

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)
REGARDING ADOPTION OF THE 2008 NATIONAL ELECTRICAL CODE (NEC)
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

There are no revisions to the Initial Statement of Reasons as shown below. The Division of the State Architect received no comments regarding this proposed rulemaking action during the 45 Day Public Comment Period.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE.

The Division of the State Architect - Structural Safety (DSA-SS) proposes to repeal the 2005 edition of the National Electrical Code, and adopt the 2008 edition of the National Electrical Code for effectiveness as the California Electrical Code, 2010 edition. DSA proposes this action in order to comply with state law requiring state agencies to propose for adoption the latest edition model code within one year of the publication date.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

This proposal will also make effective the 2008 edition of the National Electrical Code (NEC) as the 2010 edition California Electrical Code, for application by DSA-SS/CC (Division of the State Architect - Structural Safety/Community Colleges) to community colleges, which a community college district may elect to use in lieu of standards promulgated by DSA-SS per Education Code Section 81053.

No amendments to the 2008 edition NEC are being proposed by DSA-SS. State administrative amendments contained in Article 89 are being continued with editorial changes proposed.

Section 89.109.2 (DSA-SS and DSA-SS/CC Application)

Section 89.19.2 has proposed editorial revisions to address the requirements of Education Code Section 81053, which requires DSA to promulgate building standards for application to community colleges as an alternate to the Field Act (i.e. DSA-SS adoption of building standards).

These standards are required to be based on standards applicable to CA State Universities (i.e. BSC-adopted building standards), while retaining amendments necessary to achieve seismic performance levels of the Field Act.

Proposed Section 89.109.2.2 clarifies the DSA-SS/CC acronym, which is proposed to distinguish the alternate building standards adopted by DSA for application to community colleges as prescribed by Ed. Code Sec. 81053. The DSA-SS/CC acronym is being proposed in the 2009 rulemaking cycle by DSA for use in Title 24 Parts 2, 3, 4 and 5, and would appear in the matrix adoption tables used in each of these Parts of Title 24.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS.

None required, as Section 18928 of the Health & Safety Code mandates this proposed action, and no amendments are being proposed.

CONSIDERATION OF REASONABLE ALTERNATIVES.

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by law, and no amendments are being proposed.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no potential adverse impacts on small business are expected as a result of this proposed action.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to the proposed action.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS.

The regulations do not duplicate or conflict with federal regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS.

(Pursuant to Government Code Section 11346.9(a) (2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).)

The Division of the State Architect has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a) (3))

No comments were received by DSA during the 45 Day Public Comment Period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS.

(Government Code Section 11346.9(a) (4))

The Division of the State Architect has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

REJECTED PROPOSED ALTERNATIVES THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

(Government Code Section 11346.9(a) (5))

There are no rejected proposed alternatives to identify. This proposal will not have an adverse economic impact on small businesses.