresno, Orange, Riverside, San Bernardino and San Diego counties, effective April 1, 2006. Previous legislation mandated the availability of optional coverages of uninsured motorists and medical payments to policyholders at additional premium. Statutes 2005, chapter 435 did not specify a rate, but authorized the Commissioner to adopt regulations establishing rates to implement expansion of the program to these counties, in consultation with CAARP, as emergency regulations.

To implement expansion of the mandated counties, the Commissioner established rates, in consultation with CAARP, by emergency regulatory action, as authorized by Insurance Code section 11629.79. Following specified statutory procedures, the Commissioner further expanded the program to the counties of Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus, establishing rates by emergency regulations, effective June 1, 2006. Subsequently, a Certificate of Compliance for these prior regulatory actions implementing expansion of the program to the mandated counties and the counties designated by the Commissioner was approved on December 27, 2006.

Following specified statutory procedures, the Commissioner further expanded the program, in consultation with CAARP, on an emergency basis to the counties of Merced, Monterey, Santa Barbara, Sonoma, Tulare, and Ventura, effective March 30, 2007. Subsequently, after public hearing, rates for these expansion counties were approved in regulatory action, effective October 10, 2007.

Seeking to further expand the program, following specified statutory procedures, the Commissioner made an initial determination of need for the program in twenty (20) additional counties: Amador, Butte, Calaveras, El Dorado, Humboldt, Kings, Lake, Madera, Marin, Mendocino, Napa, Placer, San Benito, Santa Cruz,

Shasta, Solano, Sutter, Tuolumne, Yolo, and Yuba. Subsequently, the Commissioner held public forums in each of these counties to discuss the need and desirability for such a program. Based on a consideration of specified factors, the Commissioner made a final determination of need for the program in each of the twenty counties, as required by statute.

To expedite the program's operation in these additional counties, the Commissioner sought and received the advice of CAARP. On July 19, 2007, CAARP's Advisory Committee proposed to the Commissioner rates for the liability policy and additional coverages. After review, the Commissioner adopted CAARP's proposed rates in emergency regulations, as authorized by Insurance Code Section 11629.79, which were approved, effective October 1, 2007. The Department's File No. ER-2007-00003 / OAL File No. 07-0906-02 E is herein incorporated by reference.

On August 27, 2007, the Commissioner made an initial determination of need for the program in the remaining sixteen (16) counties of: Alpine, Colusa, Del Norte, Glenn, Inyo, Lassen, Mariposa, Modoc, Mono, Nevada, Plumas, San Luis Obispo, Sierra, Siskiyou, Tehama, and Trinity. Subsequently, the Commissioner held public forums in each of these counties in accordance with specified procedures. To implement the expansion to these 16 counties, the Commissioner sought and received a rate proposal from CAARP. After review, the Commissioner adopted CAARP's proposed rates in emergency regulations which were approved, effective December 10, 2007. The Department's File No. ER-2007-00004/OAL File No. 2007-1107-01 EFP is herein incorporated by reference.

Because the program is established and administered through CAARP, CAARP procedures are applied where appropriate and not inconsistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Section 11629.7 of the Insurance Code requires that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base

rate. The statute also provides procedures for adjusting the rates.

Accordingly, the Commissioner is holding a public hearing to consider the rates for the above enumerated counties that were established in prior emergency regulatory actions.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but

will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Insurance Commissioner has initially determined that the proposal will have minimal, if any, effect on small businesses and invites comments.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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 agency invites interested persons to present statements or arguments with respect to the proposed rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The text describing the proposal is in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate proposal, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rulemaking file. **By prior appointment**, the rulemaking file is available for inspection at the public

viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling 415/538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling 213/346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed action, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, this Notice of Proposed Action, and the text of regulations will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 260.01 and amend Section 260.07 in Article 4.1, Advertising By Occupational Licensee, and adopt Sections 268.02, 268.09, 272.06, 272.07, and 272.08 and amend Sections 268.04, 268.06, 268.08, 270.06, 272.00, and 270.08, in Article 4.2, Vehicle Dealers, of Chapter 1, Division 1, Title 13 of the California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. on March 17, 2008, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code Section 1651 to implement, interpret or make specific Vehicle Code Sections 11709, 11713.18, and 11713.21.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 11713.18 prohibits a vehicle dealer from advertising a used vehicle as "certified" without having a certification program.

The proposed regulations would adopt Section 260.01 to specify minimum requirements for a dealer certification program.

Vehicle Code Section 11709 institutes sign posting requirements for dealer's established business locations and for dealers at a fair, exposition, and exhibit.

The proposed regulations would adopt Section 268.02 to make clarifications regarding fairs, expositions, and exhibits.

The proposed regulations would amend Sections 268.04, 268.06, 268.08 to make new requirements for used car dealer education program providers as needed to support Vehicle Code Section 11713.21.

The proposed regulations amend Sections 270.06 and 270.08, revising signage requirements.

Vehicle Code Section 11713.21 enables a car buyer to purchase a contract cancellation option agreement allowing the car buyer to cancel a car sales contract and return the vehicle.

The proposed regulations would adopt Sections 272.06, 272.07, and 272.08, and modify Sections 260.07 to clarify the contract cancellation option agreement requirements.

DOCUMENTS INCORPORATED BY REFERENCE

None.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None
- Other Non-Discretionary Cost or Savings to Local Agencies: None
- Costs or Savings in Federal Funding to the State: N/A
- Cost Impact on Representative Private Persons or Businesses: The agency 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.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.

- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations only provide definition for the existing language used in the Vehicle Code.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department 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 businesses than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Erik Meyer, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or emeyer@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Christie Patrick, at (916) 657-5567 or e-mail cpatrick@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the

information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, BPA Transaction Procedures and Inventory Requirements Handbook and Express Terms) may be accessed at: www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

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 no-

tice, each of these prospective contractors in order to submit a responsive bid must present evidence that its 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

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 OF NEW PRACTICE REGARDING
THE DEVELOPMENT OF PROPOSITION 65
SAFE HARBOR LEVELS FOR NEWLY
LISTED CHEMICALS**

February 1, 2008

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act). In order to provide compliance assistance for persons subject to the requirements of the Act, OEHHA develops Proposition 65 safe harbor levels — no significant risk levels (NSRLs) for carcinogens and maximum allowable dose levels (MADLs) for chemicals that cause reproductive toxicity. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime (70-year) exposure at the level in question. The MADL is the level at which chemicals listed for reproductive toxicity would have no observable effect assuming exposure at 1,000 times that level. The NSRLs and MADLs are promulgated in Title 22, California Code of Regulations, sections 12705 and 12805 respectively. These levels assist interested parties in determining whether warnings are required for exposures to chemicals listed under Proposition 65, and whether certain discharges of listed chemicals to sources of drinking water are prohibited.

On November 2, 2007, OEHHA held a public workshop for the purpose of gathering input from interested parties concerning the relative importance of several proposed Proposition 65 regulatory actions and to gath-

er input on potential regulatory items that should be considered. Several speakers suggested that OEHHA develop safe harbor levels for chemicals when they are added to the Proposition 65 list. OEHHA considered this suggestion and has determined that new internal practices regarding the development of safe harbor numbers can be implemented on a procedural basis, without the need for regulatory action.

OEHHA is therefore announcing a new practice regarding the development of safe harbor levels for newly listed chemicals. After a chemical is added to the Proposition 65 list, OEHHA as a general practice will strive to develop and release for public comment a draft safe harbor level within one year of the chemical's listing. This one-year timeline is not mandatory or legally binding, but instead reflects OEHHA's intent to provide draft safe harbor numbers in a timely manner that the public can use as guidance in determining when the warning requirement and discharge prohibition apply to newly listed chemicals. OEHHA may not be able to produce a draft safe harbor level within one year of a specific chemical's listing or may decline to develop a safe harbor level for various reasons, such as resource limitations, competing workload priorities, or where development of a safe harbor level would be infeasible or unwarranted. Examples of such circumstances include but are not limited to: inadequate information on a chemical for quantitative risk assessment; or the likelihood of little or no human exposure to the chemical in California. The scientific complexity of developing a safe harbor level for a listing that is a complex mixture (e.g., environmental tobacco smoke) or a group or class of chemicals (e.g., polychlorinated biphenyls) may also delay or preclude developing such a level. Once a draft safe harbor level is released for public comment, OEHHA must adopt a final safe harbor level into regulation within one year, pursuant to the Administrative Procedure Act, or restart the regulatory process.

When issuing an official notice announcing the listing of a chemical, OEHHA will indicate in the notice whether it will initiate development of a draft safe harbor number at that time. If OEHHA decides against developing a safe harbor number for a newly listed chemical, the notice will state that members of the public who would like OEHHA to develop a safe harbor level for the chemical can submit a written request to OEHHA, along with their reason for wanting the safe harbor number. OEHHA will review any requests and then issue a written notice as to whether it will initiate development of a safe harbor number at that time.

In addition, OEHHA will continue to develop safe harbor numbers for currently listed chemicals. Those chemicals are prioritized in the most recent version of the *Proposition 65 Safe Harbor Levels: No Significant Risk Levels for Carcinogens and Maximum Allowable*

Dose Levels for Chemicals Causing Reproductive Toxicity, which is available on OEHHA's Web site at www.oehha.ca.gov.

**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 OF RELEASE OF AN UPDATED
REPORT ON PROPOSITION 65 SAFE
HARBOR LEVELS ADOPTED IN
REGULATION AND UNDER
DEVELOPMENT**

February 1, 2008

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act). In order to provide compliance assistance for persons subject to the requirements of the Act, OEHHA develops Proposition 65 safe harbor levels — no significant risk levels (NSRLs) for carcinogens and maximum allowable dose levels (MADLs) for chemicals that cause reproductive toxicity. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000, assuming lifetime (70-year) exposure at the level in question. The MADL is the level at which chemicals listed for reproductive toxicity would have no observable effect assuming exposure at 1,000 times that level. The NSRLs and MADLs are promulgated in Title 22, California Code of Regulations, sections 12705 and 12805 respectively. These levels assist interested parties in determining whether warnings are required for exposures to chemicals listed under Proposition 65, and whether certain discharges of listed chemicals to sources of drinking water are prohibited.

Today OEHHA is releasing an update of the document, "*Proposition 65 Safe Harbor Levels: No Significant Risk Levels for Carcinogens and Maximum Allowable Dose Levels for Chemicals Causing Reproductive Toxicity*." The document lists current NSRLs and MADLs adopted in or proposed for adoption into regulation. The document also lists the priority for develop-

ment of NSRLs and MADLs for listed chemicals. OEHHA anticipates proposing NSRLs or MADLs for the chemicals in the first priority group within the next year, and for second-priority chemicals within the next two to five years. It is unlikely that safe harbors would be released for chemicals in a lower group within the next five years.

Priority levels are based on the availability and quality of scientific data for dose-response assessments, potential for exposure, resources available to perform the assessment, need expressed by interested parties, and input from the public and Attorney General's Office. In the future, OEHHA plans to propose regulatory levels for most chemicals within a year after they are added to the Proposition 65 list.

Any interested party may submit recommendations to OEHHA for revising the priority assignment for any listed chemicals, preferably with supporting rationale for the change. Recommendations for revising priority assignments for safe harbor development should be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street, MS-19B
Sacramento, California 95814

Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900
via email: coshita@oehha.ca.gov

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**ADULTERATED CANDY: MAXIMUM
ALLOWABLE LEAD LEVELS**

**NOTICE OF PUBLIC WORKSHOPS TO
RECEIVE INFORMATION RELEVANT TO
THE DEVELOPMENT OF STANDARDS FOR
LEAD IN CANDY WRAPPERS AND FOR THE
NATURALLY-OCCURRING LEVEL OF LEAD
IN CANDIES FLAVORED WITH TAMARIND
OR CHILI**

February 1, 2008

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency in the development

of standards for the naturally-occurring level of lead in candies containing tamarind or chili. OEHHA is also the lead agency in the development of standards for an acceptable level of lead in candy wrappers. With this notice, OEHHA announces two workshops to receive information from the public relevant to developing both standards. The workshops will be held at the following times and locations in Southern California:

San Diego Area:

DATE: March 5, 2008

TIME: 10:00 a.m. to 1:00 p.m.

PLACE: Sherman Heights Community Center
2258 Island Ave.
San Diego, California

Los Angeles Area:

DATE: March 6, 2008

TIME: 2:00 p.m. to 5:00 p.m.

PLACE: Junipero Serra State Office Building,
Pacific Ocean Room
320 West 4th St.
Los Angeles, California

Chili powder and tamarind are popular ingredients in Mexican-style candies that are sold in California. Data have shown that some of these Mexican-style candies are contaminated with the toxic metal lead. Research has determined that some of the lead in the candies comes from the chili powder and tamarind ingredients. A new law in California requires that OEHHA develop standards for the naturally-occurring level of lead in candies and for the acceptable levels of lead in candy wrappers. This law is intended to help identify candies that should not be sold in California (California Health and Safety Code, section 110552). OEHHA is in the process of determining how much lead in chili powder and tamarind, as well as other candy ingredients, might be due to naturally-occurring lead. OEHHA is also determining other ways lead may contaminate chili powder and candies, include processing and packaging.

OEHHA requests submission of data relevant to its determination of the level of naturally-occurring lead in candies containing chili and tamarind, as defined in California Health and Safety Code, section 110552(c)(3).

“[T]he ‘naturally occurring level’ of lead in candy is only naturally occurring to the extent that it is not avoidable by good agricultural, manufacturing, and procurement practices, or by other practices currently feasible. The producer and manufacturer of candy and candy ingredients shall at all times use quality control measures that

reduce the natural chemical contaminants to the ‘lowest level currently feasible’ as this term is used in subsection (c) of Section 110.110 of Title 21, Code of Federal Regulations. The ‘naturally occurring level’ of lead shall not include any lead in an ingredient resulting from agricultural equipment, fuels used on or around soils or crops, fertilizers, pesticides or other materials that are applied to soils or crops or added to water used to irrigate soils or crops.”

OEHHA also seeks information relevant to establishing a standard for the level of lead in candy wrappers. Under California Health and Safety Code section 110552(c)(4),

“ ‘Wrapper’ means all packaging materials in contact with the candy, including, but not limited to, the paper cellophane, plastic container, stick handle, spoon, small pot (olla), and squeeze tube, or similar devices. ‘Wrapper’ does not include any part of the packaging from which lead will not leach, as demonstrated by the manufacturer, to the satisfaction of the office.”

The following categories identify specific types of information that OEHHA would find helpful in establishing the required standards:

- **Types of candy** that contain chili or tamarind that are available and consumed in California.
- **Ingredients** in candies flavored with chili or tamarind and consumed in California that contain lead at levels greater than 10 parts per billion.
- **Processes** that introduce lead into these ingredients.
- **Level of naturally occurring lead in soil** in agricultural areas where chili peppers used to make candies are grown.
- **Good agricultural, manufacturing, and procurement practices** with respect to the production of chili powders and other ingredients in candies consumed in California.
- **Methods that minimize** the amount of soil/dirt/dust that comes in contact with or remains on chili peppers used to flavor candy.
- **Types of candy wrapper** that contain lead.

For a detailed description of the information being sought, see Attachment 1.

As described above, OEHHA will hold two public workshops in which information which is responsive to this request may be shared or submitted. Information may also be submitted directly to OEHHA by mail, fax, or e-mail by **Friday, March 7, 2008**, to the following address:

Dr. John Faust
Reproductive and Cancer Hazard Assessment
Branch
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, CA 94612
(510) 622-3185 (phone)
(510) 622-3211 (fax)
jfaust@oehha.ca.gov (e-mail)

**ADULTERATED CANDY: MAXIMUM
ALLOWABLE LEAD LEVELS
Request for Data Submissions**

ATTACHMENT I

Types of Candies Containing Chili or Tamarind

- What are all the types of candy that contain chili or tamarind that are available in California?
- Which candy products containing chili or tamarind are most commonly consumed in California?
- Where are the candies containing chili or tamarind and their ingredients which are consumed by Californians manufactured?

Candy Ingredient Sources of Lead

- Which ingredients in candies flavored with chili or tamarind and consumed in California contain lead at levels greater than 10 parts per billion?
- Among candies flavored with chili or tamarind and consumed in California, what data are available on the composition of the candies (e.g., the percentage of each ingredient for each type of candy)?
- Can and should candies be grouped into broad categories with respect to ingredient composition (e.g., “sugar-based chili candy”)?

Lead in Non-Chili Pepper Ingredients

- What are the processes that introduce lead into each of these ingredients?
- How can the processes be modified to reduce lead in the ingredients?
- How might procurement practices change to minimize lead in contaminated ingredients?
- What do you consider to be good agricultural, manufacturing and procurement practice for each contaminated ingredient?

- What fraction of this lead in each contaminated ingredient do you consider to be naturally occurring because it is not avoidable by good agricultural, manufacturing, and procurement practices?

Chili Pepper Production and Processing

- What varieties of chili pepper are used to flavor candies, and in what proportion are these different varieties represented in candies consumed in California?
- Where are chili peppers grown which are used to flavor candies consumed in California?
- How is lead introduced into chili powders used to make candies flavored with chili?

Introduction of Lead in the Chili Ingredient through Dust, Dirt, and Ground Drying

- What is the level of naturally occurring lead in soil in agricultural areas where chili peppers used to make candies are grown? As defined in statute, the “‘naturally occurring level’ of lead shall not include any lead in an ingredient resulting from agricultural equipment, fuels used on or around soils or crops, fertilizers, pesticides, or other materials that are applied to soils or crops or added to water used to irrigate soils or crops”?
- What are good agricultural, manufacturing, and procurement practices with respect to the production of chili powders used to flavor candies consumed in California?
- How much lead is in soil/dirt/dust that comes in contact with chili peppers used to make powder to flavor candies during their growth and processing?
- What fraction of the lead in this soil/dirt/dust is naturally occurring?
- How much soil/dirt/dust remains in the chili powder ingredient?
- How much soil/dirt/dust could be removed from the chili by current washing practices?
- How can these practices be improved to ensure chili ground into chili powder ingredient is thoroughly washed before grinding?
- What other methods besides ground drying are used to dry chili peppers and prepare chili before they are ground into a powder, for example what other methods are used in Mexico, the United States and Europe?
- Which of these methods are best in terms of minimizing the amount of soil/dirt/dust that comes in contact with the chili peppers or ultimately remains in the chili ingredient used to flavor candy?

Introduction of Lead in the Chili Ingredient through Processes Other Than Ground Drying

- What processes other than drying of chili introduce lead into the chili ingredient in candy?
- How can the processes be modified to reduce lead in the chili ingredient?
- How might procurement practices change to minimize lead in contaminated ingredients?
- What do you consider to be good agricultural, manufacturing and procurement practice to reduce lead in chili from this process?
- What fraction of this lead in this manner do you consider to be naturally occurring as defined in statute (see above)?

Candy Wrappers

- What types of candy wrapper contain lead?
- What data are available on the leaching of lead from candy wrappers onto candies?
- What data are available on the leaching of lead from candy wrappers onto hands or mouth?

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

CALIFORNIA COASTAL COMMISSION

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:

CALIFORNIA COASTAL COMMISSION

REGULATORY ACTION:
Title 14, California Code of Regulations

ADOPT SECTION 13255.1,
AMEND SECTIONS 13055, 13111, 13169,
13255.0, 13255.1, 13255.2, AND 13576

DECISION OF DISAPPROVAL
OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 07-1203-01S

SUMMARY OF REGULATORY ACTION

The California Coastal Commission (“Commission”) proposed to amend the California Code of Regulations, title 14, relating to its filing and processing fees. The Commission sought to increase fee amounts, add four new fee categories, add an escalator clause to update fees each year according to inflation, and add two new provisions for fee reductions.

Date: January 23, 2008

CRAIG S. TARPENNING
Senior Staff Counsel
for: SUSAN LAPSLEY
Director

Original: Peter Douglas, Executive Director
cc: Madeline Cavalieri

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.

File# 2007-1210-01
BOARD OF EQUALIZATION
Board-Prescribed Forms

This regulatory action deletes language that requires county assessors to submit duplicate hard copies of property tax forms to the Board, adds language to accommodate an electronic forms approval process, deletes language regarding the filing of long and short form property statements, and makes other minor changes.

Title 18
California Code of Regulations
AMEND: 101, 171
Filed 01/23/2008
Effective 02/22/2008
Agency Contact: Mira Tonis (916) 445-6464

File# 2008-0107-01
BOARD OF PAROLE HEARINGS
Implementation of Penal Code section 3000.1

Before Penal Code section 3000.1(d) was enacted, a murderer who violated the terms of parole, and had his or her parole revoked, would generally be entitled to release back into society after having served the time that was assessed for the parole revocation. Penal Code section 3000.1(d) created a post-revocation hearing with the sole purpose of determining whether the circumstances and gravity of a murderer's parole revocation offense (i.e. drugs, weapons possession or access thereto, etc. . .) are such that public safety warrants a longer period of incarceration than what the individuals received for the underlying revocation offense. This emergency regulatory action provides that the hearing shall be conducted by a two person panel comprised of one commissioner and one deputy commissioner.

Title 15
California Code of Regulations
AMEND: 2275
Filed 01/17/2008
Effective 01/17/2008
Agency Contact: Devaney Sullivan (916) 322-6815

File# 2008-0111-02
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
Capital Access Program for Small Businesses

The Capital Access Loan Program for Small Business is established under H&S Code 44559, et seq. The Legislature found that small businesses contribute significantly to environment emissions but are less financially able than large businesses to invest in new equipment and processes needed to comply with environmental regulation. This program enables easier access by small businesses to loans for environmental law compliance and in general. This emergency rulemaking action amends three sections of Title 4 for the purpose of refocusing the program on truly small businesses and to make clarifying amendments to address issues encountered during specific loan transactions.

Title 4
California Code of Regulations
AMEND: 8070, 8072, 8073
Filed 01/22/2008
Effective 01/22/2008
Agency Contact: Aaron Todd (916) 654-5740

File# 2008-0110-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Personal Property

This regulatory action is a readoption of an operational necessity emergency. It amends the personal property regulations and incorporates by reference slightly modified versions of the authorized personal property schedules (APPS) from the Department Operations Manual (DOM).

Title 15
California Code of Regulations
AMEND: 3190, 3191
Filed 01/23/2008
Effective 01/23/2008
Agency Contact: Shelley Alarid (916) 324-1959

File# 2007-1213-03
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 07-0924-02E) that established Sacramento County as an eradication area for the pest "Bactrocera dorsalis" (Oriental fruit fly).

Title 3
California Code of Regulations
AMEND: 3591.2(a)
Filed 01/22/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1213-04
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Eradication Area

This is a certificate of compliance that makes permanent the prior emergency regulatory action (OAL file no. 07-0911-03E) that established the entire county of Solano as an eradication area for the Mediterranean fruit fly ("Ceratitis capitata").

Title 3
California Code of Regulations
AMEND: 3591.5(a)
Filed 01/22/2008
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1206-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Oriental Fruit Fly Interior Quarantine

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 07-0718-01E) that removed approximately 93 square miles surrounding the Santa Ana area of Orange County from the area under quarantine for the Oriental fruit fly. This regulatory action also includes the removal of approximately 65 square miles in the Rialto area of San Bernardino County from the area under quarantine.

Title 3
 California Code of Regulations
 AMEND: 3423(b)
 Filed 01/18/2008
 Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1206-05
 DEPARTMENT OF FOOD AND AGRICULTURE
 Pests Requiring No Action

This regulation provides that an infestation by armored scales of the family Diaspididae in certain commercial fruit shipments shall not trigger any regulatory action.

Title 3
 California Code of Regulations
 ADOPT: 3152
 Filed 01/18/2008
 Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1206-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Gypsy Moth Eradication Area

This action is the Certificate of Compliance filing making permanent the prior emergency addition of Santa Clara County to the eradication area for the gypsy moth (*Lymantria dispar*). The prior emergency file was OAL file number 07-0718-02E.

Title 3
 California Code of Regulations
 AMEND: 3591.6
 Filed 01/22/2008
 Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1206-03
 DEPARTMENT OF FOOD AND AGRICULTURE
 Gypsy Moth Eradication Area

This action is the Certificate of Compliance filing making permanent the prior emergency addition of Ventura County to the eradication area for the gypsy moth (*Lymantria dispar*). The prior emergency file was OAL file number 07-0723-01E.

Title 3
 California Code of Regulations
 AMEND: 3591.6
 Filed 01/22/2008
 Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0102-03
 DEPARTMENT OF FORESTRY AND FIRE PROTECTION
 Conflict-of-Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 14
 California Code of Regulations
 AMEND: 890
 Filed 01/17/2008
 Effective 02/16/2008
 Agency Contact: Cindy Oreb (916) 445-7884

File# 2007-1212-01
 DEPARTMENT OF JUSTICE
 Unsuitable Affiliates; Conditions and Restrictions on Registrations

This nonsubstantive change repeals Title 11 section 1305 because authority for Gambling Control has been transferred to the California Gambling Control Commission pursuant to the Gambling Control Act.

Title 11
 California Code of Regulations
 REPEAL: 1305
 Filed 01/16/2008
 Agency Contact: Lee C. Adamson (916) 263-3392

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN AUGUST 22, 2007 TO
 JANUARY 23, 2008**

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
 01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106
 01/07/08 AMEND: 18531.61
 01/03/08 ADOPT: 547.69, 547.70, 547.71
 AMEND: 547.69 renumbered as 547.72,

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	547.70 renumbered as 547.74, 547.71 renumbered as 547.73	(Renumbered to 649.44), 654.5 (Renumbered to 649.45), 654.6 (Renumbered to 649.47), 655.1 (Renumbered to 649.51), 656.1 (Renumbered to 649.52), 656.2 (Renumbered to 649.54), 656.3 (Renumbered to 649.55), 656.4 (Renumbered to 649.53), 656.5 (Renumbered to 649.56), 656.6 (Renumbered to 649.50), 656.7 (Renumbered to 649.58), 656.8 (Renumbered to 649.57), 657.1 (Renumbered to 649.59), 657.2 (Renumbered to 649.60), 657.3 (Renumbered to 649.62)
12/26/07	AMEND: div. 8, ch. 54, sec. 54300	
12/19/07	ADOPT: 18413	
12/18/07	ADOPT: 1859.324.1, 1859.330 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329	
12/17/07	AMEND: 58700	
12/17/07	AMEND: 18351	
12/13/07	ADOPT: 18531.2	
12/13/07	AMEND: 18530.4	
12/13/07	AMEND: 18421.2	
12/06/07	AMEND: 649, 649.1 (Renumbered to 649.15), 649.1.1 (Renumbered to 649.16), 649.2 (Renumbered to 649.12), 649.3 (Renumbered to 649.24), 649.7 (Renumbered to 649.35), 649.8 (Renumbered to 649.36), 649.9 (Renumbered to 649.7), 649.10 (Renumbered to 649.22), 649.11 (Renumbered to 649.8), 649.12 (Renumbered to 649.9), 649.13 (Renumbered to 649.23), 649.14 (Renumbered to 649.27), 649.15 (Renumbered to 649.11), 649.16 (Renumbered to 649.30), 649.17 (Renumbered to 649.31), 649.18 (Renumbered to 649.26), 649.20, 649.21, 649.22 (Renumbered to 649.10), 649.71 (Renumbered to 649.25), 649.72 (Renumbered to 649.4), 650.1 (Renumbered to 649.6), 651.1 (Renumbered to 649.1), 651.2 (Renumbered to 649.14), 651.3 (Renumbered to 649.13), 651.4 (Renumbered to 649.34), 651.5 (Renumbered to 649.5), 652.1 (Renumbered to 649.39), 652.2 (Renumbered to 649.40), 653.1 (Renumbered to 649.42), 653.2 (Renumbered to 649.2), 653.3 (Renumbered to 649.41), 653.4 (Renumbered to 649.37), 653.5 (Renumbered to 649.38), 653.6 (Renumbered to 649.61), 654.1 (Renumbered to 649.3), 654.2 (Renumbered to 649.43), 654.3 (Renumbered to 649.46), 654.4	10/31/07 ADOPT: 18200 10/30/07 AMEND: 1138.10, 1138.30, 1138.72, 1138.90 10/17/07 ADOPT: 2970 10/15/07 ADOPT: 2291, 2292, 2293, 2294, 2295, 2296 10/09/07 AMEND: 1896.98, 1896.99.100, 1896.99.120 10/03/07 ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.163.3, 1859.167 REPEAL: 1859.167.1 10/01/07 ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2 09/24/07 ADOPT: 18420.5 09/24/07 ADOPT: 18361 AMEND: 18360, 18361.7 09/20/07 ADOPT: 18466 09/20/07 REPEAL: 18530.9 09/11/07 ADOPT: 18440 09/10/07 AMEND: 1183.13 09/04/07 ADOPT: 54700 08/31/07 ADOPT: 1859.180, 1859.181, 1859.182, 1859.183, 1859.184, Form SAB 50–11 AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50–04, Form SAB 50–06 08/31/07 AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2, 18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532,

18536.1, 18536.2, 18538, 18538.2,
 18541, 18564, 18573, 18580, 18585,
 18586, 18587, 18588, 18590, 18616.5,
 18618, 18619, 18620, 18621, 18622,
 18626, 18650, 18700.1, 18702.6,
 18704.3, 18707.3, 18720, 18725, 18726,
 18726.1, 18726.2, 18726.3, 18726.4,
 18726.5, 18726.6, 18726.7, 18726.8,
 18727, 18760, 18902, 18930.1, 18931,
 18935, 18940.1, 18950.2, 18954

Title 3

01/22/08 AMEND: 3591.6
 01/22/08 AMEND: 3591.6
 01/22/08 AMEND: 3591.2(a)
 01/22/08 AMEND: 3591.5(a)
 01/18/08 AMEND: 3423(b)
 01/18/08 ADOPT: 3152
 01/11/08 AMEND: 3406(b)
 01/10/08 AMEND: 3433(b)
 01/07/08 AMEND: 1180.3.1
 12/26/07 AMEND: 3433(b)
 12/26/07 AMEND: 3963
 12/21/07 AMEND: 3434(b)
 12/20/07 ADOPT: 606
 12/19/07 AMEND: 3700(c)
 12/19/07 AMEND: 3433(b)
 12/10/07 AMEND: 3406(b)
 12/06/07 AMEND: 3589
 12/03/07 AMEND: 3434(b)
 11/29/07 AMEND: 3434(b)
 11/29/07 AMEND: 3591.2
 11/27/07 AMEND: 3406(b)
 11/27/07 AMEND: 3433(b)
 11/21/07 AMEND: 3433(b)
 11/16/07 AMEND: 3417(b)
 11/15/07 AMEND: 3434
 11/14/07 AMEND: 3589
 11/14/07 AMEND: 3591.20
 11/09/07 AMEND: 3434(b)
 11/06/07 AMEND: 3406(b)
 11/01/07 AMEND: 1380.19, 1437.12
 10/29/07 AMEND: 3433(b)
 10/29/07 AMEND: 3406(b)
 10/25/07 AMEND: 3591.20 (a & b)
 10/15/07 AMEND: 3406(b)
 10/03/07 AMEND: 3433(b)
 09/28/07 AMEND: 3434(b)
 09/25/07 AMEND: 3591.2(a)
 09/24/07 ADOPT: 3591.20
 09/19/07 AMEND: 3700(c)

09/17/07 AMEND: 3406(b)
 09/12/07 AMEND: 3700(c)
 09/11/07 AMEND: 3591.5(a)
 09/11/07 AMEND: 3433(b)
 09/10/07 ADOPT: 1391, 1391.1
 09/05/07 ADOPT: 820.2, 820.7 AMEND: 820,
 820.3, 820.4, 820.5, 820.6, 820.7
 REPEAL: 820.6

Title 4

01/22/08 AMEND: 8070, 8072, 8073
 01/10/08 AMEND: 1632
 12/26/07 AMEND: 12002, 12122, 12202,
 12203.2, 12222
 11/21/07 ADOPT: 12347
 11/09/07 AMEND: 1371
 10/25/07 ADOPT: 1747, 1748
 10/24/07 AMEND: 1486
 09/20/07 AMEND: 1844
 09/04/07 AMEND: 12205.1, 12225.1

Title 5

12/20/07 ADOPT: 1202 AMEND: 1200, 1204,
 1204.5, 1205, 1207, 1207.1, 1207.2,
 1207.5, 1209, 1210, 1211, 1211.5, 1215,
 1215.5, 1216, 1217, 1218, 1219, 1225
 11/19/07 ADOPT: 11981.3, 11984.5, 11984.6,
 11985, 11985.5, 11985.6 AMEND:
 11981 (renumber to 11980), 11982
 (renumber to 11981), 11985 (renumber
 11981.5), 11980 (renumber to 11982),
 11986 (renumber to 11982.5), 11983,
 11983.5, 11984
 11/05/07 ADOPT: 18134
 10/29/07 ADOPT: 24010, 24011, 24012, 24013
 10/24/07 ADOPT: 11996, 11996.1, 11996.2,
 11996.3, 11996.4, 11996.5, 11996.6,
 11996.7, 11996.8, 11996.9, 11996.10,
 11996.11
 10/02/07 AMEND: 80001
 10/01/07 AMEND: 43726
 09/24/07 ADOPT: 17604.1, 17605.1, 17624,
 17630.1, 17638, 17639, 17643, 17644,
 17650 AMEND : 17600, 17601, 17602,
 17603, 17604, 17605, 17606, 17607,
 17608, 17609, 17625, 17626, 17627,
 17628, 17629, 17630.2, 17631, 17632,
 17640, 17641, 17642, 17646, 17648
 REPEAL: 17633, 17634, 17645, 17647,
 17649
 09/10/07 ADOPT: 19828.2, 19829.5, 19830.1,
 19837.1, 19838, 19846 AMEND: 19816,
 19816.1, 19828.1, 19830, 19837, 19854
 08/27/07 ADOPT: 9517.2

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08/23/07 AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019

Title 8

12/31/07 AMEND: 3650
 12/28/07 AMEND: 1604.24
 12/11/07 ADOPT: 9767.16, 9813.1, 9813.2
 AMEND: 9767.1, 9810, 9811, 9812, 9813
 12/10/07 ADOPT: 13800
 12/04/07 AMEND: 3214, Figure E-1 of 3231, Plate B-17
 11/29/07 ADOPT: 33485 AMEND: 32135, 32166, 32500, 32630, 32700, 32781, 32784, 32786, 33480, 61020, 61450, 61470, 61480, 81020, 81450, 81470, 81480, 91020, 91450, 91470, 91480
 11/26/07 ADOPT: 392.4 AMEND: 347, 350.1, 355, 359, 359.1, 371.2, 374, 385, 392.5
 11/05/07 AMEND: 4324
 10/31/07 AMEND: 1704
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 01/08/08 ADOPT: 2240.5 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4
 12/27/07 ADOPT: 1436, 1950.314.8
 12/19/07 AMEND: 2698.82(b), 2698.84, 2698.87, 2698.89.1
 11/30/07 AMEND: 2699.6611
 11/30/07 ADOPT: 2699.6603, 2699.6604 AMEND: 2699.6603 (renumbered to 2699.6602), 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625
 11/15/07 AMEND: 2498.6
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 01/04/08 ADOPT: 11970 AMEND: 11900
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 12/14/07 ADOPT: 700.4, 700.5 AMEND: 1.74, 29.15, 116, 300, 551, 705
 11/29/07 ADOPT: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 916.11.1, 936.11.1, 923.9.1, 943.9.1, 923.9.2, 943.9.2 AMEND: 859.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9
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11/29/07 ADOPT: 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6 AMEND: 895, 895.1, 1037
 11/28/07 AMEND: 163, 164
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 01/08/08 AMEND: 3282
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93115.12, 93115.13, 93115.14, 93115.15 AMEND: 93115

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01/04/08	AMEND: 1521	09/06/07	ADOPT: 66270.69.2 AMEND: 66270.67 (renumber to 66270.69.5), 66270.69 (renumber to 66270.69.1), 67800.1 (renumber to 66270.69.3), 67800.5 (renumber to 66270.69.4)
01/02/08	AMEND: 1802	09/05/07	AMEND: 4427
11/21/07	AMEND: 4703	08/31/07	AMEND: 12805
11/08/07	ADOPT: 474		
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10/31/07	AMEND: 2040		AMEND: 11-400c, 11-402, 45-101(c), 45-202.5, 45-203.4, 45-301.1
10/01/07	AMEND: 2600		
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11/29/07	AMEND: 1601, 1602, 1605.3, 1606	12/18/07	AMEND: 2621, 2632, 2634, 2635, 2636, 2637, 2638, 2661, 2666, 2711, 2713
10/16/07	ADOPT: 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913	12/07/07	ADOPT: 3919
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01/10/08	AMEND: 6662.5, 6663(b), 6753, 6754(b)(2)	11/07/07	ADOPT: 3915
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11/29/07	AMEND: 51531	12/18/07	AMEND: 15290 (reports 3, 4 & 6), 15400.1, Division 3 — Subdivision 1 — Chapters 1, 2, 3, 4, 5, 6
11/20/07	AMEND: 311-1	Title 28	
11/08/07	ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329	01/10/08	AMEND: 1300.67.60
11/07/07	ADOPT: 66269.1	Title MPP	
11/06/07	AMEND: 51003(e) REPEAL: 51307, 51506.2	11/28/07	AMEND: 47-110, 47-260, 47-301, 47-430, 47-601, 47-602, 47-620, 47-630 REPEAL: 47-610
10/23/07	AMEND: 4400, 4409.1, 4415 REPEAL: 4440.1		
10/18/07	AMEND: 67391.1		
10/16/07	AMEND: 10100 REPEAL: 10101		
10/03/07	AMEND: 67386.5, 67386.6, 67386.11		