STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

In re:	)	
	)	DECISION OF DISAPPROVAL
CALIFORNIA APPRENTICESHIP COUNCIL	)	OF REGULATORY ACTION
REGULATORY ACTION:	)	(Gov. Code, sec. 11349.3)
Title 8 of the California Code Of Regulations ADOPT AND AMEND SECTIONS 210 THROUGH 234.2, NON-CONSECUTIVE.	)	OAL File No. 01-0613-06 S

SUMMARY OF REGULATORY ACTION

This rulemaking would revise (1) the calculation of minimum wages and compensation for apprentices on both public and private projects; (2) the approval, registration, and termination process for apprentice agreements; (3) standards, eligibility and procedures for apprenticeship programs; (4) apprenticeship program audit requirements; (5) deregistration of programs; and (6) apprentice requirements for public works projects.

On July 26, 2001, the Office of Administrative Law ("OAL") notified the California Apprenticeship Council ("Council") that OAL disapproved this regulatory action because several provisions and procedures were unclear and the Council had failed to provide "necessity" for several provisions. (Government Code section 11349.1). The Council also failed to summarize and respond to a number of the many public comments (Government Code section 11346.9(a)(3)), and did not include all required documents in the rulemaking record. (Government Code section 11347.3). The detailed discussion required by Government Code section 11349.3(b) follows.

DISCUSSION

A. CLARITY

Government Code section 11349.1, subdivision (a)(3), requires that OAL review all regulations for compliance with the "clarity" standard. Government Code section 11349, subdivision (c),

defines "clarity" to mean "...written or displayed so that the meaning of the regulations will be easily understood by those persons directly affected by them."

Section 16 of Title 1 of the California Code of Regulations ("CCR") provides:

> "In examining a regulation for compliance with the 'clarity' requirement of Government Code section 11349.1, OAL shall apply the following standards and presumptions:
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> (a) A regulation shall be presumed not to comply with the 'clarity' standard if any of the following conditions exist:
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> (1) the regulation can, on its face, be reasonably and logically interpreted to have more than one meaning; or
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> (2) the language of the regulation conflicts with the agency's description of the effect of the regulation; or
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> (3) the regulation uses terms which do not have meanings generally familiar to those 'directly affected' by the regulation, and those terms are defined neither in the regulation nor in the governing statute; or
>
> (4) the regulation uses language incorrectly. This includes, but is not limited to, incorrect spelling, grammar or punctuation; or . . .
>
> (b) Persons shall be presumed to be 'directly affected' if they:
>
> (1) are legally required to comply with the regulation; or
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> (2) are legally required to enforce the regulation; or
>
> (3) derive from the enforcement of the regulation a benefit that is not common to the public in general; or
>
> (4) incur from the enforcement of the regulation a detriment that is not common to the public in general."

Unless otherwise specified, section references are to the proposed apprenticeship regulation revisions, sections 201 through 234.2 of Title 8 of the CCR, as the Council submitted them to OAL on June 13, 2001.

1. The Council proposed to amend section 208(a) on minimum wages, employee benefits and working conditions for apprentices in all occupations except the building and construction industry by adding the following underlined language to the provision that the wages and benefits "shall be decided by the sponsoring program in consultation with

and subject to the approval of the Chief DAS." The added phrase is unclear as it does not specify the procedure and standards for obtaining or denying approval. Is the Chief DAS to consider any particular identifiable factors or rely on any criteria, such as prevailing wages in the particular trade or industry, those in the geographic area, local or industry-wide unemployment rates, special conditions or requirements unique to the industry, area, population, or any other factors? If the Council has criteria which constitute standards of general application and which are not already in statute or regulation , it must include them in its regulation or violate Government Code section 11340.5 which provides in part:

> "(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in subdivision (g) of Section 11342, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter.
>
> . . . . . "

Section 208(a) as proposed to be amended contrasts with section 208(c)(2) which does mention consideration of certain factors. However, it is unclear in that it also lacks a procedure for the Chief's approval.

2. The Council proposes to amend section 212.3(d) in response to AB 921 (chapter 903, Statutes of 1999) by revising subdivision (d) as follows:

> "The Chief DAS shall select a program for random audit using a method that is not based on factors specific to that audit subject. A program may be selected for random audit only once during each five-year period beginning January 1, 2000. A program may be selected for non-random audit at any time where alleged deficiencies ***as defined in section 212.05(c)*** have been identified." (Emphasis added.)

On March 15, 2001, in the second of two post-hearing revisions made available to the public for comment, the Council severed proposed new section 212.05 in its entirety and did not adopt it. Proposed section 212.05 concerned apprenticeship training needs. Subdivision (c) provided that the Council would identify "existing apprenticeship programs approved under this chapter as deficient in meeting their obligations under this chapter" either where, after an audit, the Division of Apprenticeship Standards ("Division") determined that the program had failed to correct deficiencies after having been given an opportunity to do so, or where the Administrator or Council had issued a decision or decisions "sustaining as meritorious two charges against the program alleging that the program failed to meet its obligations under this chapter," with specified exceptions. Once the Council dropped section 212.05, proposed section 212.3(d) became completely unclear. Did the Council mean to rely on the proposed language which it had dropped to define the circumstances for non-random audits, or did it intend a more common meaning of "deficiencies" (which would still imply that an audit had already

taken place) -- or did it intend some other meaning for the term? What does "alleged" mean in this sentence? In the update section of the Final Statement of Reasons, the Council does not mention this provision of section 212.3, so its intent is unclear.

In fact, at least one commenter noted (as summarized on p. 32, Exhibit 11, last paragraph) that "§212.3 is unclear and unauthorized: §212.3's reference to 'random audits' and 'non-random audits' is unclear because neither phrase is defined. The Legislature authorized audits but did not authorize random audits. The reference to 'non-random' audits is unclear when read with §212.05(c)." As discussed below, the Council's response is inadequate. It also raises an issue of clarity even with the §212.05(c) language regarding deficient programs. Once the Council has chosen its intended definition, and explained its choice in the statement of reasons, the clarity issue may well be resolved. Without the full explanation, it is difficult to assess the clarity issue.

Section 212.3(f) also sets out a sequence of time periods which is incomplete. It provides that the Chief DAS must provide the program a copy of the audit report within 30 days of completion of the audit, and the program shall have 14 days following receipt of the report to make comments. "The Chief DAS may continue the audit in response to any comments and shall submit a final audit report, taking into account any comments, to the California Apprenticeship Council within 10 days following the receipt of comments or the completion of the comment period." It is unclear whether "continuing' the audit (reopening the audit or rewriting the report), gives the program another chance to comment. How is one to reconcile the time periods if the Chief DAS "continues" the audit but still has only 10 days following receipt of comments or end of the comment period within which to submit the "final" report? Is there a second "final" report triggering another ten day comment period? Following discussion with the attorney for the Council, the Council is considering language to address this ambiguity.

3. The Council proposes to amend section 231, "Complaints and Determinations of Noncompliance with Labor Code section 1777.5," (which concerns contractors and employers on public projects). Subdivision (a) permits anyone to file a complaint, and sets out the complaint's required contents. Subd. (b) provides that the Administrator shall investigate complaints and provide written notice to the parties. Subd. (c) clarifies that the Administrator may investigate and may issue a determination that a violation has occurred even if no one has filed a complaint. Subd. (d) provides that "[b]efore issuing a determination that a violation has occurred, the Administrator shall provide the affected contractor(s) with notice of the allegations and a reasonable opportunity to respond."

Subdivision (e) provides that

> "The Administrator shall serve notice of a civil penalty or debarment on the affected contractor(s). ***The notice shall set forth the procedure for obtaining review of the Administrator's decision.*** . . . . " (Emphasis added.)

This provision is unclear as it does not specify the review procedure or identify it as appearing elsewhere. If the review or appeal procedure appears elsewhere, in statute or regulation, the Council could insert a cross-reference to make it clear. The Council's attorney informs OAL that the procedure is at Labor Code section 1777.7(b), and has suggested a cross reference to this section which will make the provision clear and complete.

Subd. (e) continues by setting out how to calculate the period of debarment as "the first date in which the Administrator's decision is no longer subject to review." This debarment provision depends directly on the time for review and underscores the need for clearly specifying the review procedure.

Section 231 as proposed to be amended contains several other clarity problems. For example, the section contains no time deadlines for complaint investigation and resolution. It is unclear whether the Council intends to apply any time lines, and if so, what they are or where one could find them. If the Council does intend time lines, then it should specify them or refer to their location elsewhere. If not, the record should explain the factual basis for removing them and having the apparently open-ended processes. The proposed amendments remove the requirement in subd. (a) that a complaint must be filed within 90 days of the violation, although some responses to comments suggest that the Council intends a general three year statute of limitations to apply. The regulation should specify the deadline or the record should explain more fully. The amendments also delete the time period within which the Chief must file an accusation or issue a "non-willful" notice. Subd. (b) does not indicate the time period within which the Administrator must investigate. Subd. (d) requires a notice (the staff has agreed to clarify it will be a "written" notice) of allegations and a "reasonable opportunity to respond" but does not indicate a time period. If the Council intends that this time period for the "reasonable opportunity to respond" is be decided on an individual case by case basis rather than by a rule or standard of general application in the regulation, the record should explain this.

Subd. (b) requires that the Administrator "shall investigate" when someone has made a complaint, and subd. (c) clarifies that there need not be a complaint for the Administrator to investigate or make a determination regarding a violation, but nothing requires the Administrator to investigate before issuing a determination where there has been no complaint. The record did not make it clear whether the Council intended an investigation in every case, or meant that the Administrator could issue some determinations without an investigation. As with several other clarity issues, the Council staff has agreed to make the necessary clarifying changes and explain the factual basis for the amendments in the record.

Section 231(a)(10) as proposed to be amended presents an example of a more minor clarity issue affecting notification of contractors. The amendment adds the language "and in the case of a respondent subcontractor also on the ***general*** contractor" (speaking of service of a complaint). Section 228 defines "contractor" to mean a specialty, sub, prime or general contractor. The record does not indicate whether section 231(a)(10)

intentionally includes only the general and not the prime or other categories of "contractor." If the Council intends to cover only the subcontractor and general contractors, then it should explain more fully in the record, of if it intends the prime to be included as well, it should clarify the regulation text.

4. Section 229(b) presents a clarity problem which staff proposes to resolve by rewriting the lengthy and convoluted sentence without changing the meaning. It exemplifies the recurring problem of too many dependent phrases and clauses which easily become confusing misplaced modifiers. Separate, simpler sentences would make the regulations easier to understand. The original sentence was: "A request for review which is transmitted to the Administrator within 30 days after service of the order of debarment of civil penalty will be considered timely and will be considered as having been received within 30 days after service where the request is sent to the Administrator by first class mail or facsimile within the 30 day period with a proof of service showing the date of service."

Other clarity observations: As already discussed with Council staff, the proposed regulations contain numerous minor clarity problems which the Council should correct before it resubmits the proposed regulations. Some examples include variations of the same phrase (section 206(a) refers to "execution" and "execution by the apprentice" so it is unclear whether the distinction is intended); in section 230, line 3, the phrase "that has approved the contractor," leaves unclear which of the preceding entities has done the approving; using both a defined term and one of its parts (e.g., section 228(d), "contractor" and section 230.1(a), which uses "contractor and *subcontractor*," one of the words used in the definition); and incorrect internal cross-references; discrepancies with the regulation text now in print in the CCR, and other minor matters.

Please note that when the Council makes the necessary changes to clarify the regulations, revising language, including adding criteria, time periods, and procedures to the text, it must also comply with the requirements of Government Code section 11346.8 and section 44, title 1, CCR, regarding making related, substantial text changes available to the public. Please also note the requirements of Government Code section 11346.9(a)(1) which requires that the Council supply the updated necessity for its changes.

B. NECESSITY

Government Code section 11349.1, subdivision (a)(1), requires that OAL review all regulations for compliance with the "necessity" standard. Government Code section 11349, subdivision (a) defines "necessity" to mean that "...the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific, taking into account the totality of the record. . . ." In order to demonstrate by "substantial evidence" the need for a regulatory provision, the rulemaking record must contain information which explains why each regulatory provision is needed to carry out the described purpose of the regulatory provision. When the explanation is based on policies, conclusions, speculation, or conjecture, the rulemaking record must include supporting facts, studies, expert opinion, or other information. (Cal. Code Regs., tit. 1, sec. 10.)

The rulemaking record lacks adequate "necessity" for most provisions, although it indicates a general purpose for some provisions. For example, the Initial Statement of Reasons (ISOR) describes in a very general way some of the proposed regulations but does not provide any factual basis or rationale explaining why each particular provision is necessary to carry out the statutory or other stated purpose. In some cases, the record does not identify the purpose.

On August 21, 2000, the Technology, Trade and Commerce Agency ("TTCA") submitted a comment on the proposed regulations which states in part:

> "Proposed CCR section 208 also sets forth a new method for establishing a wage scale for apprentices. The ISOR states that the change is necessary to "ensure that apprentices are adequately paid so as to encourage a continuing educated and skilled work force and to ensure that the wage scale can be easily understood and implemented by apprenticeship programs and employers." However, the rulemaking file does not establish that apprentices are inadequately paid. Nor does the file justify why the potential cost impacts to private employers are necessary or unavoidable.
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> . . .
>
> "Existing GC section 11346.2(b) requires that the purpose of each proposed regulation be described or explained. It is unclear how CAC determined that the change in the wage scale is 'reasonably necessary to carry out the purpose for which it is proposed.'" Page 2, TTCA comment.

The ISOR for section 208 describes the proposed revisions in very general terms. The record does not explain, either in narrative or with studies or other supporting background material, why the Council chose to revise subdivision (a) to require the Chief's approval, or why subdivision (c)(1) applies 40% of the journeyman prevailing wage package for first-period apprentice wages, or why it requires at least 65% to be paid as taxable wages, or why the effective rate date chosen was March 1. What was the factual basis or rationale for these choices as well as for choosing January 1, 2002, subdivision (c)(9), as the compliance date for specified minimum wages?

The rulemaking record provides little or no necessity for most of the other provisions as well, from the new definitions and throughout, including new sections addressing apprentice agreements and programs, the changes to the minimum wage calculation, apprenticeship standards, audit procedures, and the public works article, where at least some of the changes flow from new statutory provisions.

For example, the Council proposes a new definition of "employed as an apprentice" at section 205(m). The ISOR states that it, along with the new definition in subdivision (n), "addresses the problem of uncertainty about the meaning of apprenticeship terms and solves the problem by defining them." However, it fails to explain why the definition (m) is needed as it does not appear to be used in the existing or proposed regulations, and it does not show why the Council chose the particular definition.

The ISOR notes that proposed new section 206 sets forth the procedure for approval and registration of apprentice agreements, and that existing law does not contain these procedures. However, it does not explain or demonstrate necessity for any of the particular provisions chosen, such as the evidence required or the periods of time for the various procedures. Likewise, the specific provisions of section 207 lack necessity in the record.

Additional examples include section 212.2(g) which revises the requirement that the Chief serve proposed program standards on other existing programs by dropping the requirement for programs sponsored by a single employer. This deletion leaves in doubt what, if anything, the Chief must do in that case. The record also lacks any explanation of why section 212.4(b) chose two years without active apprentices as the cutoff for deregistering a program. Similarly unexplained is the proposed change to section 230(a) deleting "at least one" from the notification requirement.

The Council must comply with the requirements of Government Code sections 11349(a), 11349.1(a), 11346.2(b), and section 10(b), title 1, CCR with respect to all its proposed amendments and adoptions in this rulemaking action. It must ensure that the rulemaking record demonstrates by substantial evidence the need for the regulations to effectuate the purpose of the statutes that the regulations implement, interpret, or make specific, and that it contains information which explains why each regulatory provision is needed to carry out its described purpose.

The Council must make the revised statement of reasons available to the public for at least 15 days, along with any supporting facts, studies, expert opinion, or other information added to the record to explain the factual basis for each provision. Government Code sections 11346.8 and 11347.1. The response to comments and the document at Exhibit 6 indicate that the Council did not initially rely on any data, studies, or similar documents, and did not add anything to the record. However, the cartons of comments contained some pamphlets and documents which might be part of the record. In addition, if the Council chooses to add material relied upon to the record to demonstrate necessity, it should follow the APA procedures.

Government Code section 11346.2(b) requires that at the time the initial notice of rulemaking is published that there must be available

> "…
> (b) An initial statement of reasons …[which] shall include, but not be limited to, all of the following:
> (1) A statement of the specific purpose of each adoption, amendment, or repeal and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed. …
> (2) An identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the adoption, amendment, or repeal of a regulation.
> (3) (A) A description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives.
> …"

This required material was not made available at the time of the initial notice. Government Code section 11346.8(d) and 11347.1 make it clear that when the agency adds material to the record, it should be made available to the public for 15 days. When the Council supplements the record to comply with the requirements of Government Code section 11349.1 and section 10, title 1, CCR, it must provide the requisite notice.

C. INCORRECT PROCEDURE

OAL must review rulemaking records submitted to it in order to determine whether the rulemaking has satisfied the procedural requirements of the Administrative Procedure Act ("APA"). Gov. Code, sec. 11349.1, subd. (a).

1. **Comments**: Government Code section 11346.9, subdivision (a)(3) requires that the Final Statement of Reasons ("FSR") include:

> "A summary of each objection or recommendation made regarding the specific adoption, amendment, or repeal proposed, together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action."

This rulemaking generated approximately 16 cartons of comments. The Council addressed many of the comments, but failed to summarize and respond adequately to many as well. To aid the staff in preparing adequate summaries and responses, OAL will provide an annotated copy of the summary and response document indicating the problems and questions it raises. In some cases, the Council failed to summarize a comment, or summarized it incompletely. In others, the Council failed to address a comment which had been summarized, or the response did not address the comment directly. The summary and response document also fails to update the responses to comments on section 212.05 which the Council dropped from the action. Unchanged responses which explain why section 212.05 is necessary and appropriate (after it is no longer part of the action) are misleading and confusing, as are the summaries of comments supporting section 212.05. Even more misleading are responses such as on p. 27, Ex. 11, item labeled "§205(n) lacks necessity." In response to the comment challenging necessity for section 205(n)'s definition of "geographic area" and noting the limiting impact of the term "regularly operates," the Council states:

> "The proposed regulation is only a definition and does not impose any limitations. When read with Regulation 212.05, the effect of the regulation is to prevent a program from expanding into a completely new geographical areas [sic] without Council approval. . . . [further discussion of combined effect with 212.05]."

The Council must update its responses to accommodate the modifications it made to the regulations before adopting them in final form.

Examples of comments which were not summarized and/or responded to adequately in the FSR follow. These examples are not exhaustive.

TTCA comment summary and response, page 17, Exhibit 11, RR:

"A. California Trade and Commerce Agency

1. §208 applies to all building and trades craft apprentices, but Labor Code 1777.5(b) only specifies wages to apprentices on public works projects. No necessity for application of §208 to non-public works projects.

RESPONSE

Labor Code section 1777.5 does apply to public works, but under Labor Code section 3071 CAC shall set minimum wages for apprentices, including on private works. The Council believes it is necessary to pay apprentices on all projects, public and private, a living wage to ensure a flow of trained workers for California industry.

2. No explanation of purpose or necessity for wage scale set forth in §208. Thus, no compliance with Government Code section 11246.2(b).

RESPONSE

The Council's file in this rulemaking process adequately state that the purpose of Regulations 208 is to provide a living wage for apprentices and to simplify the calculation of the minimum wage. Current Regulations require the wage to change based on a federal survey of the poverty level.

3.. . .

4. §208 – the Council has not complied with Government Code section 11436.5(a)(8) [sic; 11346.5(a)(8) in letter] by identifying all facts upon which §208 is based.

RESPONSE

The importance of wages in attracting employees, including apprentices, is obvious."

The first response to TTCA is somewhat helpful, but the others do not address the commenter's points, and the record contains nothing to contradict the claim that the record lacks necessity.

The summary and response document fails to summarize all the points made by several commenters, both oral and written. For example, see p. 3, Ex. 11, item 4, John Upshaw, who testified at length at the public hearing about minority and youth opportunities and possible exceeding of authority (transcript, page 20), in addition to his other comments. The summary does not reflect these comments. Another example occurs at p. 5, Ex. 11, #17, Rick Cole (p. 50, transcript), where the summary and response does not capture his discussion of health and safety. Another example is at p. 11, Ex. 11, item 6, which does not summarize the objection to journeymen representing apprentices. On p. 30, Ex. 11, third paragraph, the comment summarized omits several points about adding an approval

requirement to section 208(a). The summary and response do not address the issues of authority and necessity for the approval language.

In some cases, the Council summarizes a point but fails to address it in the response. Examples include the general comment at the top of page 24 which has no response at all; p. 27, Ex. 11, second paragraph, in which a comment on §205(n) makes three points including a consistency question, while the response addresses only one of the points; numerous comments such as the third paragraph on p. 28, Ex. 11, which responds only "See the Responses to comments above" without indicating where to look "above."

Another summary and response problem occurs on p. 28, Ex. 11, fourth paragraph noting that language in section 207 is unclear in four separate ways. The response states in full: "The Council will consider making this change." Not only did the Council apparently not make any of the suggested changes, but there is no response to the other points. Similarly, on p. 30, first full paragraph, the comment points out an inconsistent use of two terms, possibly for the same thing, and the lack of definition of several terms. The response states that the terms are clear and need no definition and then states parenthetically: "('Building and construction industry' should be changed to 'construction industry')." It is unclear what this sentence means or whether the Council made the change.

In some cases, the comment summary and response document is in error, such as at p. 13, Ex. 11, item 22, summarizing Mr. Sheppard's comment which questioned language in section 231(h). The summary misstates his section reference, and the response in its entirety states that "Regulation 230.1 does not contain this language." Other cases seem to be simple oversights, such as at p. 10, item 4, where the response is a blank underline, or p. 19, item D.1., where the response argues that "Labor Code section 3071 . . . ***does limit*** this power to public projects," although the Council's point is that it does ***not*** so limit its power, and p. 25, first paragraph on section 205, which argues that the "[r]egulation merely defines the term . . . and ***does impose*** any obligations . . . . " when it probably means "***does not*** impose" obligations.

There appears to be a missing line, page or section between the bottom of page 29 and the top of page 30.

When the Council resubmits this regulatory action, it should ensure that the summaries of and responses to comments are complete.

2. Evidence of Adoption: The record lacks any evidence that the Council formally adopted the final version of the proposed regulations. Government Code section 11347.3(b)(8) requires that the rulemaking record contain "A transcript, recording, or minutes of any public hearing connected with the adoption, amendment, or repeal of the regulation." The notices which accompanied the post-hearing modifications (Ex. 7 and 8) recount that at the Council meetings of January 25, and March 15, 2001, the Council adopted some regulation sections as noticed, modified some which were to be made available for 15 days of public comment, and severed at least one, section 212.05, from

the action. The record does not contain any minutes, tape or transcript of the January and March 2001 meetings, nor does it indicate that the Council ever adopted sections 208 and 212.

3. Record Statements: The Declaration at Exhibit 1 pursuant to Government Code section 11347.3(a)(12) states that the record was closed on April 13, 2001. However, April 13 was the final day of the second 15-day comment period. Council or Council staff created and added material to the record after that date including responses to comments submitted throughout the second 15-day comment period. When the Council resubmits the rulemaking, it should indicate the date the rulemaking record actually closed, which will be after it adds the last document to the record.

The statement of mailing at Tab 6, Rulemaking Record, final paragraph, mistakenly states that the regulations as modified at the March 15, 2001, meeting were mailed on February 9, 2001, but were probably mailed late in March 2001.

4. Form 400: The Form 400 must be completed correctly when the Council resubmits this action. The Form 400 lacked the appropriate agency name and did not include the title in box 2.

5. Final Text: The final adopted text submitted in strikeout and underline contained errors, minor grammatical, typographical and differing version errors which we have discussed and will review with staff.

CONCLUSION

For the reasons set forth above, OAL has disapproved the proposed revisions to sections 201 through 234.2, non-consecutive, of Title 8 of the CCR. If you have any questions, please contact me at (916) 323-6805. I look forward to working with you on this rulemaking.

August 2, 2001

_____
BARBARA STEINHARDT-CARTER
Senior Staff Counsel

For:

DAVID B. JUDSON
Deputy Director/Chief Counsel

Original: Henry P. Nunn, Secretary
cc: Julian O. Standen, Deputy Attorney General