



California Regulatory Notice Register

REGISTER 2009, NO. 24-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 12, 2009

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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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

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

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

NOTICE IS HEREBY GIVEN that the California Public Employees' Retirement System, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The California Public Employees' Retirement System proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making, or participation in the making of, decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment reflects the numerous organizational changes that have been made since the current Conflict-of-Interest Code was adopted. It reflects additions and deletions of entire divisions as well as the addition or deletion of classifications within those divisions. Some changes may also reflect changes in job duties or responsibility. Finally, the amended Conflict-of-Interest Code makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 27, 2009 or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public

hearing, he or she must do so no later than July 12, 2009, by contacting the Contact Person set forth below.

The California Public Employees' Retirement System has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California Public Employees' Retirement System has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Public Employees' Retirement System must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquires concerning this proposed amendment and any communication required by this notice should be directed to:

Marte Castaños, Senior Staff Counsel
CalPERS Legal Office
P.O. Box 942707
Sacramento, CA 94229-2707
916.795.3675
marte_castanos@calpers.ca.gov

**TITLE 2. CALIFORNIA STATE
TREASURER'S OFFICE**

**NOTICE OF PROPOSED REGULATION
AMENDMENT**

**California Code of Regulations
Title 2 — Administration
Division 2 — Financial Operations
Chapter 4 — Office of the State Treasurer
Subchapter 2 — Security for State Deposits
Article 2 — Eligibility and Custody of Notes**

NOTICE IS HEREBY GIVEN, as required by Government Code section 11346.4, that the California State Treasurer's Office (STO) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

Any interested party may present comments in writing relevant to the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on July 27th, 2009. Comments regarding this proposed action may also be transmitted via e-mail to ssneed@treasurer.ca.gov or by facsimile transmission to (916) 657-0070.

At this time, no public hearing has been scheduled concerning the proposed regulations. As required by Government Code section 11346.5(17) pursuant to section 11346.8, any interested person, or person's duly authorized representative, may request a public hearing; he or she must do so in writing no later than 15 days before the end of the written comment period.

Subject Matter of Proposed Amendments: Eligibility and Custody of Notes

Sections Affected:

The proposed actions amends section 1898.2, and 1898.7 of Title 2 of the California Code of Regulations.

Authority: Government Code sections 16522, and 16612.

Reference: California Code of Regulations sections 1898.2, 1898.3, and 1898.7.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Time Deposit Program was authorized by the State Bank Deposit Law of California adopted on April 27, 1945. This program is a unique opportunity for the State Treasurer to place deposits with eligible California financial institutions. The program assures a yield to the Pooled Money Investment Account above the Treasury bill yield and makes money available to communi-

ty banks at generally better rates than they can get from other sources. Eligible institutions are commercial banks, savings banks and credit unions that are federally insured and licensed to accept deposits in the State of California. By making funds available to these institutions, they in turn can re-invest in the California communities in which they serve.

To participate in the Time Deposit Program, a financial institution must deposit with the State Treasurer as collateral for such deposits, securities specified in Government Code sections 16522 and 16612, and approved by the State Treasurer. If a financial institution deposits promissory notes secured by first mortgages and first deeds of trust (promissory notes) the collateral must be valued at least 50 percent in excess of the amount deposited with the financial institution (less the \$250,000 insured by FDIC), based on the current unpaid principal amount. All other eligible securities deposited are required to be valued at least 10 percent in excess of the amount deposited with the financial institution (less the \$250,000 insured by FDIC), based on the current market value.

The STO proposes to amend Sections 1898.2, and 1898.7 of Title 2 of the California Code of Regulations regarding the Security of State Deposits, and the Eligibility and Custody of Notes pertaining to the Time Deposit Program.

Section 1898.2. Amendment insures compliance with California Code of Regulations section 1898.3.

Section 1898.7. Amendment sync's the language of the regulation with the practice of the STO.

Other Matters Prescribed by Statutes Applicable to the Specific State Agency or to any Specific Regulation or Class of Regulations:

Pursuant to California Government Code section 11346.5(a)(4), no other matters prescribed by statute are applicable to the STO or to any specific regulation or class of regulations pertaining to the proposed actions or the STO.

Technical, Theoretical or Empirical Studies, Reports or Documents:

None.

Effect on Small Business:

The STO has determined the proposed regulatory actions have no impact on small businesses. Participation in the Time Deposit Program is primarily conducted by medium to large financial institutions.

Impact on Local Agencies or School Districts:

The STO has determined the proposed regulatory actions do not impose a mandate on local agencies or school districts.

Fiscal Impact:

The STO has determined the proposed actions do not impose any additional cost or savings to any state agency, any costs to any local agency or school district

which must be reimbursed in accordance with Government Code Sections 17500 through 17630, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

Cost Impacts:

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

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

The STO has made an initial determination that the amendment of these regulations 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.

Assessment of Effect on Jobs and Business Expansion, Elimination or Creation:

Adoption of these regulations will not:

- 1) create or eliminate jobs within California;
- 2) create new businesses or eliminate existing businesses within California; or
- 3) affect the expansion of businesses currently doing business within California.

Cost Impact on Housing:

The STO has determined the proposed actions will not have any effect on housing costs.

Reasonable Alternative:

Pursuant to Government Code section 11346.5(a)(13), the STO must determine that no reasonable alternative to the proposed actions considered by the STO or that has otherwise been identified and brought to the attention of the STO would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

The STO invites interested persons to present statements with respect to alternatives to the proposed actions during the written comment period.

Agency Contact:

Shirley Sneed, Treasury Program Manager
 California State Treasurer’s Office
 915 Capitol Mall, Room 101
 Sacramento, CA 95814
 (916) 653-1300

The following person is designated as a backup contact person for inquiries only regarding the Regulations:

Kristin Smith, Staff Counsel
 California State Treasurer’s Office
 (916) 651-9479

Written Comment Period and Availability of Changed or Modified Text:

Any interested person, or person’s duly authorized representative, may submit written comments relevant to the proposed actions to the STO. All comments to be considered by the STO must be submitted in writing to the Agency Contact identified in this Notice. The written comment period on the proposed actions will end at 5:00 p.m. on July 27th, 2009.

After the close of the comment period and following a public hearing, if any is requested, the STO may make the regulations permanent if they remain substantially the same as described in the Notice, without further notice. If the STO does make changes that sufficiently differ from the originally proposed text, the modified text (with the changes clearly indicated) will be made available to the public at least 15 days prior to adoption, as modified.

Inquiries about and requests for written copies of any changed or modified regulations must be addressed to the Agency Contact identified in the Notice.

Availability of Initial Statement of Reasons, Rule-making File and Express Terms of Proposed Regulations:

Pursuant to the California Government Code, the STO has established a rulemaking file for the regulatory action, which contains those items required by law. The file is available for inspection at the STO’s office at 915 Capitol Mall, Room 101, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact designated in this Notice. In addition, the rule-making file, including the Initial Statement of Reasons and the proposed text, may be viewed on the STO’s website, www.treasurer.ca.gov.

Availability of Final Statement of Reasons:

Pursuant to Government Code section 11346.9(a), the STO is required to prepare a Final Statement of Reasons. Once the STO has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the STO’s website described above. Written requests for copies should be addressed to the Agency Contact identified in this Notice.

TITLE 2. DEPARTMENT OF GENERAL SERVICES

NOTICE OF PROPOSED RULEMAKING

The Department of General Services (DGS) proposes to adopt modifications to the regulations described be-

low after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The DGS proposes to modify the California Code of Regulations, Title 2, sections 1896.4 and 1896.12. These sections concern the definitions and eligibility for certification of small businesses and microbusinesses.

The proposed amendments increase the average annual gross receipts limit of \$12 million to \$14 million for eligibility for certification as a small business in California State contracting. It also increases the average annual gross receipts limit of \$2.75 million to \$3.5 million for eligibility for certification as a microbusiness in California State contracting.

PUBLIC HEARING

DGS has not scheduled a public hearing on this proposed action. However, the DGS will hold a hearing if it receives a significant number of written requests for a public hearing from interested persons or their authorized representatives no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons or their authorized representatives may submit written comments relevant to the proposed regulatory action to the DGS. The written comment period closes at 5:00 p.m. on **August 24, 2009**. The DGS will consider only comments received at the DGS office by that time. Submit comments to:

DGS, Procurement Division
Office of Small Business and Disabled Veteran
Business Enterprise Services
Attention: Diana Alfaro
707 3rd Street, 1st Floor, Room 1-400
Sacramento, CA 95605
Email to diana.alfaro@dgs.ca.gov

AUTHORITY AND REFERENCES

Authority: § 14837(d)(3) and 14843, Government Code

Reference: § 14837(d)(1) and (2), Government Code; § 1896.4(q), 1896.12 Division 2 of Title 2 of the California Code of Regulations

INFORMATIVE DIGEST

Government Code section 14837, subdivisions (d)(1), (2) and (3) read as follows:

- (1) “Small business” means an independently owned and operated business that is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and that, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 100 or fewer employees.
- (2) “Microbusiness” is a small business that, together with affiliates, has average annual gross receipts of two million five hundred thousand dollars (\$2,500,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 25 or fewer employees.
- (3) The director shall conduct a biennial review of the average annual gross receipt levels specified in this subdivision and may adjust that level to reflect changes in the California Consumer Price Index for all items.

The DGS increased the average annual gross receipts levels by making appropriate revisions to the small business regulations effective January 11, 2007. The new limits were \$12 million for small business and \$2.75 million for microbusiness.

In September 2008, the DGS conducted an escalation analysis of the effect of the California Consumer Price Index for “all urban consumers.” The California Consumer Price Index for “all urban consumers” can be accessed on the internet at www.pd.dgs.ca.gov/smbus.default.htm. In accordance with Government Code section 14837, subdivision (d)(3), the DGS shall conduct a biennial review of the average annual gross receipt limits and may adjust that limit to reflect changes in the California Consumer Price Index. The objective of this proposed regulation amendment is to adjust the small business and microbusiness limits to reflect the changes in the California Consumer Price Index.

POLICY STATEMENT OVERVIEW

The purpose of the regulations is to increase the average annual gross receipts limit of small business and microbusiness for certification eligibility to adjust for inflation in accordance with the California Consumer Price Index.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DGS has made the following initial determinations:

- Mandate on local agencies and school districts: None.

- Cost or savings to any State agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §17561: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the State: None.
- Significant Statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impact on private person or directly affected businesses: The department is not aware of any cost impacts that any interested person, or his or her representative or business would necessarily incur in reasonable compliance with the proposed action.
- Creation or elimination of jobs within California: None.
- Creation of new business or elimination of existing businesses within California: None.
- Expansion of businesses currently doing business with California: Minimal. The increase may allow additional firms to qualify for the benefits of the Small Business Procurement and Contract Act (Government Code §14835 et seq.) It would further prevent some firms from disqualification as a certified small business or microbusiness if they exceed the current average annual gross receipts limits.
- Significant effect on housing costs: None.

BUSINESS REPORTING REQUIREMENT

The proposed regulations do not have any reporting requirement for businesses.

PLAN ENGLISH DETERMINATION AND OVERVIEW

Small Business Determination —

The proposed regulations impact small business and microbusiness. The specific effect of these amended regulations is expected to be minimal. The DGS certifies small and microbusinesses so that they can receive five percent preferences on low price State bids and receive prompt payment benefits under the California Prompt Payment Act, Government Code 927. The Office of Small Business and DVBE Services implement-

ed an online certification application effective January 1, 2007. It is impossible to estimate the number of firms denied certification online based on the applicant's average annual gross receipts. It is also unknown how many firms do not apply for certification due to awareness that their annual gross receipts exceed the current limit.

Plain English Policy Overview —

The objective of the proposed regulations is to increase the limit of average annual gross receipts from \$2.75 million to \$3.5 million for microbusinesses and from \$12 million to \$14 million for small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the DGS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the DGS 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 DGS invites interested persons, his or her representative to present statements or arguments with respect to alternatives to the proposed regulations at scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Diana Alfaro, Certification, Regulation and Policy Manager
 DGS, Procurement Division
 Office of Small Business and Disabled Veteran
 Business Enterprise Services
 707 3rd Street, 1st Floor, Room 400
 West Sacramento, CA 95605
 (916) 375-4919
 Email: diana.alfaro@dgs.ca.gov

The alternate for submission of inquiries is:

Gloria Anderson, Office Chief
 DGS, Procurement Division
 Office of Small Business and Disabled Veteran
 Business Enterprise Services
 707 3rd Street, 1st Floor, Room 400
 West Sacramento, CA 95605
 (916) 375-4936
 Email: gloria.anderson@dgs.ca.gov

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The DGS will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the referenced address above. 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, the initial statement of reasons, the escalation analysis, and the DGS Director's letter of approval to increase the average annual gross receipts. Copies may be obtained by contacting Diana Alfaro at the address, telephone or email address referenced above. Copies of this notice, the proposed text of the regulations, the initial statement of reasons, the escalation analysis and the DGS Director's letter of approval to increase the average annual gross receipts may be also viewed and downloaded from the DGS Web site at www.pd.dgs.ca.gov/smbus/default.htm.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

After considering all timely and relevant comments received, the DGS may adopt the proposed regulations substantially as described in this notice. If the DGS makes modifications, which are sufficiently related to the originally proposed text of regulations, it will make the modified text with the changes clearly indicated and available to the public for at least 15 days before the DGS adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Diana Alfaro at the contact information reflected above. The DGS 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 Diana Alfaro at the address, telephone or email address previously listed in the Notice of Proposed Rulemaking.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI-COUNTY: Las Virgenes-Triunfo JPA

A written comment period has been established commencing on **June 12, 2009**, and closing on **July 27, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 27, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND
BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Spevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND AND ADOPT THE FOLLOWING REGULATION SECTIONS, ALONG WITH ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO SCHOOL FACILITIES NEEDS ASSESSMENT AND EMERGENCY REPAIR PROGRAM

REGULATION SECTIONS PROPOSED FOR AMENDMENT: 1859.302, 1859.324.1 AND 1859.330.

REGULATION SECTION PROPOSED FOR ADOPTION: 1859.324.2.

FORMS PROPOSED FOR AMENDMENT:

Grant Request, Form SAB 61-03 (Revised 12/08), referenced in Regulation Section 1859.302

Expenditure Report, Form SAB 61-04 (Revised 12/08), referenced in Regulation Section 1859.302

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced regulation sections, and associated forms, and incorporate by reference an associated worksheet, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and adopt the above regulation sections and adopt the associated worksheet under the authority provided by Sections 17592.72 and 17592.73 of the Education Code. The proposals interpret and make specific reference Sections 17592.70, 17592.71, 17592.72 and 17592.73 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Emergency Repair Program (ERP) was established through Senate Bill (SB) 6, Chapter 899, Statutes of 2004 (Alpert), to provide funding to local educational agencies (LEAs) to identify and repair conditions which threaten the health and safety of pupils and staff on eligible California school sites. SB 6 was enacted as a part of the settlement agreement in the case of *Williams v. State of California* (Superior Court, San Francisco, No. CGC-00-312236). The SAB adopted regulations to implement the ERP which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on May 31, 2005. Criteria are pro-

vided for program eligibility, apportionment of funds, program reporting requirements, authorized expenditures, and audits of program compliance and expenditures.

Additional regulatory amendments to the ERP were adopted by the SAB to implement Assembly Bill 607, Chapter 704, Statutes of 2006. They established a grant application process to award funds in addition to allowing reimbursement of funds already expended, and permitted limited funding for applicants' costs to prepare and submit application documents. These amendments were approved by the OAL and filed with the Secretary of State on July 2, 2007.

The SAB, at its December 10, 2008 meeting, adopted proposed regulatory amendments to the ERP to extend the time limit to complete an emergency repair or replacement project by three months. Upon project completion, LEAs must submit their completed *Expenditure Report* accompanied by any project savings and/or interest earned on State funds. This will expedite the return of these funds to the State, which are then available to fund future ERP projects.

The proposed regulatory amendments, adoption of a new section, and incorporation by reference of a new worksheet are summarized as follows:

Existing Regulation Section 1859.302 defines words and terms that are essential to these regulations. The proposed amendments change the revision date of Forms SAB 61-03 and SAB 61-04 to "Rev 12/08."

Existing Regulation Section 1859.324.1 specifies the process for an LEA to return to the State any part of the grant apportionment that exceeded allowable project expenditures ("project savings") plus interest earned on State funds. Currently, after ERP project completion, the return to the State of such project savings and interest earned first requires a grant adjustment to be presented to the SAB, followed by a 60-day period for the LEA to return the funds. The proposed amendments specify that the return to the State of these funds must accompany the LEA's submittal of the Form SAB 61-04 to the OPSC, and eliminates the delay in returning these funds to the State until up to 60 days following approval of a grant adjustment by the SAB.

Proposed adoption of Regulation Section 1859.324.2 clarifies that all interest earned on ERP grant funds must either be applied to eligible project costs as approved by the SAB and pursuant to Section 1859.323, or returned to the State.

Existing Regulation Section 1859.330 specifies time limits for LEAs that receive ERP grants to complete the project and submit the Form SAB 61-04, *Expenditure Report*, to the OPSC. The time limit is 12 months from the grant apportionment, but is 18 months from the grant apportionment if review and approval from the Division of the State Architect is required. The pro-

posed amendments extend these time limits to 15 months and 21 months, respectively.

Existing Form SAB 61-03, *Grant Request*, is required to be submitted by LEAs to apply for ERR funding for emergency repair and replacement costs. The proposed amendments clarify the LEA requirements for submittal and retention of supporting documents, reporting the "Project Cost" for completed projects, and determining the "Total Grant Request." In addition, references to regulation sections are specified as "ERP" regulation sections.

Existing Form SAB 61-04, *Expenditure Report*, is submitted by LEAs to report expenditures under the ERP that support the State grant they received. The proposed amendments advise LEAs of the requirement to remit to the OPSC, along with the completed Form, any project savings and/or interest earned on State funds remaining after completion of ERP projects. In addition, the proposed amendments clarify the LEA requirements for submittal and retention of supporting documents, and the reporting of project costs, total grant amount, interest earned, grant adjustment, and payment instructions for amounts due back to the State. LEAs are instructed to use the new *Emergency Repair Program Detailed Listing of Warrants Worksheet (New 12/08)*, or an equivalent alternative, to report required categories of project data and expenses. In addition, references to numbered regulation sections are specified as "ERP" regulation sections.

Proposed adoption to incorporate by reference the *Emergency Repair Program Detailed Listing of Warrants Worksheet facilitates* LEAs reporting each warrant issued for project expenses as corresponds to each type of project reported on Forms SAB 61-03 and SAB 61-04. The worksheet contains instructions and data fields to report the following information: "LEA Name, County, Application No., Project Detail Line Number, Date, Payee, Fund Source, Warrant No., Planning, Construction, Application Documentation Preparation and Submittal Costs, and Description of Work."

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on

businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts/local educational agencies for purposes of funding emergency repair projects under the ERP.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than July 27, 2009, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions con-

cerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 8. DIVISION OF WORKERS' COMPENSATION

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

NOTICE OF PROPOSED RULEMAKING

Subject Matter of Regulations: Health Care Organizations

Title 8, California Code of Regulations, Sections 9771, 9778, 9779, 9779.5, and 9779.9.

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in her by Labor Code sections 133, 4600.3, 4600.5, 4600.7 and 5307.3, proposes to adopt and amend regulations within Article 8, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9771, relating to Health Care Organizations.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation (hereinafter "Division"), proposes to adopt a regulation within Article 3.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9771, relating to Health Care Organizations:

- Section 9771 Application for Certification
- Section 9778 Evaluation
- Section 9779 Certification
- Section 9779.5 Reimbursement of Costs to the Administrative Director;
Obligation to Pay Share of Administrative Expense
- Section 9779.9 Late Payment

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the subjects noted above, on the following dates:

- Date:** July 27, 2009
- Time:** 10:00 a.m. to 5:00 p.m. or until conclusion of business
- Place:** Elihu Harris State Office Building — Auditorium
1515 Clay Street
Oakland, California 94612

The State of California Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other types of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request.

If you will require accommodation to attend the hearing, please contact the Statewide Disability Accommodation Coordinator at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

In order to ensure unimpeded access for disabled individuals wishing to present comments and facilitate

the accurate transcription of public comments, camera usage will be allowed in only one area of the hearing room. To provide everyone a chance to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

The Administrative Director requests, but does not require that, any persons who make oral comments at the hearings also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Division. The written comment period closes at **5:00 p.m., on July 27, 2009**. The Division will consider only comments received by the Division by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m. on July 27, 2009**.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code Sections 133, 4600.3, 4600.5, 4600.7, 4603.5, and 5307.3.

Reference is to Labor Code Sections 4600, 4600.3, 4600.5, 4600.6 and 4600.7.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Labor Code section 4600.3 established Health Care Organizations ("HCOs") which are certified medical organizations that enable employers to manage the health care of injured employees in accordance with Labor Code section 4600.3 *et seq.* Labor Code sections 4600.5 and 4600.6 require the administrative director to develop a certification procedure for HCOs. Labor Code sections 4600.5 and 4600.7 require the administrative director to establish reasonable fees to cover the costs of HCO certification and administration. The administrative director has established regulations implementing these provisions of the Labor Code.

These proposed regulations amend and implement these sections of the Labor Code as follows:

- **Proposed Amendments to Section 9771 — Application for Certification.**

Section 9771 specifies the fees and information required in an application to the Administrative Director for certification as an HCO.

The proposed amendment to subdivision (f) reduces the certification fee from \$20,000 to \$2,500. The proposed amendment to subdivision (g)(1) reduces the certification fee for Health Care Service Plans licensed pursuant to the Knox-Keene Health Care Service Plan Act from \$10,000 to \$1,000.

- **Proposed Amendments to Section 9778 — Evaluation**

Section 9778 lists the information required by the Workers' Compensation Information System (WCIS) as well as additional data to be collected for HCO evaluation purposes.

Subdivision (a)(1) has been revised to avoid duplication of information that is now being collected electronically by the WCIS.

Subdivision (a)(2) has been added and replaces subdivision (c)(2) to clarify the annual deadline for the submission of the remaining required information to the Administrative Director.

Subdivisions (b)(1) through (b)(10) have been deleted and replaced by language in subdivision (b) to avoid duplication of information that is now being collected electronically by the WCIS.

Subdivision (c)(1) and (c)(2) have been deleted and replaced by language in subdivision (b) to avoid duplication of information that is now being collected electronically by the WCIS.

- **Proposed Amendments to Section 9779 — Certification**

Section 9779 specifies the length of HCO certification to be three years and defines what the certification includes. The section also requires recertification at the expiration of the certification period and states the fee for recertification.

The proposed amendment to subdivision (d) reduces the recertification fee from \$10,000 to \$1,000.

● **Proposed Amendments to Section 9779.5 — Reimbursement of Costs to the Administrative Director; Obligation to Pay Share of Administrative Expense**

Section 9779.5 specifies additional fees to be submitted by certified HCOs to the Administrative Director to contribute to paying the costs of HCO administration but not to exceed the costs of administration. The section mandates an Annual Assessment fee per HCO enrollee, an annual general fund loan repayment surcharge to be paid for up to eight years, and imposes non-routine audit fees.

The proposed amendment to subdivision (a)(1) reduces the annual assessment fee from \$1.00 per HCO enrollee to a three-tiered fee assessment system: \$250.00 for 0 to 1000 HCO enrollees, \$350 for 1001 to 5000 HCO enrollees, and \$500 for 5001 or more HCO enrollees.

The proposed amendment to subdivision (a)(2) eliminates the general loan repayment surcharge.

● **Proposed Amendments to Section 9779.9 — Late Payment**

Section 9779.9 imposes a late payment fee for failure to pay fees and assessments more than sixty days after the payment deadline.

The proposed amendment eliminates the late payment fee.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Administrative Director has made the following initial determinations:

- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. The economic impact of the regulations is expected to benefit California businesses as the regulations significantly reduce the existing fees.
- Adoption of these regulations

- (1) **may** affect the creation of jobs within the State of California if there is an increase in HCOs and their need for employees, but the regulations will not eliminate jobs within the State of California,
- (2) **may** create new businesses as more HCOs may be created to meet an increase in demand for HCO services due to the regulatory changes, but the regulations will not eliminate existing businesses within the State of California, and
- (3) **may** affect the expansion of businesses currently doing business in California as the regulations ease the economic costs of running and having an HCO, which will likely increase business for HCOs.

- Effect on Housing Costs: None.
- Cost impacts on representative private persons or business: The proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. The economic impact of the regulations is expected to benefit California businesses as the regulations significantly reduce the existing fees.

EFFECT ON SMALL BUSINESS

The Administrative Director has determined that the proposed regulations will not affect small businesses. The businesses that are subject to the proposed regulations are insurers, health care service plans, and third party administrators, none of which qualify as “small businesses.”

FISCAL IMPACTS

- Costs or savings to state agencies or costs/savings in federal funding to the State: There may be administrative costs to the Division resulting from the regulations due to an increase in HCOs. These costs will be addressed through the normal budget process.
- Local Mandate: None. The proposed regulations will not impose any new mandated programs or increased service levels on any local agency or school district.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code: None. (See “Local Mandate” section above.)
- Other nondiscretionary costs/savings imposed upon local agencies: None. (See “Local Mandate” section above.)

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Administrative Director must determine that no reasonable alternative considered or that has otherwise been identified and brought to the Administrative Director's attention will be more effective in carrying out the purpose for which the actions are proposed or will be as effective and less burdensome to affected private persons than the proposed actions.

The Administrative Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the text of the draft proposed regulations was made available for pre-regulatory public comment by the general public through a posting on the Division's Internet message board (the DWC Forums).

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, pre-rulemaking comments, and the Economic and Fiscal Impact Statement (Form 399). As public comments are received during the rulemaking process, they will be added to the rulemaking file.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations — Rulemaking" link and scroll down the list of rulemaking proceedings to find the current "Health Care Organization Regulations" rulemaking.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at

the headquarters of the Division of Workers' Compensation, 1515 Clay Street, Oakland, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray, Regulations Coordinator
 Division of Workers' Compensation
 Post Office Box 420603
 San Francisco, CA 94142

Inquiries may be submitted by e-mail to: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

BACKUP CONTACT PERSON/CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person:

Yu-Yee Wu
 Division of Workers' Compensation
 Post Office Box 420603
 San Francisco, CA 94142

The telephone number of the backup contact person is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

Upon closure of time for receipt of public comments, the Administrative Director may adopt the proposed rulemaking substantially as described above or may modify it if such modifications are sufficiently related to the original text.

With the exception of technical, grammatical or other non-substantive changes, if the Administrative Director makes any changes to the proposed regulations as a result of the public hearing and public comment received, the full text of such modifications to the pro-

posed rulemaking, with changes clearly indicated, will be made available for public comment 15 days prior to their adoption. Notice of the modified text will be mailed to those persons who submit written or oral comments related to the proposed rulemaking or who request notification of any changes to the proposed rulemaking.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the proposed amendments to the health care organization regulations will appear in Title 8, California Code of Regulations, commencing with section 9771.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF MENTAL HEALTH

NOTICE IS HEREBY GIVEN that the Department of Mental Health, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code located in Title 9, Division 1, Chapter 2, Section 400 of the California Code of Regulations. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Mental Health proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment, based on a comprehensive management review, updates or deletes some titles and adds 29 new position titles to the list of designated employees (Appendix A). It also adds several new list headings to include a department-wide category, moves some titles to more appropriate headings, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 28, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below. At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 13, 2009, by contacting the Contact Person set forth below.

The Department of Mental Health has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Mental Health has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Mental Health has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

JON CORDOVA
 1600 9TH STREET, ROOM 435
 SACRAMENTO, CA 95814
 (916) 651-1446
 Jon.Cordova@dmh.ca.gov

**TITLE 14. FISH AND GAME
 COMMISSION**

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 355, 2055, 3004.5, 3683, and 3950 of said Code, proposes to add sections 311.1 and 507.2, Title 14, California Code of Regulations, relating to methods authorized for taking resident small game and migratory upland game birds within the range of the California condor.

**INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW**

Section 311.1

The existing regulations provide for methods to be used to take small game, including rabbits, squirrels and resident upland game birds. Traditionally, projectiles (bullets) containing lead and lead shot have been used. The regulation changes proposed as options would require non-lead projectiles for resident small game hunting in the geographic area determined by the Fish and Game Commission (Commission) to reduce risk of indirect lead toxicity to free-ranging California condors. Lead-alternative projectiles are considered effective for hunting and are not considered to be toxic to the California condor.

The proposal will allow the Commission to consider whether to establish that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm, pellet gun, or air rifle capable of firing the projectile while taking or attempting to take resident small game.

The proposed rulemaking is intended to provide the Commission with two options to consider in addition to the recommended “no change” option:

1. **Option #1:** establish that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm, pellet gun, or air rifle capable of firing the projectile while taking or attempting to take jackrabbits, varying hares, cottontail rabbits, brush rabbits, pigmy rabbits, and tree squirrels within the area described in 3004.5 of the Fish and Game Code; or
2. **Option #2:** establish that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm, pellet gun, or air rifle capable of firing the projectile while taking or attempting to take any resident small game species (the same species as in #1, plus resident game bird species) as defined in Title 14, CCR, Section 257, within the area described in 3004.5 of the Fish and Game Code.

The following species would be included in Option #2:

- jackrabbits and varying hares (genus *Lepus*);
- cottontail rabbits, brush rabbits, pigmy rabbits (genus *Sylvilagus*);
- tree squirrels (genus *Sciurus* and *Tamiasciurus*);
- Chinese spotted doves, Eurasian collared-doves, ringed turtle-doves, of the family Columbidae;
- California quail and varieties thereof;
- Gambel’s or desert quail;
- mountain quail or varieties thereof;
- blue grouse and varieties thereof;
- ruffed grouse, sage grouse (sage hens), white tailed ptarmigan;
- Hungarian partridges, red-legged partridges, including the chukar and other varieties;
- Ring-necked pheasants and varieties
- Wild turkeys of the order Galliformes

Section 507.2

The existing regulations provide for methods to be used to take small game, including rabbits, squirrels; and resident and migratory upland game birds. Traditionally, projectiles containing lead and lead shot have been used. The regulation changes proposed as options would require non-lead projectiles for migratory upland game (common snipe, western mourning doves, white-winged doves and band-tailed pigeons) hunting in the geographic area described in Section 3004.5 of the Fish and Game Code (California Condor range) to reduce risk of indirect lead toxicity to free-ranging California condors. Lead-alternative projectiles are considered effective for hunting and are not considered to be toxic to the California condor.

The proposal will allow the Commission to consider whether to establish that it is unlawful to possess any

projectile containing lead in excess of the amount permitted and a firearm, pellet gun, or air rifle capable of firing the projectile while taking or attempting to take migratory upland game birds.

The proposed rulemaking is intended to provide the Commission with an option to consider in addition to the recommended “no change” option:

Establish that it is unlawful to possess any projectile containing lead in excess of the amount permitted and a firearm capable of firing the projectile while taking or attempting to take migratory upland game birds defined in Section 3683 of the Fish and Game Code, [jacksnipe (common snipe), western mourning doves, white-winged doves and band-tailed pigeons], within the area described in 3004.5 of the Fish and Game Code.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, June 25, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, August 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 31, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 3, 2009. All comments must be received no later than August 6, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the pro-**

posed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Section 311.1: The proposal 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. While ammunition retailers may experience a reduction in sales, the impact is not expected to be significant because lead ammunition for hunting upland game would still be allowed in areas outside the condor range, and there would still be target shooting demands for lead ammunition in the condor range.

Section 507.2: The proposed 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. While ammunition retailers may experience a reduction in sales of lead projectiles, the impact is not expected to be significant because non-lead projectiles for hunting migratory upland game birds are readily available and currently sold in the same stores.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Section 311.1: Ammunition retailers not offering non-lead ammunition options will likely experience a reduction in sales and revenue. Those can be mitigated by including non-lead ammunition in their sales inventory. The demand for non-lead ammunition alternatives for a variety of purposes (enforcement, security, target practice) in addition to hunting is increasing.

Section 507.2: Most ammunition retailers currently offer non-lead (e.g. steel shot) ammunition options because it is required for taking waterfowl. Retailers can be expected to increase their non-lead ammunition in their sales inventory. The demand for non-lead ammunition alternatives for a variety of purposes (enforcement, security, target practice) in addition to hunting is increasing.

- (c) Cost Impacts on a Representative Private Person or Business:

Section 311.1: Department inquiries indicate that although the number of manufacturers currently producing non-lead ammunition is limited and the price of non-lead ammunition is higher in cost than lead ammunition, neither of these factors will result in significant adverse cost impact to California's small-game hunters.

The requirement of non-lead ammunition for hunting of rabbits and squirrels within condor range will be an obstacle for some hunters. While non-lead shotgun ammunition is readily available, rifle ammunition typically used for small game mammals (.22 caliber) is just now coming into production, is likely to be unavailable for retail sale until sometime during 2009, and is anticipated to be more expensive.

Some upland game is taken with larger caliber ammunition. The difference in price for a box (20

rounds) of non-lead ammunition compared to lead ammunition varies depending on caliber. A popular caliber (.243 caliber) non-lead ammunition costs an additional \$5.00 (22%) per box, compared to lead. Reloading bullets are also more expensive. Non-lead bullets (50 per box) cost 65% more than lead for .224 caliber.

When viewed as part of the total cost of a hunting trip however, (license, tags, food, lodging, fuel, carcass processing, etc.) the additional cost is not likely to be significant.

Section 507.2: Department inquiries indicate that there are many manufacturers currently producing non-lead ammunition for taking migratory upland game birds. The price of non-lead ammunition is slightly higher in cost than lead ammunition. Steel shotshells cost 10-20% more than lead shotshells.

When viewed as part of the total cost of a hunting trip however, (license, food, fuel, etc.) the additional cost is not likely to be significant.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Sections 311.1 and 507.2: Minor costs of approximately \$20,000 per year for outreach materials, which will be absorbed in the Department's current budget.

There has been some concern from the public that decreased hunting license sales would result, and in turn, a decrease in Federal funding would be available to the state. The Department of Fish and Game has no data to substantiate that this will happen, although a survey of hunters in Fall 2006 suggested some would not buy hunting licenses if a regulatory change were made relative to hunting of big game.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

Sections 311.1 and 507.2: None.

- (f) Programs Mandated on Local Agencies or School Districts:

Sections 311.1 and 507.2: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

Sections 311.1 and 507.2: None.

(h) Effect on Housing Costs:

Sections 311.1 and 507.2: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

**TITLE 14. FISH AND GAME
COMMISSION**

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 713, 1002, 1050, 1053, 2118, 2120, 2122, 2150, 2150.2, 7701, 7708, 15005, 15102, 15200, 15202 and 15600, Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 220, 713, 1050, 1053, 1055, 2116, 2116.5, 2117, 2118, 2118.5, 2119, 2120, 2121, 2122, 2123, 2125, 2150, 2150.1, 2150.2, 2150.3, 2150.4, 2150.5, 2151, 2152, 2153, 2155, 2156, 2157, 2185, 2186, 2187, 2188, 2189, 2190, 2271, 7700, 7701, 7702, 7702.1, 7703, 8371, 8431, 15200, 15201, 15202, 15400 15505, and 15600, of said Code, proposes to amend Sections 671, 671.1 and 671.7 and Add Section 703, Title 14, California Code of Regulations, relating to New Restricted Species Permits and Requirements.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

In December 2007, the Commission added Barramundi, *Lates calcarifer*, to the Restricted Species List in Section 671, Title 14, California Code of Regulations (CCR). The placement of Barramundi on the Restricted Species List addressed the potential for escaped Barramundi to adapt to California conditions and a virus found in juvenile Barramundi that was not fully understood at the time. Although the Commission agreed that

Barramundi posed a threat to California's wildlife resources, the Department was directed to continue working with the aquaculture industry on a reasonable approach to support aquaculture and sales of Barramundi in California.

Since 2007, the Department has held discussions with California aquaculture industry representatives on reasonable measures that could be implemented to allow the development of aquaculture of Barramundi with facilities and practices that would ensure minimal risk to California wildlife resources.

In late 2008, the Department was also approached by a California seafood importer who is seeking to import live farmed Barramundi for human consumption. The seafood importer wants to import live Barramundi into retail commercial establishments where they will be maintained alive for human consumption until purchased when it will be killed and packaged for consumer use.

The California aquaculture industry has continued to express strong interest in farming Barramundi in appropriate areas, e.g. in the desert and isolated from suitable Barramundi habit, and the use of effective recirculation and containment to minimize disease risks.

Proposal Overview

With a broader understanding of the risks associated with importation of live Barramundi, and development of adequate control procedures to address the risks to the natural environment, the Department is proposing to allow Barramundi importation under controlled conditions for aquaculture farming purposes and retail sales in a commercial establishment where it will be maintained alive for human consumption until killed and packaged for consumer use.

The Department's proposal will allow transportation of all life stages of Barramundi, including broodstock, between permitted aquaculture facilities for aquaculture farming purposes. Also permitted importers, wholesalers, and aquaculturists will be allowed to transport live Barramundi that are 300 mm to 500 mm in total length or weigh 1 to 3 pounds for retail sales at terminal markets in approved geographic regions. These narrow size and weight ranges coupled with strict geographic distribution ensures low probability of surviving to sexually maturity, if there is any accidental or illegal release into the natural environment. This size/weight requirement also ensures that the fish are out of the juvenile life stage to facilitate disease detection and management. All activities will be required to maintain effective biosecurity conditions at all times.

Additionally, passage of AB 820 (Strickland, Chapter 689, Statutes of 2005) resulted in substantial modification and/or addition to existing laws (sections 2116–2195 of the Fish and Game Code (FGC)) related to possession of wild animals in California. Also recent

events involving captive restricted species (a human fatality incident and separate escaped animal incidents) have necessitated some reconsideration, modification, and addition to the existing regulations to address unanticipated issues.

The Department proposal achieves a balance between the Department's mission to protect California's natural resources and the strong demand for new marketing opportunities and growth by California's aquaculture and seafood industries. The wildlife related changes are combined with the proposed aquaculture and seafood changes to reduce Commission workload and regulatory rulemakings.

This proposal complies with the Aquaculture Development Committee recommendation for support of the aquaculture industry's desire to farm new aquaculture products that are sustainable and economically viable.

The following proposed changes will amend the Restricted Species List for Barramundi and add four new Restricted Species permits and associated permitting requirements as follows:

Aquaculture and Seafood

- 1) Allow live importation, possession, transportation, and sales of Barramundi under an authorized permit.
- 2) Allow live retail sales of Barramundi that are 300 mm (11.8 inches) to 500 mm (19.6 inches) in total length or weigh 1 to 3 pounds into the counties north of the Tehachapi Mountains under an authorized permit.
- 3) Establish a new permit and requirements for live importation, possession, transportation and sales of a restricted aquatic species for aquaculture farming purposes by a registered aquaculturist.
- 4) Establish a new permit and requirements for live importation, possession, transportation and sales of a restricted species for retail sales from a commercial establishment where it will be maintained alive for human consumption until purchased when it will be killed and packaged for consumer use.
- 5) Propose regulations to address emergency contingency planning and cost recovery in the event of an escape or a containment failure involving a restricted species.

Wildlife

- 6) Establish a new permit and requirements for a person who is in the business of exhibiting animals, and clarify the qualifications to transport and possess a restricted species.

- 7) Establish a new permit and requirements for a person who is a resident or nonresident, is in the business of using birds to abate nuisance birds, and possesses the qualifications to import, transport, and possess a restricted species.
- 8) New and revised regulations to address issues such as breeding, escape and emergency contingency planning, public safety, identification of animals, and cost recovery for escape or emergency animal searches.

Regulatory Simplification

- 9) Move all restricted permit fees and add application form numbers into a new proposed Section 703 to facilitate annual fee updates pursuant to FGC Section 713 and 699, Title 14, CCR, and necessary form revisions.
- 10) Proposed additional minor changes are to align and clarify the regulations and reduce public confusion.

Present Regulations

Section 671, Title 14, CCR, contains the list of restricted species that are unlawful for any person to import, export, transport, maintain, dispose or use except as authorized in a permit issued by the department.

Section 671.1, Title 14, CCR, establishes the categories of permits that allow a person to import, export, transport, maintain, dispose of, or use for any purpose animals restricted by Section 671 to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety.

671.7, Title 14, CCR, states the Department may issue permits for importation, possession, transportation and sales of aquatic animals listed in Section 671 for aquaculture purposes.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department is proposing the following changes to current regulations:

Section 671 will be revised to allow for an exception for Barramundi importation and sales under certain conditions under of an authorized permit.

- 1) Subsection 671(c)(2)(K)2.i. will be removed since any wolf hybrid whelped before February 5, 1998 is now deceased.
- 2) Subsection 671(c)(3)(B)1. will be updated to add the common name Clawed frog to the genus *Xenopus*.
- 3) Subsections 671(c)(5)(J), (O) and (R) are proposed to updated with recent scientific name changes by the American Fisheries Society.

- 4) Subsection 671(c)(5)(U) is proposed to be modified to with an exception for importation, transportation, possession, or sales of Barramundi. Live sales for human consumption of Barramundi that range from 1 to 3 pounds in weight or 300 mm (11.8 inches) to 500 mm (19.6 inches) in length will be allowed in all counties except for San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial, under the conditions set forth in Section 671.7.
 - a. These narrow size and weight ranges coupled with strict geographic distribution ensures low probability of surviving to sexually maturity, if there is any accidental or illegal release into the natural environment.
 - b. This size/weight requirement also ensures that the fish are out of the juvenile life stage to facilitate disease detection and management.
 - c. These proposed changes will ensure Barramundi are not sold alive for human consumption unless they are within the appropriate size/weight range and from a location out of the southern area of California.
 - d. These restrictions only apply to live sales for human consumption and do not apply to shipments for aquaculture farming purposes.
- 5) Subsection 671(c)(7)(g) will be revised to apply to all Gila monsters in the genus *Heloderma* to strengthen enforcement measures and increase public safety from venomous reptiles.
- 6) Subsection 671(c)(9)(D) will be revised to correct the species name for pink abalone.
- 7) Subsection 671(c)(10) will be revised to add the common name quagga mussel to the genus *Dreissena*.
- 8) Additional minor changes are proposed to align and clarify the regulations and reduce public confusion.

Section 671.1 will be revised to establish four new Restricted Species Permits for Aquaculture, Native Species Exhibiting, Nuisance Bird Abatement and Wholesale/Importation. The section will also be revised to address breeding, escape/emergency contingency planning, public safety, identification of animals, and cost recovery for animal searches. Additional minor changes are proposed to align and clarify the regulations and reduce public confusion. The following list contains the substantial proposed changes:

 - 1) Subsection 671.1(a)(2) will be modified to allow that the department may enter all holding facilities, vehicles, vessels or other places where restricted species are kept or may be kept and these inspections may be made at any time with or without prior notification. This proposed change will facilitate enforcement measures
 - 2) Subsection 671.1(a)(3) will be modified to reduce the reporting requirement of name or address changes to five from 14 days to ensure quick Department notification.
 - 3) Subsection 671.1(a)(4) will be modified to require all records be legible, written in English, and available at the holding facility. This proposed change will ensure all records are easy to understand and available for all inspections.
 - 4) Subsection 671.1(a)(5) will be expanded to apply to the all importers and add poundage and sex, if available, to the transportation records. This proposed change will ensure adequate transportation records are retained for all importations into the state.
 - 5) Subsection 671.1(a)(6) will be modified to state a business can qualify for a permit by having at least one full time employee who meets qualifications for obtaining a restricted species permit as specified in section 671.1(c)(1) and requires annually proof of continued employment for a full time employee if the owner doesn't possess the required qualifications.
 - 6) Subsection 671.1(a)(9)(A) will be modified to clarify that the municipal treated sewage is not considered waters of the state for purposes of this section.
 - 7) Subsection 671.1(a)(10) will be added to allow the Department to confer with other state and federal agencies or any other person or entity in order to verify information on the application or to determine if the importation, transportation, or possession of any animal requested will be in the best interest of the state and animal.
 - 8) Subsection 671.1(b) will be modified to state the fees will be adjusted annually and moved to the new Section 703 and that the department may make amendments to existing permits under certain conditions.
 - 9) Subsection 671.1(b)(1) through (8) was struck-out and the eight original permits and four new permits restructured alphabetically with the

fees being move to the New Section 703 and the following proposed changes:

- a. Subsection 671.1(b)(1) will contain the Animal Care permit regulations with minor clarification changes.
 - b. Subsections 671.1(b)(2) will contain the new Aquaculture permit and requirements for a person who is a registered aquaculturist to import, transport, possess, and offer for sale restricted species for aquaculture purposes.
 - c. Subsection 671.1(b)(3) will contain the AZA permit regulations with minor clarification changes.
 - d. Subsection 671.1(b)(4) will contain the Breeding permit regulations with a new requirement of a breeding plan.
 - e. Subsection 671.1(b)(5) will contain the Broker/Dealer permit regulations with minor clarification changes.
 - f. Subsection 671.1(b)(6) will contain the Exhibiting permit regulations with minor clarification changes.
 - g. Subsection 671.1(b)(7) will contain the new Native Species Exhibiting permit and requirements for a person who is in the business of exhibiting native animals, and possesses the qualifications listed in Section 671.1(c)(1) to transport and possess restricted species.
 - h. Subsection 671.1(b)(8) will contain the new Nuisance Bird Abatement permit and requirements for a person who is a resident or nonresident, is in the business of using raptors to abate nuisance birds, and possesses the qualifications listed in Section 671.1(c)(1) to import, transport, and possess restricted species.
 - i. Subsection 671.1(b)(9) will contain the Research permit to require a research institution to demonstrate to the Department that they meet or exceed the requirements as part of a federal program or permit.
 - j. Subsection 671.1(b)(10) will contain the Shelter permit regulations with minor clarification changes.
 - k. Subsection 671.1(b)(11) will contain the Single Event Breeding for Exhibitors permit regulations with minor clarification changes.
 1. Subsections 671.1(b)(12) will contain the new Wholesale/Importation permit and requirements for a person who is a resident and is in the wholesale or importation business of selling fish or aquaculture product to import, transport, possess, and offer for sale restricted species.
- 10) Subsection 671.1(c)(1) will be modified to require qualifying experience to be within 10 years of application data. Aquaculture and Wholesale/Importation permittees will be exempt from these qualifications and must instead follow the requirements in Section 671.7. This proposed change will establish better qualification requirements for these new permits.
 - 11) Subsection 671.1(c)(2) will be modified to clarify the application process and exempt Aquaculture and Wholesale/Importation permittees from the application requirements listed in subsection 671.1(c)(2)(A) through (M) instead following the application requirements in Section 671.7. This proposed change will establish better application instructions requirements.
 - 12) Subsection 671.1(c)(2)(F) will be amended to describe the requirements for a breeding plan for restricted species.
 - 13) Subsection 671.1(c)(2)(G) will be added to establish new requirements for nonresident exhibitors to ensure the Department has the exhibiting schedule or any changes to ensure compliance.
 - 14) Subsection 671.1(c)(2)(H) and 671.1(c)(2)(I) will be added to ensure adequate documentation of federal requirements.
 - 15) Subsection 671.1(c)(2)(J) will be added to provide for “Emergency Action Plans” in the event of escape or injury involving a restricted species. This subsection will also enable cost–recovery from the permittee for Department involvement in capturing or ending the threat from escaped animals.
 - 16) Subsection 671.1(c)(2)(K) will be added to provide “Unique Identification” for every elephant, non–human primate, bear, wolf, gila monster, and animal in the Family Felidae that is possessed under a restricted species permit.
 - 17) Subsection 671.1(c)(2)(L) will be added to list the information needed from a Bona fide scientific institutions for the initial application and for each additional new species.

- 18) Subsection 671.1(c)(2)(M) will be added to ensure adequate documentation of federal requirements.
- 19) Subsection 671.1(c)(4) and (c)(5) will be modified and add (c)(6) to standardize denial, revocation and appeal procedures for permits.
- 20) Subsection 671.1(c)(6) will be change to (c)(7) and updated to move all permit fees to the new Section 703, clarify fee waiver conditions, and add an inspection fee waiver for an aquaculture or wholesale/importation permits, if their facilities have been previously inspected or have no fish health issues in the past year. This proposed change establishes clearer conditions for fee waivers.

Section 671.7 will be revised to add the following restricted species permit conditions for the Aquaculture and Wholesale/Importation permits. The following proposed changes establish adequate containment and control procedures to ensure protection of the natural environment. Additional minor changes are proposed to align and clarify the regulations and reduce public confusion.

- 1) Specify that a Section 236 importation permit is not required for aquatic animal importations under a Aquaculture and Wholesale/Importation restricted species permit.
- 2) Add definitions for closed–water system and terminal markets in subsection 671.7(a).
- 3) Specify the general permit requirements in subsection 671.7(b).
 - a. All live restricted species shall be held, raised, and transported in a closed–water system.
 - b. Facilities and transport systems must be designed so that biosecurity is maintained in the case of failure of the primary containment system.
 - c. Access to facilities and transport systems containing restricted species shall be restricted to assure against unauthorized removal of animals.
 - d. Co–mingling or hybridization of restricted and non–restricted species is prohibited unless authorized by the Department.
 - e. Require a written Emergency Action Plan that describes the emergency measures in the event of an escape or a containment failure involving a restricted species. This subsection will also enable cost–recovery from the permittee for Department involvement in the capture of escaped animals or a containment failure.

- f. In the event of adverse impacts arising from the farming of restricted species, or from violation of articles in this section, the Department is authorized to take appropriate and reasonable actions to remedy the situation.
- 4) Specify the permit application requirements in subsection 671.7(c)
 - a. The following information shall accompany an application for each new restricted species permit, amendment, or renewal:
 - b. New Applicants and Permittees Requesting Amendments: An inventory of all restricted species requested including the common and scientific name of the each species, and the weight, volume, or count of each species.
 - c. Renewals: An inventory of all restricted species presently held at their aquaculture facility including the common and scientific name of the each species, and the weight, volume, or count of each species.
 - d. A written statement detailing the type of business that will be conducted with the restricted species requested.
 - e. A copy of the applicant’s current aquaculture registration, if an aquaculture permit is being requested.
 - f. A copy of their Emergency Action Plan.
 - g. For annual renewal of a restricted species permit, the permittee shall report to the Department on the importation, production and/or dispensation of all restricted species their facility and on other information as specified in the permit.
- 5) Specify the live importation requirements in subsection 671.7(d).
 - a. No shipment of restricted species into the state may be made without permit.
 - b. All importations of restricted species shall be accompanied by a bill of lading, and a copy of the restricted species permit shall accompany each shipment.
 - c. The authorized source of restricted species must have good record of husbandry and health management as determined by the Department.
 - d. Notification of each restricted species animal importation shall reach the Department regional office at least five days in advance of the importation date to allow for adequate time to organize Department staff for entry inspections.

- e. All restricted species animals imported into California under these regulations may be inspected by the Department at either the place of entry into the state or at another location as specified by the department.
- 6) Specify the live transportation requirements within the state in subsection 671.7(e).
 - a. All shipments of live restricted species animals shall be accompanied by a bill of lading.
 - b. Notification of restricted species animal shipment(s) shall reach the Department regional office at least 48 hours in advance of the movement date.
 - c. Both the seller and consignee of restricted species shall retain a copy of the invoice, bill of lading or similar accountable document for three years.
- 7) Specify the sales requirements by permittees in subsection 671.7(f).
 - a. Restricted species products may be sold alive by aquaculture facilities or fish businesses with the appropriate permit.
 - b. All shipping containers of restricted species animals shall be labeled as restricted aquaculture product unless specifically authorized in the restricted species permit.
 - c. All restricted species products sold shall be accompanied by a sales invoice, showing the name and address of the permittee, the restricted species permit number, date of sale, the common and scientific name of the species, and the weight, volume, or count of each species sold. All applicable documents shall be immediately made available to the department upon request.
 - d. No live restricted species product shall be stocked in private, public or fish-for-fee facilities or released in the waters of the state.
- 8) Specify the sales requirements by terminal markets in subsection 671.7(g).
 - a. Terminal markets that purchase live restricted species product from permitted importer or permitted aquaculturist are not required to hold a restricted species permit provided the live restricted species product is maintained in a closed-water system.

- b. All restricted species products sold or leaving the premises of a terminal market shall be killed and accompanied by a sales receipt showing the date of purchase and name of business where purchased or be packaged in accordance with Section 240 of these regulations.
- c. No live restricted species product shall be allowed to leave a terminal market or released in the waters of the state.

Section 703 will be added to contain the restricted species permit fees and various application form numbers that are incorporated by reference. The permit fees are adjusted annually pursuant to the provisions of Section 699 and FGC Section 713. The proposed additions are outlined below:

The new application fees are proposed to be double the present application fee since it takes twice as long to process new applications for restricted species permits. The inspection fees are proposed to be increased as shown in Table 1 for further discussion during the public notice period.

Subsection (A) 2009 Restricted Species Permit Fees

1. Restricted Species Permit Application (New)	[\$ 50.75-\$101.50]
2. Restricted Species Permit Application (Amended or Renewal)	\$ 50.75
3. Animal Care — Welfare Species	\$ 50.25
4. Animal Care — Detrimental Species	\$422.25
5. Aquaculture	\$422.25
6. AZA	\$422.25
7. Breeding	\$422.25
8. Resident Broker/Dealer	\$422.25
9. Nonresident Broker/Dealer	\$844.50
10. Resident Exhibiting	\$422.25
11. Nonresident Exhibiting	\$844.50
12. Native Species Exhibiting	\$422.25
13. Resident Nuisance Bird Abatement	\$422.25
14. Nonresident Nuisance Bird Abatement	\$844.50
15. Research — Detrimental Species	\$422.25
16. Shelter	\$ 50.25
17. Single Event Breeding for Exhibitors	\$ 50.25
18. Wholesale/Importation	\$422.25
19. Fee for two initial inspections	[\$169.00-\$3000.00]
20. Hourly inspection fee (> 2 hrs)	[\$ 42.25-\$100.00]

Subsection 703(B) to (H) Restricted Species Application Forms

- (B) New Restricted Species Permit Application
FG 1312 (New 4/2009)

- (C) Native Species Exhibiting Permit Amendment Form
FG 1312a (New 4/2009)
- (D) New Native Species Exhibiting Permit Application
FG 1312b (New 4/2009)
- (E) Restricted Species Permit Inventory of Animals Form
FG 1313 (New 4/2009)
- (F) Native Species Exhibiting Inventory of Animals Form
FG 1313a (New 4/2009)
- (G) Restricted Species Permit Amendment Form
FG 1313b (New 4/2009)
- (H) Restricted Species Nonresident Exhibiting Itinerary Form FG 1316 (New 4/2009)

Table 1. Estimated Inspection Costs for Restricted Species Permits
100 mile local round trip¹

Inspection time	2 hrs.	\$91.91
Vehicle costs ²	100 miles	\$55.00
Travel time ³	1.7 hrs.	\$76.59
Staff time and vehicle costs total		\$223.50
<u>Dept. overhead (21.91%)</u>		<u>\$48.97</u>
Total Cost		\$272.47

Estimated cost for 100 mile roundtrip = \$250

850 mile round trip from Sacramento to southern CA¹

Inspection time	2 hrs.	\$91.91
Vehicle costs ²	800 miles	\$440.00
Lodging and meals	1 day	\$140.00
Travel time ³	13.3 hrs.	\$612.73
Staff time and vehicle costs total		\$1284.64
<u>Dept. overhead (21.91%)</u>		<u>\$281.46</u>
Total Cost		\$1566.11

Estimated cost for 850 mile roundtrip = \$1500

Footnotes

- ¹ Salary estimates derived from 50/50 split of Associate and Senior Fish Pathologist positions.
- ² Vehicle costs based 55 cents per mile for private vehicles.
- ³ Travel time based upon 60 mph.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Friday, June 25, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, August 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 4, 2009. All comments must be received no later than August 6, 2009. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Mr. Scott Barrow, Fisheries Program Branch, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed 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. The proposed action is necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The net impacts are unknown at this time.

- (C) Cost Impacts on a Representative Private Person or Business:

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. The proposed action will open up new marketing opportunities for the California's aquaculture and retail seafood industries which will offset the new permit fees and inspection costs.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed regulation changes would provide a cost recovery mechanism to offset Department costs related to permitting restricted species and for escaped animals.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

**TITLE 16. SPEECH-LANGUAGE
PATHOLOGY AND
AUDIOLOGY BOARD**

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 27, 2009. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code Sections 2531.95, and 2532.2, and 2532.6 to implement, interpret or make specific Sections 2532 and 2532.2(a) and 2532.6 of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Speech–Language Pathology and Audiology Board (“Board”) is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech–Language Pathology and Audiology Licensure Act. Section 2532.2 sets forth the required qualifications for individuals seeking licensure as speech–language pathologists and audiologists and authorizes the Board to establish criteria for the approval of educational institutions providing professional training. In addition, 2532.2 provides for a required externship or supervised provisional experience that all applicants must complete in order to be eligible for a permanent license. The Section provides the Board the authority to prescribe qualifications for those serving in a supervisory capacity.

Section 1399.152(e): Makes clarifying changes to the language providing the Board discretion to review any educational program offering training in speech–language pathology or audiology which is not accredited by a professional accrediting body as defined in associated regulations.

Section 1399.153.3(g): Makes changes to the license renewal cycle within which qualified supervisors must take refresher continuing professional development coursework in supervisory roles and responsibilities. The language extends the cycle from every two years to every four years as it is a more reasonable professional growth expectation, in that, relevant information concerning supervision guidelines do not change to a significant degree within a two–year period.

Section 1399.160.4(c)(3): Deletes “supervision training” from the definition of an indirect patient/client care course as it is clear that supervision training does directly impact quality of care to consumers, who will be treated by clinicians directly trained under a “knowledgeable and qualified” supervisor. Since there is a maximum of four hours of indirect client care activity that may be applied to the total number of continuing professional development hours for license renewal, removing supervision training from this section enables licensees to apply an unlimited number of hours in supervision training toward the twenty–four (24) hours of continuing professional development requirement. This change provides greater flexibility for licensees to earn the necessary continuing professional development training in an area that will ultimately result in optimal services to clients.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500–17630 Requires Reimbursement: None

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

AND

The following studies/relevant data were relied upon in making the above determination: None

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

Cost Impact on Private Persons or Entities: The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action as completion of continuing professional development is already a mandate for licensees. Completion of the supervision courses outlined in the regulatory amendments may qualify toward the continuing professional development requirements licensees must meet as a condition of license renewal.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses as it makes minor technical changes to the provisions regarding board approved academic training programs. The proposed changes do not place additional requirements on small business or on individuals eligible for employment by small business.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Speech–Language Pathology and Audiology Board at 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

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

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

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

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Annemarie Del Mugnaio
 Address: 2005 Evergreen Street, Suite 2100
 Sacramento, CA 95815
 Telephone No.: (916) 263–2909
 Fax No.: (916) 263–2668
 E–Mail Address: Annemarie_DelMugnaio@dca.ca.gov

The backup contact person is:

Name: Candace Raney
 Address: 2005 Evergreen Street, Suite 2100
 Sacramento, CA 95815
 Telephone No.: (916) 263–2291
 Fax No.: (916) 263–2668
 E–Mail Address: Candace_Raney@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.slpab.ca.gov.

TITLE 16. STATE BOARD OF GUIDE DOGS FOR THE BLIND

NOTICE IS HEREBY GIVEN that the State Board of Guide Dogs for the Blind (hereinafter “board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at **1625 N. Market Blvd., S–308, Sacramento, CA 95835 on July 30, 2009**. Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under **Contact Person** in this Notice, must be received by the board at its office not later than 5:00 p.m. on July 29, 2009 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7208 and 7211.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 7208 and 7211.1 of said Code, the board is considering changes to Division 22 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 7208 authorizes the board to govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.

The amendments to this Section 2286 include the following: (1) Lower the requirements for continuing education obtained from attending meetings from 16 to eight hours to make this consistent with the statutory requirement contained in Business and Professions Code section 7211.1, subdivision (a), which only requires eight hours per year of continuing education; (2) Delete the requirement that continuing education seminars or courses not be sponsored or conducted by an individual or organization not currently affiliated with a licensee of the board; and (3) Allow a mix of hours to arrive at the eight–hour requirement of either courses — or — seminars and attendance at meetings of guide dog users organizations of the blind.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

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

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses because the proposed regulations pertain to individual licensees or instructors.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the State Board of Guide Dogs for the Blind at 1625 N. Market Blvd., Suite S 202, Sacramento, California 95834.

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

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

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

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Antonette Sorrick, Executive Officer
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7825
Fax No.: (916) 574-7829
E-Mail Address: antonette_sorrick@dca.ca.gov

Back-up: Susan Cox, Administrative Assistant
Address: 1625 N. Market Blvd., Suite S-202
Sacramento, CA 95834
Telephone No.: (916) 574-7826
Fax No.: (916) 574-7829
E-Mail Address: susan_cox@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.guidedogboard.ca.gov.

TITLE 27. CAL/EPA OFFICE OF THE SECRETARY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE FOR THE OFFICE OF THE SECRETARY OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NOTICE IS HEREBY GIVEN that the Office of the Secretary of the California Environmental Protection Agency (Cal/EPA), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of the Secretary of Cal/EPA proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment renames existing classifications and, where warranted, moves them to a higher or lower category and deletes positions that are no longer used. It also expands, in Category II, the types of reporting for positions with duties that provide: Education or Training Services, and Grants, Loans or Scholarships and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 27, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 12, 2009, by contacting the Contact Person set forth below.

The Office of the Secretary of the Cal/EPA has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact person set forth below.

The Office of the Secretary of Cal/EPA has determined the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential costs impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of the Secretary of Cal/EPA must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice, should be directed to:

Steve Koyasako
1001 I Street, 25th Floor
Sacramento, CA 95814
(916) 327-5719
SKoyasako@calepa.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication June 12, 2009

**CESA CONSISTENCY DETERMINATION
REQUEST FOR**

State Route 99 Roadway Rehabilitation Project
(Rio Bonito)
Butte County
2080-2009-005-02

The Department of Fish and Game (Department) received a notice on May 22, 2009 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by

the California Endangered Species Act (CESA). This project includes widening shoulders to current standards, adding turn pockets, and removing vertical curves, and requires relocation of gas lines and electric transmission lines (Project). Project activities — including highway widening, moving of utilities, ditch clearing and grubbing — will result in permanent impacts to a total of 13.25 acres of habitat suitable for the giant garter snake (*Thamnophis gigas*), including 11.84 acres of rice field aquatic habitat, 0.13 acres of non-rice field aquatic habitat, and 1.28 acres of upland habitat; it will also result in temporary impacts to 32.99 acres of aquatic and upland giant garter snake habitat.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-1-06-F-0014)(BO) and incidental take statement (ITS) to the Federal Highway Administration (FHA) on December 19, 2005 — with amendments on January 12, 2006; November 27, 2006; and May 20, 2009 — which considered the effects of the project on the Federally threatened and State threatened giant garter snake.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS, as amended, are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

**CALIFORNIA FISH AND GAME
COMMISSION**

**NOTICE OF FINDINGS
Longfin Smelt
(*Spirinchus thaleichthys*)**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its March 4, 2009, meeting in Woodland, made a finding that the petitioned action to add the longfin smelt (*Spirinchus thaleichthys*) to the list of threatened species is warranted.

The basis for the listing relied most heavily on the following information:

- (1) longfin smelt abundance has declined substantially and in relation to increases in freshwater outflow;
- (2) low numbers of spawning longfin smelt may result in reproductive failure and increase the likelihood that a catastrophic event could severely affect the population;

- (3) longfin smelt are entrained by and lost at water diversions;
- (4) operations of the State Water Project and the Central Valley Project alter the character and position of the upper estuary salinity gradient;
- (5) longfin smelt habitat has changed and the change may be a threat to longfin smelt recovery;
- (6) continuing water pollution may be threat to longfin smelt recovery;
- (7) dredging and sand mining operations in the San Francisco Estuary could be a threat to longfin smelt recovery;
- (8) a commercial bait fishery for bay shrimp in the San Francisco Estuary takes longfin smelt as by-catch;
- (9) managed and other fishes prey on longfin smelt; and
- (10) loss of longfin smelt to scientific collection is a threat to longfin smelt recovery.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.5, Title 14, California Code of Regulations, to add the longfin smelt to the list of threatened species.

NOTICE IS FURTHER GIVEN that any person interested may present statements orally or in writing, relevant to this action at a hearing to be held at Yolo Fliers Club Ballroom, 17980 County Road 94B, Woodland, California, on June 25, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 19, 2009, to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 22, 2009. All comments must be received no later than June 25, 2009 at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

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)

REQUEST FOR COMMENTS ON CHEMICALS PROPOSED FOR LISTING BY THE LABOR CODE MECHANISM

June 12, 2009

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is requesting comments as to whether the chemicals identified in the table below meet the requirements for listing under the Labor Code mechanism of the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
Amsacrine	51264-14-3	Cancer	IARC (2000)
Bleomycins	11056-06-7	Cancer	IARC (1987)
Chlorophenoxy herbicides	Not applicable	Cancer	IARC (1987)
Diesel fuel, marine	Not applicable	Cancer	IARC (1989)
Progestins	Not applicable	Cancer	IARC (1987)
Styrene	100-42-5	Cancer	IARC (2002)
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	Not applicable	Cancer	IARC (1993)
Vinyl acetate	108-05-4	Cancer	IARC (1995b)
Wood dust	Not applicable	Cancer	IARC (1995a), NTP (2002)
Zalcitabine	7481-89-2	Cancer	IARC (2000)
Zidovudine (AZT)	30516-87-1	Cancer	IARC (2000)

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporated certain provisions of the California Labor Code into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by the IARC. Labor Code section 6382(d) refers to substances identified as carcinogens or potential carcinogens by the IARC or the NTP.

As the lead agency for the implementation of Proposition 65, the OEHHA evaluates whether listing under Proposition 65 is required.

OEHHA’s determination: *Amsacrine, bleomycins, chlorophenoxy herbicides, marine diesel fuel, progestins, styrene, toxins derived from Fusarium moniliforme (Fusarium verticillioides), vinyl acetate, wood dust, zalcitabine, and zidovudine (AZT)* each meet the requirements for listing as known to the state to cause cancer for the purposes of Proposition 65. Therefore, OEHHA proposes to add these chemicals to the Proposition 65 list.

Amsacrine: In 2000, the IARC published Volume 76 of its series, *IARC Monographs on the Evaluation of*

Carcinogenic Risks to Humans. Here, the IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of amsacrine, and (2) amsacrine is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

Bleomycins: In 1987, the IARC published Supplement 7 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that bleomycins are “possibly carcinogenic to humans” (Group 2B). Therefore, these substances meet the requirements of Labor Code section 6382(d).

Chlorophenoxy herbicides: In 1987, the IARC published Supplement 7 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that chlorophenoxy herbicides are “possibly carcinogenic to humans” (Group 2B). Therefore, these substances meet the requirements of Labor Code section 6382(d).

Diesel fuel, marine: In 1989, the IARC published Volume 45 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that marine diesel fuel is “possibly carcinogenic to humans (Group 2B).” Therefore, this

substance meets the requirements of Labor Code section 6382(d).

Progestins: In 1987, the IARC published Supplement 7 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that progestins are “possibly carcinogenic to humans” (Group 2B). Therefore, these substances meet the requirements of Labor Code section 6382(d).

Styrene: In 2002, IARC published Volume 82 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that styrene is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of Labor Code section 6382(d).

Toxins derived from *Fusarium moniliforme* (*Fusarium verticillioides*): In 1993, the IARC published Volume 56 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of cultures of *Fusarium moniliforme* that contain significant amounts of fumonisins, and (2) toxins derived from *Fusarium moniliforme* are “possibly carcinogenic to humans (Group 2B).” Therefore, these substances meet the requirements of both Labor Code sections 6382(b)(1) and (d). In a later monograph, IARC noted that *Fusarium moniliforme* is currently called *Fusarium verticillioides* (IARC, 2002).

Vinyl acetate: In 1995, the IARC published Volume 63 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that vinyl acetate is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of Labor Code section 6382(d).

Wood dust: In 1995, the IARC published Volume 62 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that (1) there is sufficient evidence in humans for the carcinogenicity of wood dust, and (2) wood dust is “carcinogenic to humans (Group 1).” In 2002, the NTP published its *Tenth Report on Carcinogens*. In this publication, the NTP concluded that wood dust is “known to be a human carcinogen.” Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

Zalcitabine: In 2000, the IARC published Volume 76 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of zalcitabine, and (2) zalcitabine is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

Zidovudine (AZT): In 2000, the IARC published Volume 76 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Here, the IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of zidovudine, and (2) zidovudine is “possibly carcinogenic to humans (Group 2B).” Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

Request for comment: OEHHA is requesting comments as to whether the chemicals identified above meet the requirements for listing as causing cancer, as specified in Health and Safety Code section 25249.8(a). **OEHHA must receive comments by 5:00 p.m. on Monday, July 13, 2009.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

References

International Agency for Research on Cancer (IARC, 1987). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Supplement 7. World Health Organization, Lyon, France.

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International Agency for Research on Cancer (IARC, 2002). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Vol. 82. World Health Organization. Lyon, France.

National Toxicology Program (NTP, 2002) *Report on Carcinogens, Tenth Edition*. U.S. Department of Health and Human Services, Public Health Service.

**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)**

**REQUEST FOR COMMENTS ON CHEMICALS
PROPOSED FOR LISTING
BY THE LABOR CODE MECHANISM**

June 12, 2009

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is requesting comments as to whether the chemicals identified in the table below meet the requirements for listing under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
Tert-Amyl methyl ether	994-05-8	Developmental	ACGIH (2009)
n-Butyl glycidyl ether	2426-08-6	Male reproduction	ACGIH (2009)
Carbaryl	63-25-2	Male reproduction Developmental	ACGIH (2009)
Chloroform	67-66-3	Developmental	ACGIH (2009)
2-Chloropropionic acid	598-78-7	Male reproduction	ACGIH (2009)
Dichloroacetic acid	79-43-6	Male reproduction	ACGIH (2009)
Diglycidyl ether	2238-07-5	Male reproduction	ACGIH (2009)
N,N-dimethylacetamide	127-19-5	Developmental	ACGIH (2009)
Ethylene oxide	75-21-8	Male reproduction Developmental ¹	29 CFR part 1910, Subpart Z
Ethyl-tert-butyl ether	637-92-3	Male reproduction	ACGIH (2009)
2-Ethylhexanoic acid	149-57-5	Developmental	ACGIH (2009)
Methyl chloride	74-87-3	Male reproduction ²	ACGIH (2009)
Methyl n-butyl ketone	591-78-6	Male reproduction	ACGIH (2009)
p,p'-Oxybis(benzenesulfonyl hydrazide)	80-51-3	Developmental	ACGHI (2009)
Phenyl glycidyl ether	122-60-1	Male reproduction	ACGIH (2009)
Phenylphosphine	638-21-1	Developmental	ACGIH (2009)
Toluene	108-88-3	Female reproduction ²	ACGHI (2009)
1,3,5-Triglycidyl-s-triazinetriene	2541-62-9	Male reproduction	ACGIH (2009)
4-Vinyl-cyclohexene	100-40-3	Male reproduction Female reproduction	ACGIH (2009)

¹ Already on the Proposition 65 list on the basis of female reproductive toxicity

² Already on the Proposition 65 list on the basis of developmental toxicity

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporated certain provisions of the California Labor Code into Proposition 65. The law requires that certain substances identified as causing reproductive toxicity in 29 CFR part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration or in the Threshold Limit Values for Chemical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists [ACGIH] (latest edition) be listed as known to cause reproductive toxicity under Proposition 65. As the lead agency for the implementation of Proposition 65, the OEHHA evaluates whether listing under Proposition 65 is required.

OEHHA's determination: In the case of all of the above-identified chemicals except ethylene oxide, the ACGIH Threshold Limit Value was established based

solely or in part on the basis of a relevant reproductive or developmental effect. In the case of ethylene oxide, Title 29 of the Code of Federal Regulations, section 1910, subpart Z, identifies the chemical as causing developmental and male reproductive toxicity.

Request for comment: OEHHA is requesting comments as to whether the chemicals identified above meet the requirements for listing as causing cancer, as specified in Health and Safety Code section 25249.8(a). **OEHHA must receive comments by 5:00 p.m. on Monday, July 13, 2009.** A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to

the address below within 10 days from the publication of this notice:

Mailing Address: Ms. Cynthia Oshita
 Office of Environmental Health
 Hazard Assessment
 P.O. Box 4010, MS-19B
 Sacramento, California
 95812-4010
 Fax: (916) 323-8803
 Street Address: 1001 I Street
 Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

**OAL REGULATORY
 DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
 UNDERGROUND REGULATIONS
 (Summary Disposition)**

(Pursuant to Government Code Section 11340.5
 and
 Title 1, section 270, of the
 California Code of Regulations)

**DEPARTMENT OF CORRECTIONS AND
 REHABILITATION**

Date: May 26, 2009
 To: William Bonner
 From: Chapter Two Compliance Unit
 Subject: **2009 OAL DETERMINATION NO. 13(S)**
(CTU2009-0417-01)
 (Summary Disposition issued pursuant to
 Gov. Code, sec. 11340.5;
 Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a memorandum concerning the daily schedule for security Level III inmates and staff at California State Prison, Solano

On April 17, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a memorandum titled "Level III

Operations Program Schedule" (Memorandum) constitutes an underground regulation. The Memorandum was issued by two facility captains at California State Prison, Solano, and approved by Associate Warden V. Singh at California State Prison, Solano, on December 28, 2007. The Memorandum sets forth the daily schedule for security Level III inmates and staff at California State Prison, Solano. The Memorandum is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600¹ that should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation:

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility-

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

ty (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of California State Prison, Solano. It was issued by two facility captains and approved by an associate warden at California State Prison, Solano. Inmates housed at other institutions are controlled by those other institution's criteria for the daily schedule for security Level III inmates and staff. The rule you challenged was issued by the California State Prison, Solano, and applies only to inmates at California State Prison, Solano. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1).³

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

(Emphasis added.)

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

SUSAN LAPSLEY
Director

/s/

Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
John McClure

EXHIBIT A

State of California

Department of Corrections and Rehabilitation

Memorandum

Lt. Blackwell

Date: December 28, 2007

To: ALL CONCERNED

From: California State Prison - Solano Vacaville, California 95696-4000

Subject: LEVEL III OPERATIONS PROGRAM SCHEDULE

The following Level III program schedule is effective at 0530 hours on Monday, January 7, 2008.

WAKE UP

First Watch Control Booth Officers, working general population housing units (1, 2, 3, 4, 5, 6, 7, 8, 11, 12 and H-dorm) shall conduct wake-up announcements at 0530, 0545, and 0600 hours.

MEAL RELEASE

The following Level III inmates, identified as (Early Workers) and Kosher inmates, shall be released for the morning meal, PIA, VOC C-Side and Complex B Education assigned inmates.

General Population (GP) will feed after all "Early Workers" have been received the morning meal. Modified program feeding (if applicable) will follow. Building Officers shall use the daily Unlock Report to monitor, identify, and differentiate between those inmates designated as early release and GP inmates.

MEAL RELEASE PROCESS

AM and PM feeding will be accomplished in the following manner: Officers from adjacent housing units will assist in the feeding of each housing unit. Example: Building Officers from housing units 4, 5, and 6 will respond to housing units 1, 2, and 3 and will assist the regularly assigned housing unit staff in the release of the inmates to the dining facility. This procedure will be repeated as the Building Officers from housing units 1, 2 and 3 will respond to housing unit 4, 5, and 6 and assist in the release of inmates to feeding.

This procedure will also occur on Facility II as the Building Officers from housing units 11, and 12 will respond to housing units 7 and 8 and assist in the meal release.

Program Sergeants will randomly tour the housing units during the feeding and provide supervision during the release and return of inmates in various housing units. Program Sergeants will ensure the staff is conducting the release in a safe manner, following sound correctional practices, and ensuring a constant flow on inmates to the dining hall is achieved. Program Sergeants shall monitor inmate movement and provide additional security for inmates returning to housing units.

Staff will ensure: inmates report to dining rooms for meals in single file line, inmates are properly attired, inmates present a current identification card (photo depicts inmates appearance). If the inmate's appearance has changed the inmate will be ducted to Receiving and Release (R&R) where he will be charged \$5.00 for a new identification card.



LEVEL III OPERATIONS PROGRAM SCHEDULE

Page 2

MEDICATION RELEASE

Inmates who are authorized to receive medication shall be released with their housing units. They shall get their medication while enroute to their meal. Inmates will not be allowed to return to the medication line from their housing unit to retrieve medication after the meal.

HOUSING UNIT RELEASE

Assigned inmates, not on their regular day off, upon being released for the morning meal, will report directly to the dining complex for feeding and medication (if applicable) and shall report to their work/education assignment.

Inmate Workers will not have access to their assigned housing units once released for the meal, unless their class or work has been canceled.

Inmates who are not assigned, or on their regular day off (RDO), will receive their meal, medication (if applicable) and report directly to their assigned housing unit and cell for inmate accountability.

YARD/DAYROOM PROGRAM

Staff shall utilize the daily Unlock Report to identify inmates prior to yard release. Inmates who refused to go to work or failed to go to work are not allowed on the exercise yard, or in the dayroom during their regular assigned work hours, and will remain in their cell.

Level III Yard Program:

Yard hours:

- AM morning yard, (0830 hours to 1145 hours), (depending on completion of inmate accountability and feeding).
- At 1015 hours there will be an In-line only, from yard to the cell.
- At 1210 hours, Inmates assigned to Education B will be released to return to their assignment.
- PM afternoon yard, (1215 hours to 1600 hours), per yard schedule.
- At 1415 hours, there will be an In-line only, from yard to the cell.
- At 1515, 1530 and 1545 hours, Inmates returning from their work assignments will be afforded one-way access into the building for showering. A shower list will be formulated and used to ensure all inmate workers attain a shower. If showers are not completed then showers will continue throughout the dayroom program.
- PM evening yard, (at approximately 1900 hours to 2100 hours), will begin at the completion of the evening feeding and close at 2100 hours. Evening Yard is for A1A assigned workers only, per attached schedule.
- At 2000 hours there will be an In-line only, from yard to the cell.

Level III Dayroom Program: On odd or even days each tier will have access to the dayroom area per the Level III program schedule.

Any inmate participating in dayroom program who needs to use the restroom will be afforded a one-way into their respective cell; where they will remain until the next scheduled unlock.

Unlock Procedure for Yard Outline: Yard Outline's shall be conducted in the following manner. Example: At 0830 hours, Both floor officers from the adjacent building will proceed to their sister building, 1 for 2, 3 for 4, 5 for 6, 7 for 8, 11 for 12 etc., and assist in the Yard Outline. The assistance will be provided in the following manner, staff from the sister Building will post themselves in **UNLOCK** to conduct random clothed body searches of inmates leaving the building.

TO BE POSTED IN ALL HOUSING UNITS

Level III Program Schedule: The GP housing unit unlocks (inline and outline) portion of the schedule is not flexible and shall be followed.

- 0600 hours Morning Meal and Medication Release
- 0745 hours Staff meeting
- 0830 hours Yard Opens, Dayroom opens following.
- 1015 hours Inline only
- 1130 hours Dayroom recall
- 1145 hours Inline, Yard Closed, dayroom closed.
- 1210 hours Education unlock
- 1215 hours Yard opens, outline, Close A inmates released when count clears.
- 1415 hours Inline only
- 1515 hours Worker Inline
- 1530 hours Worker Inline
- 1545 hours Worker Inline
- 1550 hours Dayroom closed with exception of worker showers.
- 1600 hours Inline/Yard Closed workers showers continue
- 1615 hours Staff meeting
- 1700 hours Mandatory Standing Count
- 1715 hours Upon Clearing of Count, Meal Release
- 1900 hours Yard Program upon completion of evening meal.
- 2000 hours Inline only.
- 2050 hours dayroom closed.
- 2100 hours Inline/End of Program.
- 2130 hours Count.

V. Singh
An-ler
12/08

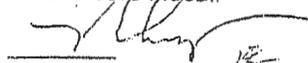
Facility II Yard Schedule
(subject to change without notice)

- AM yard: 0830 - 1145 hours Afternoon yard: 1215 - 1600 hours Evening Yard: 1900 – 2100
- On odd numbered days, 1st Tier has AM yard, 2nd Tier has dayroom. For the afternoon yard the tiers will switch. Buildings 11, depending on Ad-Seg overflow status and H-Dorm will have access to both yards.
- On even numbered days, 2nd Tier has AM yard, 1st Tier has dayroom. For the afternoon yard the tiers will switch. Buildings 11, depending on Ad-Seg overflow status and H-Dorm will have access to both yards.
- A1A tier assignments for the evening program will be the same as whatever the morning assignments were.
- Yard unlock will occur first. Once all authorized inmates are released to the yard, secure the sallyport doors and conduct a dayroom unlock for authorized inmates per this schedule. Dayroom recall will occur just prior to yard recall at 1130 hours, 1545 hours and 2050 hours.
- Inmates do not have a choice of dayroom or yard. If an inmate does not want to program with assigned tier then he will remain in his cell.
- Monday-Sunday: Yard closes for count 1145-1215.
- Weekend, Holiday yard: A1/A(assigned and unassigned) Red Card Inmates ONLY! With assigned tier. One tier yard, one tier dayroom.
- A2B inmates will program with their assigned tier Monday through Friday, no evening program, and no program on weekends. A2B inmates will be allowed to shower just prior to a confirmed visit.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	2 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	3 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	4 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	5 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom
6 NO A2B'S Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	7 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	8 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	9 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	10 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	11 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	12 NO A2B'S Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom
13 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	14 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	15 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	16 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	17 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	18 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	19 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom
20 NO A2B'S Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	21 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	22 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	23 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	24 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	25 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	26 NO A2B'S Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom
27 NO A2B'S Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	28 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	29 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom	30 Bldgs. 7,8,11,12, HD AM 2 nd tier yard Bldgs. 7,8,11,12, HD AM 1 st tier dayroom	31 Bldgs. 7,8,11,12, HD AM 1 st tier yard Bldgs. 7,8,11,12, HD AM 2 nd tier dayroom		

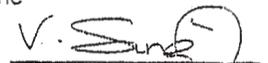
MORNING UNLOCK SCHEDULE

0745 – 0815 Staff Meeting
0830 – Yard Opens
1015 – In-line
1145 – Yard Recall


J. NUEHRING

AFTERNOON UNLOCK SCHEDULE

1215 – Yard Opens 1600 – Yard Recall
1415 – In-Line 1615 – 1645 Staff Meeting
1515 – Workers In-Line
1530 – Workers In-Line


V. SINGH

EVENING YARD

1900 – Yard Opens
2000 – In-Line
2100 – Yard Recall

**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# 2009-0416-02
AIR RESOURCES BOARD
Fuel Requirements for Ocean-going Vessels

This action adopts identical regulations in T13 CCR section 2299.2 and T17 CCR section 93118.2 establishing low sulfur marine fuel and operational requirements and the parallel airborne toxic control measure for main and auxiliary diesel engines, diesel-electric engines, and auxiliary boilers on ocean-going vessels (OGV) operating within 24 miles (Regulated California Waters) of the California baseline (mean lower low water).

Title 13,17
California Code of Regulations
ADOPT: Title 13: 2299.2, Title 17: 93118.2
AMEND: Title 13: 2299.1, Title 17: 93118
Filed 05/29/2009
Effective 06/28/2009
Agency Contact: Amy Whiting (916) 322-6533

File# 2009-0422-02
BOARD OF BEHAVIORAL SCIENCES
Disciplinary Guidelines

This action updates the Board's disciplinary guidelines which are incorporated by reference in CCR, title 16, section 1888.

Title 16
California Code of Regulations
AMEND: 1888
Filed 06/03/2009
Effective 07/03/2009
Agency Contact: Tracy Rhine (916) 574-7847

File# 2009-0515-01
BOARD OF EDUCATION
Instructional Materials

This action without regulatory effect corrects a typographical error in a statutory citation.

Title 5
California Code of Regulations
AMEND: 9521
Filed 05/28/2009
Agency Contact: Connie Diaz (916) 319-0860

File# 2009-0429-02
BOARD OF REGISTERED NURSING
Fingerprinting & other license renewal requirements

This regulatory action requires the submission of fingerprints for registered nurses who were licensed prior to August 1, 1990. It also requires the disclosure of prior disciplinary action or conviction of a crime as a condition of renewal, reactivation or reinstatement. This certification of compliance for the original emergency action was timely filed.

Title 16
California Code of Regulations
AMEND: 1419, 1419.1, 1419.3
Filed 06/02/2009
Agency Contact: Alcidia Valim (916) 323-8419

File# 2009-0521-04
CALIFORNIA FILM COMMISSION
California Film and Television Tax Credit Program

This rulemaking action adds eight sections to Title 10 of the California Code of Regulations to implement the California Film and Television Tax Credit Program. The rulemaking specifies a tax credit application process and the content of the application. It specifies eligibility for the tax credit and the kinds of production and wage expenditures that qualify. It specifies the tax credit certificate issuance process. It also defines a number of terms and incorporates by reference eight forms necessary to implementing the program.

Title 10
California Code of Regulations
ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
Filed 05/29/2009
Effective 05/29/2009
Agency Contact: Terri Toohey (916) 768-5638

File# 2009-0521-05
DEPARTMENT OF CORPORATIONS
California Foreclosure Prevention Act

This emergency regulatory action implements new Civil Code sections 2923.52 and 2923.53 in the California Foreclosure Prevention Act.

Title 10
California Code of Regulations
ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10

Filed 06/01/2009
Effective 06/01/2009
Agency Contact: Karen Fong (916) 322-3553

File# 2009-0522-04
DEPARTMENT OF FINANCIAL INSTITUTIONS
California Foreclosure Prevention Act

This emergency regulatory action implements new Civil Code sections 2923.52 and 2923.53 in the California Foreclosure Prevention Act.

Title 10
California Code of Regulations
ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10
Filed 06/01/2009
Effective 06/01/2009
Agency Contact: Paul Crayton (415) 263-8541

File# 2009-0421-04
DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Interior Quarantine

This regulatory action establishes an interior quarantine allowing for a one mile buffer area surrounding the epicenter of an infestation of gypsy moth (*Lymantria dispar*) in the Ojai area of Ventura County. This was filed originally as an emergency (2009-1022-01 E). This is the certification of compliance for that emergency and was timely filed.

Title 3
California Code of Regulations
ADOPT: 3408
Filed 06/01/2009
Effective 06/01/2009
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2009-0528-02
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action expands the existing quarantine area for the Mediterranean Fruit Fly Interior Quarantine to include approximately 106 square miles around the Mira Mesa area of San Diego County.

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 06/01/2009
Effective 06/01/2009
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2009-0522-01
DEPARTMENT OF REAL ESTATE
California Foreclosure Prevention Act

This emergency regulatory action implements new Civil Code sections 2923.52 and 2923.53 in the California Foreclosure Prevention Act.

Title 10
California Code of Regulations
ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10
Filed 06/01/2009
Effective 06/01/2009
Agency Contact: Daniel E. Kehew (916) 227-0425

File# 2009-0505-02
FISH AND GAME COMMISSION
Klamath/Trinity Rivers Sport Fishing

This regulatory action establishes the 2009 Klamath River Basin quota of 30,800 Klamath River fall Chinook. This regulatory action also removes information from Title 14 section 7.50(b)(91.1) about legal hook types, hook gaps and rigging because it can be found elsewhere in Fish and Game Commission regulations. Several non-substantive changes are also made throughout the section.

Title 14
California Code of Regulations
AMEND: 7.50(b)(91.1)
Filed 06/02/2009
Effective 07/02/2009
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2009-0519-01
STATE PERSONNEL BOARD
Appointments: Skills-Based Certification

The State Personnel Board (Board) is adopting section 250.1, title 2, California Code of Regulations, entitled "Skills-Based Certification". The aforementioned adoption allows the Board to authorize the use of a new type of certification list for hiring—skills-based certification for information technology classifications—under certain conditions. This particular adoption is exempt from review by the Office of Administrative Law pursuant to Government Code sections 18211 and 18213.

Title 2
California Code of Regulations
ADOPT: 250.1
Filed 06/01/2009
Effective 07/01/2009
Agency Contact: Bruce Monfross (916) 653-1456

File# 2009-0521-02
STATE WATER RESOURCES CONTROL BOARD
Storage of Biodiesel Blends in Underground Storage Tanks

This emergency regulatory action allows for the lawful storage of certain biodiesel blends up to 20% biodie-

sel, 80% petroleum diesel, commonly known as B20, in underground storage tanks (USTs) that have been tested and approved for storing petroleum diesel, if specified conditions are met.

Title 23

California Code of Regulations

ADOPT: 2631.2

Filed 06/01/2009

Effective 06/01/2009

Agency Contact: Lori Brock (916) 341-5185

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 31, 2008 TO
June 3, 2009**

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 1

01/20/09 AMEND: 260

01/20/09 AMEND: Appendix A, Std. Form 400

Title 2

06/01/09 ADOPT: 250.1

05/21/09 AMEND: 18705.1

05/14/09 ADOPT: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007, 21008, 21009

05/08/09 ADOPT: 18410 AMEND: 18402

04/30/09 AMEND: 1859.129, 1859.197

04/28/09 AMEND: div. 8, ch. 111, section 59560

04/22/09 ADOPT: 1859.148.2, 1859.166.2
AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197

03/05/09 AMEND: 18704

02/17/09 AMEND: 51.3

02/02/09 AMEND: 18402, 18450.3

01/30/09 ADOPT: 18427.5

01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401

01/27/09 AMEND: 2294

01/26/09 AMEND: 1859.104.1

01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184

01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128

01/08/09 ADOPT: 18420.1

01/08/09 ADOPT: 18944.3 AMEND: 18944.1

Title 3

06/01/09 AMEND: 3406(b)

06/01/09 ADOPT: 3408

05/26/09 AMEND: 3434(b)

05/20/09 AMEND: 3434(b)

05/20/09 AMEND: 3434(b)

05/13/09 AMEND: 6800

05/04/09 AMEND: 3434(b)

04/27/09 AMEND: 3434(b)

04/20/09 AMEND: 6452.2

03/30/09 AMEND: 3434(b)

03/25/09 AMEND: 6860

03/23/09 AMEND: 3423(b)

03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237

03/18/09 AMEND: 3435(b)

03/10/09 AMEND: 3434

03/05/09 AMEND: 3591.20(a)

03/04/09 AMEND: 3435

02/27/09 AMEND: 3434(b)

02/26/09 AMEND: 850

02/19/09 AMEND: 3434(b)

02/13/09 AMEND: 3406(b)

02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)

02/05/09 AMEND: 3434(b)

02/02/09 AMEND: 3406(b)

01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)

01/21/09 ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)

01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669

01/14/09 AMEND: 3434(b)

01/13/09 AMEND: 3434(b)

01/12/09 AMEND: 3589(a)

Title 4

05/18/09	ADOPT: 12488, 12508, 12510, 12511, 12514 AMEND: 12480, 12486	10111.2, 10112, 10113.4, 10113.5, 10114.2, 10115, 10115.1, 10115.2
05/18/09	ADOPT: 12482	04/06/09 ADOPT: 227, 314, 389 AMEND: 281, 303, 323, 368, 523
05/12/09	AMEND: 406	04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742
05/12/09	ADOPT: 12591	03/04/09 AMEND: 3248
04/24/09	ADOPT: 12480, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504 AMEND: 12482	03/02/09 ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7
04/24/09	AMEND: 12482	
03/23/09	AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190	
03/11/09	AMEND: 1865	
03/10/09	ADOPT: 12388, 12410	
03/05/09	ADOPT: 2066	
03/05/09	ADOPT: 1504.5 AMEND: 1481, 1486	
03/04/09	AMEND: 2073	
02/23/09	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10	
02/13/09	ADOPT: 12362	
02/11/09	ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078	
01/13/09	ADOPT: 4027, 4027.1, 4027.2, 4027.3, 4027.4, 4027.5	

Title 5

05/28/09	AMEND: 9521	
05/11/09	AMEND: 80023, 80024.4, 80024.5, 80024.6, 80025.5, 80026, 80026.1, 80026.6, 80034.5 REPEAL: 80024.3, 80026.4, 80042, 80042.5, 80569	
05/11/09	AMEND: 24002, 24003, 24005	
05/07/09	ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099	03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600
04/30/09	ADOPT: 26000	
03/27/09	AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070	02/25/09 REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22
03/05/09	AMEND: 80225	
02/17/09	AMEND: 80413, 80487	
02/04/09	ADOPT: 9800, 9810, 9820, 9830	
01/20/09	ADOPT: 9517.1	
01/05/09	AMEND: 80004	

Title 8

05/01/09	AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107	
05/01/09	AMEND: 4530	
04/20/09	AMEND: 10100.2, 10101.1, 10103.2, 10104, 10105, 10106.1, 10106.5, 10107.1, 10108, 10109, 10111.1,	02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354
		02/13/09 AMEND: 3336, 3650, 3653

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02/09/09 AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583

01/29/09 AMEND: 4994

01/28/09 AMEND: 4999

01/20/09 AMEND: Appendix B following sections 1529, 5208, 8358

01/15/09 AMEND: 2500.7

01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 65, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 REPEAL: 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75, 76, 76.5, 77, 101, 114, 115

Title 9

02/06/09 ADOPT: 4000, 4005
01/07/09 AMEND: 7400

Title 10

06/01/09 ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10

06/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10

06/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10

05/29/09 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

05/12/09 AMEND: 2716.1, 2790.1.5, 2810.5

05/01/09 AMEND: 2699.6603

03/27/09 AMEND: 2498.6 (Exhibit C)

03/25/09 AMEND: 2661.3, 2661.4, 2662.1

03/23/09 AMEND: 2498.6

02/26/09 AMEND: 2699.6805

02/23/09 AMEND: 2318.6, 2353.1

02/23/09 AMEND: 2498.6

02/19/09 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119

02/05/09 ADOPT: 2308.1, 2308.2, 2308.3

01/15/09 AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809

01/14/09 AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301

01/12/09 AMEND: 2498.5
12/31/08 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55

Title 11

05/21/09 AMEND: 1005, 1007, 1008

04/17/09 AMEND: 30.1

04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018

04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002

03/30/09 ADOPT: 30.15

03/03/09 AMEND: 9070, 9077

02/18/09 REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327

02/03/09 ADOPT: 64.7

01/28/09 AMEND: 51.19

12/31/08 AMEND: 1005(d)

Title 12

02/26/09 ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809

01/27/09 AMEND: 501

01/12/09 AMEND: 503

Title 13

05/22/09 ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72

03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2

03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4

02/26/09 ADOPT: 29.00

02/05/09 ADOPT: 20.05 AMEND: 20.04

02/05/09 AMEND: 25.08

01/20/09 AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710

Title 13, 17

05/29/09 ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118

Title 14

06/02/09 AMEND: 7.50(b)(91.1)

05/26/09 AMEND: 7.00, 7.50

05/21/09 AMEND: 7.50(b)(178)

05/15/09 AMEND: 790, 818.02, 827.02

05/14/09 ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3

05/13/09 AMEND: 25201

05/07/09 AMEND: 25201

05/04/09 AMEND: 670.5

04/27/09 ADOPT: 749.5

04/08/09 AMEND: 2245, 2320

03/18/09 AMEND: 632

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03/16/09 ADOPT: 20004.1, 20009.1, 20009.2
 AMEND: 20000, 20001, 20002, 20003,
 20004, 20005, 20008, 20009

03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620,
 2630, 2660, 2670, 2720, 2730

03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25,
 27.30, 27.35, 27.40, 27.45, 27.50, 27.51,
 28.26, 28.27, 28.28, 28.29, 28.48, 28.49,
 28.51, 28.52, 28.53, 28.54, 28.55, 28.56,
 28.57, 28.58

03/02/09 AMEND: 791.7(a), Form FG
 OSPR-1924, Form FG OSPR-1925,
 Form FG OSPR-1972

02/25/09 AMEND: 1038, 1052

02/23/09 ADOPT: 749.4

01/28/09 AMEND: 701

01/13/09 AMEND: 300

01/12/09 ADOPT: 4970.00, 4970.01, 4970.02,
 4970.03, 4970.04, 4970.05, 4970.06.1,
 4970.06.2, 4970.06.3, 4970.07,
 4970.07.1, 4970.07.2, 4970.08, 4970.09,
 4970.10, 4970.10.1, 4970.10.2,
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 4970.16, 4970.17, 4970.18, 4970.19,
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 4970.26 REPEAL: 4970.49, 4970.50,
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12/31/08 AMEND: 957 REPEAL: 957.11, 957.12

Title 15

05/12/09 AMEND: 3000, 3190, 3375, 3376.1,
 3379

05/04/09 AMEND: 3335(d)(3)

04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012,
 1013, 1018, 1027, 1028, 1029, 1032,
 1040, 1044, 1045, 1046, 1055, 1056,
 1059, 1063, 1066, 1082, 1101, 1105,
 1144, 1151, 1161, 1209, 1217, 1230,
 1241, 1243, 1245, 1247, 1262, 1272

04/02/09 ADOPT: 3334 AMEND: 3000

02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3,
 3077.4 AMEND: 3000, 3043.6, 3375

02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830,
 1831, 1840, 1847, 1848, 1849, 1850,
 1851, 1852, 1853, 1854, 1856, 1857,
 1860, 1866, 1867, 1868, 1870, 1872,
 1876, 1878, 1888, 1890, 1892

Title 16

06/03/09 AMEND: 1888

06/02/09 AMEND: 1419, 1419.1, 1419.3

05/20/09 ADOPT: 1815 AMEND: 1886.40

04/28/09 AMEND: 1524

04/27/09 AMEND: 1760

04/03/09 AMEND: 3830

03/24/09 ADOPT: 1398.12

03/20/09 AMEND: 1937, 1950, 1950.5, 1953

03/11/09 AMEND: 1715, 1784, Form 17M-13,
 Form 17M-14, Form 17M-26

03/04/09 AMEND: 4181

03/04/09 AMEND: 1351.5, 1352

03/04/09 ADOPT: 389

03/04/09 AMEND: 998

03/04/09 AMEND: 950.2

03/03/09 AMEND: 305 REPEAL: 306.1

02/11/09 AMEND: 950.3

02/03/09 ADOPT: 2068.7

01/28/09 AMEND: 950.2

01/28/09 ADOPT: 1832.5

01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5
 AMEND: 2537, 2540.6, 2590, 2592.6

Title 17

04/24/09 AMEND: 30100, 30346.1, 30373

03/11/09 AMEND: 93119

02/03/09 ADOPT: 100701

01/29/09 ADOPT: 33060 AMEND: 33007, 33010,
 33020, 33025, 33030, 33040

01/28/09 AMEND: 950.2

01/28/09 ADOPT: 1832.5

Title 18

05/21/09 AMEND: 25114

05/12/09 AMEND: 1502

04/29/09 AMEND: 1591

04/06/09 ADOPT: 25113 AMEND: 25111

03/19/09 AMEND: 23701, 23772

03/11/09 AMEND: 1506, 1524

03/11/09 AMEND: 1705

02/05/09 AMEND: 1620

01/02/09 AMEND: 1702.5

Title 20

04/22/09 ADOPT: 3100, 3101, 3101.5, 3102,
 3103, 3104, 3105, 3106, 3107, 3108

Title 21

05/14/09 AMEND: 1554, 1556

Title 22

05/21/09 AMEND: 2601-1
 04/21/09 AMEND: 51543
 03/12/09 AMEND: 51517
 03/03/09 ADOPT: 63000.48, 63051, 63052
 AMEND: 63000.16, 63000.25,
 63000.43, 63000.46, 63000.66,
 63000.68, 63000.77, 63010, 63011,
 63013, 63020, 63021, 63029, 63030,
 63040, 63050, 63055 REPEAL: 63051
 02/04/09 ADOPT: 66260.201, 66260.202,
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 66273.70, 66273.71, 66273.72,
 66273.73, 66273.74, 66273.75,
 66273.76, and 66273.77 AMEND:
 66260.10, 66260.23, 66261.4, 66261.9,
 66261.50, appendix X of chapter 11,
 66264.1, 66265.1, 66273.1, 66273.2,
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 66273.41, 66273.70, 66273.80,
 66273.81, 66273.82, 66273.83,
 66273.84, 66273.85, 66273.86,
 66273.87, 66273.88, 66273.89, and
 66273.90 Articles Affected: Amend
 article 3; Adopt new article 4; Renumber
 old article 4 to article 5; Renumber old
 article 5 to article 6; Repeal old article 6;
 Repeal old article 7 and adopt new article
 7.
 01/29/09 AMEND: 97174
 01/28/09 AMEND: 41508, 41509, 41510, 41511,
 41512, 41514, 41515, 41515.1, 41515.2,
 41516, 41516.1, 41516.3, 41517,
 41517.3, 41517.5, 41517.7, 41518,
 41518.2, 41518.3, 41518.4, 41518.5,
 41518.7, 41518.8, 41518.9, 41519,
 41610, 41611, 41670, 41671, 41672,
 41700, 41800, 41811, 41815, 41819,
 41823, 41827, 41831, 41832, 41835,

41839, 41844, 41848, 41852, 41856,
 41864, 41866, 41868, 41872, 41900,
 42000, 42050, 42075, 42110, 42115,
 42120, 42125, 42130, 42131, 42132,
 42140, 42160, 42180, 42305, 42320,
 42321, 42326, 42330, 42400, 42401,
 42402, 42403, 42404, 42405, 42406,
 42407, 42420, 42700, 42701, 42702,
 42703, 42705, 42706, 42707, 42708,
 42709, 42710, 42711, 42712, 42713,
 42714, 42715, 42716, 42717, 42718,
 42719, 42720 REPEAL: 42800, 42801
 01/26/09 AMEND: 51313.6, 51320, 51476,
 51510, 51510.1, 51510.2, 51510.3,
 51511, 51513, 51520 REPEAL: 51513.5,
 51520.1, 51520.2, 59998
 01/23/09 AMEND: 51000.6.1, 51000.8, 51000.16,
 51000.20, 51000.20.1, 51000.24.1,
 51000.25.2, 51000.30, 51000.50,
 51000.51, 51000.52, 51000.53,
 51000.55, 51000.60
 01/22/09 ADOPT: 72038, 72077.1, 72329.1
 AMEND: 72077, 72329
 01/15/09 AMEND: 101115
 01/06/09 AMEND: 66270.60, 67450.30

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06/01/09 ADOPT: 2631.2
 05/14/09 ADOPT: 2920
 02/19/09 ADOPT: 3939.35
 02/03/09 AMEND: 3989
 01/07/09 ADOPT: 3939.34
 01/05/09 ADOPT: 3006

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05/22/09 ADOPT: 4200, 4202, 4204, 4206, 4208,
 4210, 4212, 4214, 4216
 05/20/09 AMEND: 8217
 05/13/09 ADOPT: 6932 REPEAL: 6932
 05/07/09 ADOPT: 6932 REPEAL: 6932
 02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208,
 4210, 4212, 4214, 4216
 01/21/09 ADOPT: 1322, 1426, 2426 AMEND:
 1000, 1002, 1004, 1005, 1006, 1018,
 1020, 1020.1, 1020.6, 1032, 1183, 1210,
 1211, 1212, 1216, 1312, 1320, 1333,
 1429, 1432, 1438, 1468, 1474, 1504,
 1612, 1752, 1756, 2002, 2004, 2005,
 2006, 2018, 2183, 2210, 2211, 2212,
 2216, 2312, 2327, 2429, 2438, 2474,
 2504, 2612, 2752, 2756

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04/07/09 AMEND: 25705(b)
 02/18/09 AMEND: 20921
 01/05/09 AMEND: 27001

01/05/09 AMEND: 27000

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02/09/09 AMEND: 42-721, 42-780, 44-303,
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