



California Regulatory Notice Register

REGISTER 2010, NO. 32-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 6, 2010

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2010-0727-04 1201
State: Health and Human Services Agency

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Gift Package Revisions, Part 1 — Notice File No. Z2010-0727-10 1202

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Light Brown Apple Moth Eradication Area — Notice File No. Z2010-0722-02 1203

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Restricted Noxious Weed Seeds — Notice File No. Z2010-0722-01 1204

TITLE 5. DEPARTMENT OF CONSUMER AFFAIRS/BUREAU OF PRIVATE POSTSECONDARY EDUCATION

Citations and Fines; Annual Reports — Notice File No. Z2010-0727-11 1206

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Conflict of Interest Code — Notice File No. Z2010-0727-15 1208

GENERAL PUBLIC INTEREST

CALIFORNIA GAMBLING CONTROL COMMISSION

Notice of Rescheduled Public Hearing Concerning Reactivation of Expired Gambling Licenses; Surrender; Abandonment 1209

CALIFORNIA GAMBLING CONTROL COMMISSION

Notice of Rescheduled Public Hearing Concerning Remote Caller Bingo 1210

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

List of Prospective Contractors Required to Submit a Nondiscrimination Program or a California Employer Identification Report 1210

(Continued on next page)

Time-Dated Material

| | |
|---|------|
| DEPARTMENT OF FISH AND GAME | |
| <i>CESA Consistency Determination Request for Altamont Landfill and Resource Recovery Facility Fill Area 2 Project (2080–2010–035–03)</i> | 1211 |
| DEPARTMENT OF FISH AND GAME | |
| <i>CESA Consistency Determination Request for Interstate 5 North Stockton Corridor Improvements Project (2080–2010–034–02)</i> | 1211 |
| DEPARTMENT OF FISH AND GAME | |
| <i>CESA Consistency Determination Request for New Irvington Tunnel Project (2080–2010–033–03)</i> | 1212 |
| DEPARTMENT OF FISH AND GAME | |
| <i>CESA Consistency Determination Request for South Sacramento Corridor Phase 2 Project (2080–2010–030–02)</i> | 1212 |
| DEPARTMENT OF JUSTICE | |
| <i>Notice of Correction to a Notice of Proposed Rulemaking Regarding Dealer’s Record of Sales Fee Published in the July 23, 2010, Edition of the California Regulatory Notice Register (Register 2010, No. 30–Z)</i> | 1213 |
| DECISION NOT TO PROCEED | |
| EMPLOYMENT DEVELOPMENT DEPARTMENT | |
| <i>Notice of Decision not to Proceed Rulemaking Action originally Published on October 16, 2009 — CRNR 2009, 42Z (Workforce Investment Act — Definitions, Reporting Requirements and Record Retention)</i> | 1213 |
| OAL REGULATORY DETERMINATION | |
| <i>2010 OAL Determination No. 15(S)</i> | |
| DEPARTMENT OF CORRECTIONS AND REHABILITATION | |
| <i>Prohibition “Fishing” in Administrative Segregation Units at Pleasant Valley State Prison</i> | 1213 |
| SUSPENSION OF ACTIONS REGARDING UNDERGROUND REGULATIONS | |
| DEPARTMENT OF CORRECTIONS AND REHABILITATION | |
| <i>Suspension of Action Regarding Requirement that visitors to Facilities Operated by Department of Corrections and Rehabilitation have a Current Visa to Accompany a Valid Government–issued Passport with Picture as Identification</i> | 1215 |

(Continued on next page)

(Editorial Note—The following two Suspensions of Actions concern the same topic but were requested by two different parties.)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Suspension of Action Regarding Memorandum Limiting the Use of the Matricula Consular de Alta Seguridad as Visitor Identification — Requester Robert Garcia 1216

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Suspension of Action Regarding Memorandum Limiting the Use of the Matricula Consular de Alta Seguridad as Visitor Identification — Requester Carter White of the University of California Davis Civil Rights Clinic 1216

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

EDUCATION AUDIT APPEALS PANEL

Notice of Availability of Precedential Decision Index 1217

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1217

Sections Filed, February 24, 2010 to July 28, 2010 1221

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

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

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 CODE

AMENDMENT

State: Health and Human Services Agency

A written comment period has been established commencing on **August 6, 2010** and closing on **September 20, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 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 Direc-

tor of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **September 20, 2010**. 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 code shall approve code 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 Alexandra Castillo, 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 code(s) may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **September 9, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on September 8, 2008.**

BACKGROUND/OVERVIEW

Government Code Section 82028 defines a gift as any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater benefit is not received. Commission regulations regarding gifts are contained in Regulations 18940 et seq. The regulatory amendments suggested herein are the first in a multistep process to revise, update, and make internally consistent the Commission's gift regulations. An additional goal of the proposed amendments is to improve clarity and make the regulations consistent and understandable.

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18942: Regulation 18942 contains exceptions to the definition of "gift." The proposed changes move two exceptions, which are currently provided under different regulations, to Regulation 18942 so that all the exceptions to the term "gift" are provided in one regulation. Furthermore, the exception for tickets provided for a ceremonial role, moved from the gift of tickets provisions of Regulation 18944.1, now makes it clear these type of tickets are also subject to the posting provisions of Regulation 18944.1. Finally, editing amendments are also proposed for clarification.

Amend 2 Cal. Code Regs. § 18944.1: Regulation 18944.1 was recently amended. In addition to the editing amendments, and the transfer of the ceremonial role provisions to the exceptions regulation, the proposed

amendments to this regulation would now provide that its provisions are not applicable to primary and secondary school events for school district officials attending as part of their official function.

Amend 2 Cal. Code Regs. § 18944.2: There are no substantive amendments to this regulation. The proposed amendments are all editing amendments.

Amend 2 Cal. Code Regs. § 18944.3: The proposed change to this regulation makes it clear that it only applies to payments made by an agency from its own funds.

Amend 2 Cal. Code Regs. § 18944.4: There are no substantive amendments to this regulation. The proposed amendments are all editing amendments.

Amend 2 Cal. Code Regs. § 18946.4: Regulation 18946.4 was also recently amended. This regulation is a valuation regulation that provides an exception to the standard method of valuation for tickets to nonprofit and political fundraising events. When last revised, the proposed amendment was to eliminate the "no value" rule for tickets to 501(c)(3) nonprofit fundraisers. As a middle approach, the exception was limited to one ticket, but the exception was applied to all tickets to nonprofit and political fundraisers, not just to those under the no value rule. This change has created confusion. Staff recommends that the one ticket restriction only apply to the no value rule for 501(c)(3) nonprofits. Staff further recommends that the provision limiting the application of the regulation to a political fundraiser only if it is held in California be eliminated so that all political fundraisers are included.

Amend 2 Cal. Code Regs. § 18946.5: The provisions of this regulation have been moved to Regulation 18942, the exceptions regulation. Accordingly, staff proposes that Regulation 18944.5 be repealed.

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific the financial disclosure requirements and limitations on gifts in various provisions of the Political Reform Act (Government Code Sections 81000–91014). Specific Government Code sections implemented, interpreted, or made specific by these regulations are indicated in the “Reference” section at the end of each regulation.

CONTACT

Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3591.20(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Eradication Area as an emergency action that was effective on July 13, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 10, 2010.

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 Department 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 Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 20, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The amendment of subsection 3591.20(a) established Sacramento County as an eradication area for the light brown apple moth, *Epiphyas postvittana*. The effect of this action was to establish authority for the State to conduct eradication activities in Sacramento County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that the amendment of Section 3591.20 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.20 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting

California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

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

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend subsection 3591.20(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend subsection 3591.20(a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, pro-

posed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department 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 officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Notice of Proposed Rulemaking

The Department of Food and Agriculture proposes to amend Section 3855 of the regulations in Title 3 of the California Code Regulations pertaining to seed inspection.

PUBLIC HEARING

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 Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to smccarthy@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 20, 2010. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Susan McCarthy
 Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 1220 N Street
 Sacramento, CA 95814
smccarthy@cdfa.ca.gov
 916.654.1017
 916.654.1018 (FAX)

AUTHORITY AND REFERENCE

Food and Agricultural Code Sections 407 and 52332 authorize the Department to adopt these proposed regulations. The proposed revisions are to a regulation that interprets and makes specific Sections 52332 and 52258 of the Food and Agricultural Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Food and Agricultural Code Section 52332(d) authorizes the Department to adopt a list of noxious weed seeds that the secretary finds are restricted noxious weed seed.

The revisions proposed in this rulemaking action would delete two weeds from the list of restricted noxious weed seed.

Any weed listed in Section 3855 must be listed on a number per pound basis on seed package labels (Food and Agricultural Code, Section 52452(c)). The Seed Advisory Board (Board) is composed of nine industry and two public members who serve to advise the Department on seed law and regulations. At their May 13, 2009 meeting, the Board requested that the Department remove two weed species, *Iva axillaris* (poverty weed) and *Sida hederacea* (alkali mallow) from the restricted noxious weed seed list in Section 3855. In January 2008 the Department removed these two species from the

noxious weed species list in Title 3, California Code of Regulations (3CCR) Section 4500 since both are native species. Currently, seed packages containing these weeds would clear a quarantine inspection upon entry into California but might subsequently be subject to a stop-sale order because the seed label did not list one or both of these species as required by the California seed law.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department 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 sections 17500 through 17630: 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 a representative private person or businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Amendment 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.

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations will affect small business.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Susan McCarthy
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
smccarthy@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

In her absence, you may contact Stephen Brown at the same phone number.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all of the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named above.

If the regulations amended by the Department 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 amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named above.

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. McCarthy at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the

Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Susan McCarthy at the address indicated above. The Department 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 will be posted on the Department's web site or a copy may be obtained by contacting Ms. McCarthy at the address listed above.

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter "Bureau"), Department of Consumer Affairs, is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs hearing room, 1625 North Market Blvd, Sacramento, California, 95815, at 10:15 a.m., or as soon as practicable thereafter, on October 4, 2010. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on October 4, 2010, or must be received by the Bureau at the hearing. The Bureau, 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 94877, 94929.8, 94932.5, 94936, and 94938, of the Education Code and Section 11460.20 of the Government Code, and to implement,

interpret or make specific Sections 94928, 92929, 94929.5, 94929.7, 94929.8, 94932.5, 94936, 94938, and 94944 of the Education Code; and Sections 11460.20, 11460.30, 11460.40, 11460.50, and 11460.60, and 11460.80 of the Government Code, the Bureau is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

AB 48 (Portantino), Chapter 310, Statutes of 2009, requires the newly reconstituted Bureau for Private Postsecondary Education (“Bureau” or “BPPE”), within the Department of Consumer Affairs, to adopt regulations to implement the chapter on or before January 1, 2011. The Proposed Regulations include issuing citations and assessing administrative fines. In addition, the Bureau is directed to prescribe the format and method of delivery of an institution’s annual report, establish a uniform method of obtaining data, give effect to the emergency decision provisions of the Administrative Procedure Act (APA), and provide policies and practices for conducting compliance inspections.

The Bureau is proposing to make the following changes:

1. Amend section 74110.
This proposal would amend section 74110 to specify annual reports will be filed through the Bureau’s website.
2. Adopt section 74112.
This section prescribes the time period covered by the annual report and the performance fact sheet, procedures when license exam passage rates are not available, and a general format for performance fact sheets.
3. Add Article 2 to Chapter 5 Titled: Citations and Fines.
4. Adopt section 75020.
This proposal designates who may issue a citation assessing fines or orders of abatement. This proposal also specifies the information included with the citation including the procedures for informal conferences, appeals, compliance and consequences of non-compliance.
5. Adopt section 75030.
This proposal specifies the categories of citations, and sets forth the fine amounts for each category.
6. Adopt section 75040.
The proposed regulations provide the process for appealing a citation, as well as requesting an informal conference for a more expedient review.

7. Adopt section 75050.
The proposed regulations provide for an extension of time for compliance with an order of abatement and consequences for non-compliance with an order of abatement.
8. Adopt sections 75150.
This proposal allows the Bureau to take emergency actions against a person approved to operate an institution pursuant to provisions under the APA.
9. Add Article 4 to Chapter 5 Titled: Compliance Inspections.
10. Adopt section 75200.
This proposal sets forth the process for the Bureau’s conducting announced and unannounced compliance inspections.
11. Adopt section 75210.
This proposal provides how students will be notified of notices to comply issued to the institution.

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

Cost Impact on Representative Private Person or Business:

Institutional costs for appealing a citation could be reduced by a significant amount of money when using an informal conference as part of the appeal process as opposed to a formal process under the Administrative Procedure Act.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses by identifying fines against businesses that violate the California Private Postsecondary Education Act of 2009 and the supporting regulations; however, the fines are allowed by statute, the proposed regulations identify the amount of fine by type of violation.

These regulations would provide a lower cost alternative to an APA hearing by allowing institutions the option of an informal conference.

CONSIDERATION OF ALTERNATIVES

The Bureau 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 Bureau 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 any document incorporated by reference, 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 Bureau for Private Postsecondary Education, 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 re-

quest to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Joanne Wenzel
Staff Services Manager III
Address: 1625 N. Market Blvd.,
Suite S 202
Sacramento, California 95834
Telephone No.: (916) 574-7784
Fax No.: (916) 574-8652
E-Mail Address: Joanne.Wenzel@dca.ca.gov

The backup contact person is:

Name: Diane McKernon
Address: 1625 N. Market Blvd.,
Suite S 202
Sacramento, California 95834
Telephone No.: (916) 574-7792
Fax No.: (916) 574-8652
E-Mail Address: Diane.McKernon@dca.ca.gov

Website Access <http://bppe.ca.gov>: Materials regarding this proposal can be found at <http://bppe.ca.gov/>.

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 have a foreseeable 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 41 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 September 20, 2010, 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 September 5, 2010, 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:

STEPHANIE FIELDS
1600 9TH STREET, ROOM 435
SACRAMENTO, CA 95814
(916) 651-1446
Stephanie.fields@dmh.ca.gov
Fax (916) 651-3852

GENERAL PUBLIC INTEREST

CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF RESCHEDULED PUBLIC HEARING CONCERNING REACTIVATION OF EXPIRED GAMBLING LICENSES; SURRENDER; ABANDONMENT CGCC-GCA-2010-01-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) has rescheduled the public hearing to receive comments regarding the proposed action described in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* on June 4, 2010 (Z-2010-0525-08, Register 2010, No. 23-Z, 06/04/2010), and which is hereby incorporated by reference as if fully set forth herein. A hearing was previously scheduled for August 19, 2010, but unforeseen scheduling conflicts require that it be rescheduled. The new date and time of the public hearing is August 24, 2010, at 10:00 a.m. The location of the hearing remains the same; 2399 Gateway Oaks Drive, First Floor Hearing Room, Suite 100, Sacramento, CA 95833-4231.

PUBLIC COMMENT PERIOD

The written comment period has **not** been extended. Written comments relevant to the proposed regulatory action were due no later than 5:00 p.m. on July 19, 2010. However, written comments will be accepted at the above referenced hearing.

CONTACT PERSON

All comments and inquiries concerning the substance of the proposed action should be directed to the following contact person:

James B. Allen, Regulatory Actions Manager
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

James B. Allen, Regulatory Actions Manager
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

**CALIFORNIA GAMBLING CONTROL
COMMISSION**

**NOTICE OF RESCHEDULED PUBLIC
HEARING CONCERNING
REMOTE CALLER BINGO
CGCC-GCA-2009-02-C**

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) has rescheduled the public hearing to receive comments regarding the proposed action described in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* on June 18, 2010 (Z-2010-0608-02, Register 2010, No. 25-Z, 06/18/2010), and which is hereby incorporated by reference as if fully set forth herein. A hearing was previously scheduled for August 19, 2010, but unforeseen scheduling conflicts require that it be rescheduled. The new date and time of the public hearing is August 24, 2010, at 10:00 a.m. The location of the hearing remains the same; 2399 Gateway Oaks Drive, First Floor Hearing Room, Suite 100, Sacramento, CA 95833-4231.

PUBLIC COMMENT PERIOD

The written comment period has **not** been extended. Written comments relevant to the proposed regulatory action were due no later than 5:00 p.m. on August 2, 2010. However, written comments will be accepted at the above referenced hearing.

CONTACT PERSON

All comments and inquiries concerning the substance of the proposed action should be directed to the following contact person:

**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING**

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

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

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

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

Fries Landscaping
25421 Clough
Escalon, CA 95320

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

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

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

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

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

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

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

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

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

DEPARTMENT OF FISH AND GAME

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

For Publication August 6, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Altamont Landfill and Resource Recovery Facility
Fill Area 2 Project
(2080–2010–035–03)
Alameda County

The Department of Fish and Game (Department) received a notice on July 23, 2010 that Waste Management of Alameda County, Inc. 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). The proposed action is an approximately 324 acre expansion of a landfill which will result in disturbance of approximately 250 acres of uplands for the landfill and 75 acres of uplands for soil stockpile areas (Project). The Project will include leachate collection, removal, transmission, and treatment systems; a landfill gas collection and control system; composite liner; stormwater channels, and treatment/detention ponds. The Project will be constructed in 4 phases over a 40–year period.

Project activities will result in the permanent loss of approximately 323.48 acres of upland habitat for California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*), and permanent loss of approximately 0.52 acre of aquatic habitat for California tiger salamander. Project activi-

ties will also result in direct mortality or injury of individual California tiger salamanders and San Joaquin kit foxes in the Project disturbance area. The U.S. Fish and Wildlife Service issued a “no jeopardy” federal biological opinion (1–1–04–F–0488) (BO) and incidental take statement to the U.S. Army Corps of Engineers on June 21, 2010 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander, and the Federally endangered and State threatened San Joaquin kit fox.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission’s determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, § 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

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

DEPARTMENT OF FISH AND GAME

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

For Publication August 6, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Interstate 5 North Stockton Corridor
Improvements Project
(2080–2010–034–02)
San Joaquin Counties

The Department of Fish and Game (Department) received a notice on July 21, 2010 that the California Department of Transportation (Caltrans) proposes to rely on a consultation with a federal agency to carry out a

project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action involves construction of addition of lanes, widening, and improvements to a 12.1 mile long segment of Interstate 5 in Stockton, California (Project).

Project activities will result in the permanent loss of 0.08 acres, and temporary loss of 1.47 acres of giant garter snake (*Thamnophis gigas*) habitat. Project activities will result in the permanent loss of 0.734 acres of delta smelt (*Hypomesus transpacificus*) habitat. Project activities will also result in direct mortality or injury of individual giant garter snake and delta smelt in the Project disturbance area. The U.S. Fish and Wildlife Service issued a “no jeopardy” federal biological opinion (81420–2009–F–0638–1) (BO) and incidental take statement to Caltrans on March 3, 2010 which considered the effects of the project on the Federally and State threatened delta smelt and giant garter snake.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO is consistent with CESA for purposes of the proposed Project. If the Department determines the BO is 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.

DEPARTMENT OF FISH AND GAME

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

For Publication August 6, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
New Irvington Tunnel Project
(2080–2010–033–03)
Alameda County

The Department of Fish and Game (Department) received a notice on July 14, 2010 that the San Francisco Public Utilities Commission 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). The proposed action involves construction and operation of a new 3.5 mile water transmission tunnel, including new tunnel portal structures and associated facilities at each end in the City of Fremont to the west and in the Sunol Valley area to the east (Project).

Project activities will result in the temporary loss of 1.7 acres and the permanent loss of 54.88 acres of California tiger salamander (*Ambystoma californiense*)

and Alameda whipsnake (*Masticophis lateralis euryxanthus*) habitat. Project activities will also result in direct mortality or injury of individual California tiger salamanders and Alameda whipsnakes in the Project disturbance area. The U.S. Fish and Wildlife Service issued a “no jeopardy” federal biological opinion (81420–2009–F–1105–1) (BO) and incidental take statement to the U.S. Army Corps of Engineers on June 9, 2010 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander, and the Federally and State threatened Alameda whipsnake.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission’s determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

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

DEPARTMENT OF FISH AND GAME

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

For Publication August 6, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
South Sacramento Corridor Phase 2 Project
(2080–2010–030–02)
Sacramento County

The Department of Fish and Game (Department) received a notice on July 9, 2010 that the Sacramento Regional Transit District 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). The proposed action involves extending light rail service approximately 4.3 miles to Cosumnes River College in Sacramento, California (Project). The Project will also involve construction of four light rail stations, roadway improvements, road widening, utility modifications, and associated facilities.

Project activities will result in the permanent loss of 0.001 acre of aquatic and 0.46 acre of upland giant garter snake (*Thamnophis gigas*) habitat. Project activities will also result in the temporary loss of 0.05 acre of aquatic and 8.39 acres of upland giant garter snake habitat. Project activities will also result in direct mortality or injury of giant garter snake in the Project disturbance area. The U.S. Fish and Wildlife Service issued a “no jeopardy” federal biological opinion (81420–2008–F–0285) (BO) and incidental take statement to the U.S. Department of Transportation on April 18, 2008 which considered the effects of the project on the Federally and State threatened giant garter snake.

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

DEPARTMENT OF JUSTICE

NOTICE OF CORRECTION

The Department of Justice (DOJ) published a Notice of Proposed Rulemaking (Notice) regarding the Dealer’s Record of Sales (DROS) Fee in the July 23, 2010, edition of the California Regulatory Notice Register (Register 2010, No. 30–Z, Pages 1110–1111).

The Informative Digest/Policy Statement Overview, provided in the published Notice, incorrectly refers to the dates of “September 1, 2011” and “September 1st each year thereafter” as the dates for reviewing the DROS revenues and DROS–related expenses to determine whether it is necessary to adjust the DROS fee. Instead, the dates of “November 1, 2010” and “November 1st each year thereafter,” respectively, are the dates on which DOJ will review the DROS revenues and DROS–related expenses to determine whether it is necessary to adjust the DROS fee, as was accurately reflected in the text of the proposed regulation.

Any inquiries regarding this correction should be made to Jeff Amador, Bureau of Firearms Regulations Coordinator, by telephone at (916) 263–0256, by e-mail at Jeff.Amador@doj.ca.gov, or by mail at Department of Justice, Attn: Jeff Amador, P.O. Box 820200, Sacramento, CA 94203–0200.

DECISION NOT TO PROCEED

EMPLOYMENT DEVELOPMENT DEPARTMENT

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code section 11347, the Employment Development Department (Department) hereby gives notice that it has decided not to proceed with the proposed adoption of Chapter 2.2. Workforce Investment Act Provisions, sections 4508–1, 4508–3, and 4508–5 of Division 3. Employment Services Programs, of Part 1. Employment and Employability Services, of Title 22, California Code of Regulations. (Notice File No. Z2009–1005–01, published October 16, 2009, in the California Regulatory Notice Register 2009, No. 42–Z, page 1810.) The Department withdrew this proposed regulatory action on March 4, 2010.

The Department may initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The Department will publish this Notice of Decision Not to Proceed on the Department’s website at <http://www.edd.ca.gov>.

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

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

The attachments are not being printed for practical reasons or space considerations. However, if you would

like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: July 26, 2010
To: Sean Dunne
From: Chapter Two Compliance Unit
Subject: **2010 OAL DETERMINATION NO. 15(S) (CTU2010-0630-01)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation the Prohibition Against “Fishing” in Administrative Segregation Units at Pleasant Valley State Prison

On June 30, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a memorandum issued by Pleasant Valley State Prison prohibiting “fishing”¹ in Administrative Segregation Units constitutes an underground regulation. The rule is in a memorandum dated February 18, 2010, and titled “Fishing/Fishlines in Administrative Segregation Units”. This memorandum was issued by the associate warden at Pleasant Valley State Prison and 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 11342.600,² which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).³ 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.

¹“Fishing” is the use of threads, usually unraveled from sheets or garments, to pass items between inmate cells.

²“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.

³ 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.

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 (CDCR):

(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 (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 the Pleasant Valley State Prison. It was issued by M. E. Spearman, the associate warden at Pleasant Valley State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for “fishing.” The rule you challenge was issued by Pleasant Valley State Prison, and applies only to inmates at Pleasant Valley State Prison. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.⁴

⁴ 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.

(Footnote 4 continues on next page)

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
Tim Lockwood

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

On May 24, 2010, the Office of Administrative Law (OAL) received a petition challenging Department Operations Manual (DOM), section 54020.12, issued by the California Department of Corrections and Rehabilitation (CDCR), as an underground regulation. Section 54020.12 requires that visitors to facilities operated by CDCR have a current visa to accompany a valid government-issued passport with picture as identification.

(Footnote 4 continued from previous page)

(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.)

On July 22, 2010, CDCR certified to OAL that it will not enforce DOM section 54020.12; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

July 21, 2010

Susan Lapsley, Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Dear Ms Lapsley:

This letter is in response to a Petition for Determination that was recently received by your office. The petition was authored by Carter White of the University of California Davis Civil Rights Clinic dated May 24, 2010. The petition challenges a requirement found in our Department Operations Manual (DOM), Section 54020.12 for a current visa to accompany a valid government-issued passport with picture as identification when visiting at facilities operated by the California Department of Corrections and Rehabilitation (CDCR).

After reviewing the appropriate section in the DOM and Title 15, Division 3, Section 3173(c), the CDCR will no longer enforce the DOM requirement of this form of identification needing to have a visa. CDCR will follow the rule found in Title 15 which says an approved visitor can present a picture passport as sufficient proof of identity to visit.

I make this certification in accordance with Section 280 of Title 1, California Code of Regulations (CCR). A copy of this certification has been sent to Mr. White as required by Section 280 (a) of Title 1, CCR.

If you have any questions or concerns, please contact Brian Duffy, Special Assistant to the Undersecretary, at 323-6001, or Tim Lockwood, Chief, Regulation and Policy Management Branch (RPMB), at 255-5500.

Sincerely,

/s/
SCOTT KERNAN
Undersecretary, Operations

cc: Matthew L. Cate, Secretary, CDCR
Tim Lockwood, Chief, RPMB

Editorial Note: For legal reasons, the following "Suspension of Action Regarding Underground Regulations" concerning the same issue is being printed twice. Two parties—Robert Garcia and Carter White of the University of California Davis Civil Rights Clinic—submitted the same request separately. While the Department of Corrections and Rehabilitation addressed

both requests in one letter, we are printing the suspension letter to legally satisfy each request separately.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

On May 24, 2010, the Office of Administrative Law (OAL) received a petition from Robert Garcia challenging a memorandum issued by the Department of Corrections and Rehabilitation (CDCR) on February 26, 2007. The memorandum limited the use of the Matrícula Consular de Alta Seguridad (MCAS) as visitor identification to 60 days after the first use of the MCAS.

On July 19, 2010, CDCR certified to the OAL that the memorandum will no longer be enforced; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

July 14, 2010

Susan Lapsley, Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Dear Ms Lapsley:

This letter is in response to two Petitions for Determination that were recently received by your office. One was authored by Robert Garcia dated May 5, 2010 and the other by Carter White of the University of California Davis Civil Rights Clinic dated May 24, 2010. Both petitions challenge a 60-day limit on the use of picture identification issued by the Mexican Consulate as proof of identity when approved visitors arrive to visit inmates at facilities operated by the California Department of Corrections and Rehabilitation (CDCR).

After reviewing the appropriate section in Title 15, Division 3, Section 3173, the CDCR will no longer enforce a 60-day limit on the use of picture identification issued by the Mexican Consulate also known as the Matrícula Consular de Alta Seguridad for proof of identification for approved visitors. I make this certification in accordance with Section 280 of Title 1, California Code of Regulations (CCR).

However, the CDCR will enforce the provisions of sections 3172(e) and 3172.1(b)(6)(C) of Title 15, Division 3, CCR that require those who are applying to be visitors provide sufficient personal identification to perform a criminal records clearance before being approved as a visitor. Copies of this certification have been sent to Mr. Garcia and Mr. White as required by Section 280 (a) of Title 1, CCR.

If you have any questions or concerns, please contact me at 323-6001, or Tim Lockwood, Chief, Regulation and Policy Management Branch (RPMB), at 255-5500.

Sincerely,

/s/
SCOTT KERNAN
Undersecretary, Operations

cc: Matthew L. Cate, Secretary, California
Department of Corrections and Rehabilitation
Tim Lockwood, Chief, RPMB

DEPARTMENT OF CORRECTIONS AND REHABILITATION

On May 24, 2010, the Office of Administrative Law (OAL) received a petition from Carter White of the University of California Davis Civil Rights Clinic challenging a memorandum issued by the Department of Corrections and Rehabilitation (CDCR) on February 26, 2007. The memorandum limited the use of the Matrícula Consular de Alta Seguridad (MCAS) as visitor identification to 60 days after the first use of the MCAS.

On July 19, 2010, CDCR certified to the OAL that the memorandum will no longer be enforced; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

July 14, 2010

Susan Lapsley, Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Dear Ms Lapsley:

This letter is in response to two Petitions for Determination that were recently received by your office. One was authored by Robert Garcia dated May 5, 2010 and the other by Carter White of the University of California Davis Civil Rights Clinic dated May 24, 2010. Both petitions challenge a 60-day limit on the use of picture identification issued by the Mexican Consulate as proof of identity when approved visitors arrive to visit inmates at facilities operated by the California Department of Corrections and Rehabilitation (CDCR).

After reviewing the appropriate section in Title 15, Division 3, Section 3173, the CDCR will no longer enforce a 60-day limit on the use of picture identification issued by the Mexican Consulate also known as the Matrícula Consular de Alta Seguridad for proof of identification for approved visitors. I make this certification in

accordance with Section 280 of Title 1, California Code of Regulations (CCR).

However, the CDCR will enforce the provisions of sections 3172(e) and 3172.1(b)(6)(C) of Title 15, Division 3, CCR that require those who are applying to be visitors provide sufficient personal identification to perform a criminal records clearance before being approved as a visitor. Copies of this certification have been sent to Mr. Garcia and Mr. White as required by Section 280 (a) of Title 1, CCR.

If you have any questions or concerns, please contact me at 323-6001, or Tim Lockwood, Chief, Regulation and Policy Management Branch (RPMB), at 255-5500.

Sincerely,

/s/
SCOTT KERNAN
Undersecretary, Operations

cc: Matthew L. Cate, Secretary, California
Department of Corrections and Rehabilitation
Tim Lockwood, Chief, RPMB

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

EDUCATION AUDIT APPEALS PANEL

Notice of Availability of Precedential Decision Index
(Government Code Section 11425.60)

Notice is hereby given that the Education Audit Appeals Panel (EAAP) maintains an index of the determinations made in the decisions EAAP has designated as precedential. The index is available on the Internet at <http://www.eaap.ca.gov>, following the text of the "Appeals" section.

**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# 2010-0624-02
BOARD OF GUIDE DOGS FOR THE BLIND
Annual School Renewal Payment; Instruction Period

The Board of Guide Dogs for the Blind (Board) submitted this timely certificate of compliance action to make permanent title 16, California Code of Regulations, sections 2262 and 2262.1, which were adopted in OAL file no. 2010-0211-02E, and to amend title 16, California Code of Regulations, section 2276. This action adopts new annual renewal fees to be paid by schools licensed by the Board, revises due dates for renewal payments, as specified, pursuant to board authority added to the Business & Professions Code sec. 7200.7 in SB 475 (ch. 51, Stats.2009), and further defines the standards to be followed by both schools and instructors licensed by the Board.

Title 16
California Code of Regulations
ADOPT: 2262.1 AMEND: 2262, 2276
Filed 07/21/2010
Effective 08/20/2010
Agency Contact:
Antonette Sorrick (916) 574-7825

File# 2010-0616-03
BOARD OF OPTOMETRY
Repeal CCR section 1569 Scope of Practice

In this regulatory action the Board of Optometry repeals the "Scope of Practice" regulation in Section 1569 of Title 16 of the California Code of Regulations because the regulation duplicates Business and Professions Code section 3041.

Title 16
California Code of Regulations
REPEAL: 1569
Filed 07/21/2010
Effective 08/20/2010
Agency Contact: Andrea Leiva (916) 575-7182

File# 2010-0617-01
**CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE**
CTCAC Regulations Implementing the Federal and State Low Income Housing Tax Credit Laws

These are amendments to regulations concerning the procedures for reservation, allocation, and compliance monitoring of the Federal and State Low-Income Housing Tax Credit Programs and establish policies and procedures for use of the Tax Credits to meet purposes of the Federal Tax Reform Act of 1986. The regulations are exempt from procedural requirements of the

Administrative Procedure Act pursuant to Health and Safety Code section 50199.17.

Title 4

California Code of Regulations

AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337

Filed 07/22/2010

Effective 02/17/2010

Agency Contact: Vela Martinez (916) 654-6340

File# 2010-0625-03

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Repeal of Behavior Modification Unit Pilot Program

The Department of Corrections and Rehabilitation repeals a pilot program regarding the Behavior Modification Unit Pilot Program which was operational November 21, 2005. This pilot program was enacted pursuant to Penal Code section 5058.1 and is contained in Title 15, section 3999.2 of the California Code of Regulations. Pursuant to the terms of Penal Code section 5058.1, the pilot program has expired by operation of law. Accordingly, the Department repeals section 3999.2 pursuant to California Code of Regulations, title 1, section 100 as it does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element.

Title 15

California Code of Regulations

REPEAL: 3999.2

Filed 07/27/2010

Agency Contact: Rosie Ruiz (916) 255-5580

File# 2010-0625-02

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Parole Violation Decision Making Instrument

This certificate of compliance makes permanent the emergency regulatory action (OAL file no. 2009-1218-01EON) that incorporated by reference the Parole Violation Decision Making Instrument (PVDMI) to enable parole staff to uniformly determine, recommend, and impose proportionate and consistent sanctions for parole violators. The sanctions are based on the risk level, as determined by the California Static Risk Assessment (incorporated by reference), of the offender and the severity of the violation based on "severity rankings" as determined by rating all known parole violation codes, provided in the Violation Code Descriptions (incorporated by reference). Prior to the adoption of the emergency regulations, the regulations had a more narrow application as a pilot program (title

15, CCR, section 3999.6) effective October 15, 2008. This regulatory action also makes permanent the repeal of the pilot program.

Title 15

California Code of Regulations

ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6

Filed 07/22/2010

Agency Contact: Randy Marshall (916) 255-5785

File# 2010-0720-01

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action amends section 3435 to add *Amyris madrensis* (mountain torchwood), *Choisya arizonica* (Arizonia orange), *Choisya ternate* (Mexican or mock orange) and *Esenbeckia berlandieri* (Berlandier's jopoy) to the list of hosts and possible carriers of *Diaphorina citri* (Asian Citrus Psyllid (ACP)). The effect of this amendment will provide authority for the State to restrict the movement of these new hosts from a regulated area to prevent the artificial spread of ACP to uninfested areas of California.

Title 3

California Code of Regulations

AMEND: 3435(c)

Filed 07/26/2010

Effective 07/26/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0712-02

DEPARTMENT OF HEALTH CARE SERVICES

QAF Program/Medi-Cal LTC Reimbursement Act

This emergency action adopts regulations to implement the Quality Assurance Fee payable by residential care facilities for the elderly and the long term care reimbursement methodology.

Title 22

California Code of Regulations

ADOPT: 52000, 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600

Filed 07/22/2010

Effective 07/22/2010

Agency Contact: Ben Carranco (916) 440-7766

File# 2010-0610-02

DEPARTMENT OF MOTOR VEHICLES

California Ignition Interlock Device Program

This action updates the regulations and associated forms of the ignition interlock program for drivers who have a restricted driving privilege as a result of having

driven under the influence of drugs or alcohol and implements a pilot program.

Title 13
 California Code of Regulations
 ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22
 Filed 07/23/2010
 Effective 07/23/2010
 Agency Contact: Randi Calkins (916) 657-8898

File# 2010-0629-01
 DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Land Disposal Restriction Regulations

This nonsubstantive rulemaking modifies DTSC's RCRA hazardous waste regulations by revising technical terms for clarity, correcting typographical errors, and making the regulations consistent with CFR changes adopted by the U.S. EPA.

Title 22
 California Code of Regulations
 AMEND: 66261.3, 66261.4, 66268.1, 66268.7, 66268.9, 66268.124
 Filed 07/23/2010
 Agency Contact: Lorna Kirby (916) 324-2431

File# 2010-0628-05
 EDUCATION AUDIT APPEALS PANEL
 Audits of K-12 LEAs — FY 2010-11

This rulemaking action makes permanent the emergency regulations that constitute the annual proposal, as submitted to the Education Audit Appeals Panel by the State Controller, after consultation with the Department of Finance, for the auditing guide to be used in the Fiscal Year 2010-2011 financial and compliance audits of school districts, county offices of education, and other local education agencies serving kindergarten through twelfth grade students.

Title 5
 California Code of Regulations
 AMEND: 19816, 19816.1
 Filed 07/23/2010
 Effective 07/23/2010
 Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2010-0621-01
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Loading of Explosive Materials

This action amends existing provisions governing the loading of explosive materials to prohibit anyone except specified personnel (attendant(s), loading/detona-

tion crew, inspection personnel, and authorized supervisory personnel) from being allowed within 50 feet of a loaded hole.

Title 8
 California Code of Regulations
 AMEND: 5278
 Filed 07/22/2010
 Effective 08/21/2010
 Agency Contact: Marley Hart (916) 274-5721

File# 2010-0716-01
 OFFICE OF REAL ESTATE APPRAISERS
 Appraisal Management Company Registration (SB 237)

This regulatory action is to implement SB 237 (Chapter 173, Statutes of 2009) which requires Appraisal Management Companies, effective January 1, 2010, to register with the Office of Real Estate Appraisers (OREA) in order to administer appraisals connected to California property.

Title 10
 California Code of Regulations
 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
 Filed 07/21/2010
 Effective 07/21/2010
 Agency Contact:
 Kathleen Chovan (916) 341-6126

File# 2010-0616-04
 OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT
 Alzheimer's Disease Institute Demonstration Project

This is a nonsubstantive action repealing the "Alzheimer's Disease Institute Demonstration Project." Pursuant to former Health and Safety Code section 1312.7, these regulations remained in effect until July 1, 1990. Authorizing statute Health and Safety Code section 1312.7 was repealed by Chapters 1096 and 1097 of the Statutes of 1996.

Title 22
 California Code of Regulations
 REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19, 97300.21, 97300.23, 97300.25, 97300.27, 97300.29, 97300.31, 97300.33, 97300.35, 97300.37, 97300.39, 97300.41, 97300.43, 97300.45, 97300.47, 97300.49, 97300.51, 97300.53, 97300.55, 97300.57, 97300.59, 97300.61, 97300.63, 97300.65, 97300.67, 97300.69, 97300.71, 97300.73, 97300.75, 97300.77, 97300.79, 97300.81, 97300.83, 97300.85, 97300.87, 97300.89,

97300.91, 97300.93, 97300.95, 97300.97,
 97300.99, 97300.103, 97300.105, 97300.107,
 97300.109, 97300.111, 97300.113, 97300.115,
 97300.117, 97300.119, 97300.121, 97300.123,
 97300.125, 97300.127, 97300.129, 97300.131,
 97300.133, 97300.135, 97300.137, 97300.139,
 97300.141, 97300.143, 97300.145, 97300.147,
 97300.149, 97300.151, 97300.153, 97300.155,
 97300.157, 97300.159, 97300.161, 97300.163,
 97300.165, 97300.167, 97300.169, 97300.171,
 97300.173, 97300.175, 97300.177, 97300.179,
 97300.181, 97300.183, 97300.185, 97300.187,
 97300.189, 97300.191, 97300.193, 97300.195,
 97300.197, 97300.199, 97300.203, 97300.205,
 97300.207, 97300.209, 97300.211, 97300.213,
 97300.215, 97300.217, 97300.219, 97300.221,
 7300.223, 97300.225, 97300.227, 97300.229,
 97300.231, 97320.1, 97320.3, 97320.5, 97320.7,
 97320.9, 97320.11, 97320.13, 97320.15, 97320.17,
 97320.19, 97320.21, 97320.23, 97320.25,
 97320.27, 97320.29, 97320.31, 97321.1, 97321.3,
 97321.5, 97321.7, 97321.11, 97321.13, 97321.15,
 97321.17, 97321.19, 97321.21, 97321.23,
 97321.25, 97321.27, 97321.29, 97321.31,
 97321.33, 97321.35, 97321.37, 97321.39,
 97321.41, 97321.43, 97321.45, 97321.47,
 97321.49, 97321.51, 97321.53, 97321.55,
 97321.57, 97321.59, 97321.61, 97321.63,
 97321.65, 97321.67, 97321.69, 97321.71,
 97321.73, 97321.75, 97321.77, 97321.79,
 97321.81, 97321.83, 97321.85, 97321.87,
 97321.89, 97321.91, 97321.93, 97321.95,
 97321.97, 97321.98, 97321.99, 97321.101,
 97321.103, 97321.105, 97321.107, 97321.109,
 97321.111, 97321.113, 97321.115, 97321.117,
 97321.119, 97321.121, 97321.123, 97321.125,
 97321.127, 97321.129, 97321.131, 97321.133,
 97321.135, 97321.137, 97321.139, 97321.141,
 97321.143, 97321.145, 97321.147, 97321.149,
 97322.1, 97322.3, 97322.5, 97322.7, 97322.9,
 97322.11, 97322.13, 97322.15, 97323.1, 97323.3,
 97323.5, 97323.7, 97323.9, 97323.11, 97323.13,
 97323.15, 97324.1, 97324.3, 97324.5, 97324.7,
 97324.9, 97324.11, 97324.13, 97324.15, 97324.17,
 97324.19, 97324.21, 97324.23, 97324.25,
 97324.27, 97324.29, 97324.31, 97324.33,
 97324.35, 97324.37, 97324.39, 97324.41,
 97324.43, 97324.45, 97324.47, 97324.49,
 97324.51, 97324.53, 97324.55, 97324.57,
 97324.59, 97324.61, 97324.63, 97324.65,
 97324.67, 97324.69, 97324.71, 97324.73,
 97324.75, 97324.77, 97325.1, 97325.3, 97325.5,
 97325.7, 97325.9, 97326.1, 97326.3, 97326.5,
 97326.7, 97326.9, 97326.11, 97326.13, 97326.15,
 97331.1, 97331.3, 97331.5, 97331.7, 97332.1,
 97333.1, 97333.3, 97333.5, 97333.7, 97333.9,

97333.11, 97333.13, 97333.15, 97333.17,
 97333.19, 97333.21, 97333.23, 97335.1, 97335.3,
 97341.1, 97341.3, 97341.5, 97341.7, 97342.1,
 97342.1, 97343.3, 97343.5, 97343.7, 97343.9,
 97343.11, 97343.13, 97345.1, 97345.3, 97350.1,
 97350.3, 97350.5, 97350.7, 97350.9, 97352.1,
 97352.3, 97352.5, 97352.7, 97352.9, 97352.11,
 97353.1, 97353.3, 97353.5, 97353.7, 97353.9,
 97353.11, 97353.13, 97353.15, 97354.1, 97354.3,
 97354.5, 97361.1, 97361.3, 97361.5, 97362.1,
 97363.1, 97363.3, 97363.5, 97363.7, 97363.9,
 97363.11, 97364.1, 97364.3, 97364.5, 97364.7,
 97364.9, 97365.1, 97365.3, 97370.1, 97370.3,
 97370.5, 97370.7, 97372.1, 97372.3, 97372.5,
 97372.7, 97372.9, 97373.1, 97373.3, 97373.5,
 97373.7, 97374.1, 97381.1, 97381.3, 97381.5,
 97381.7, 97381.9, 97381.11, 97382.1, 97383.1,
 97383.3, 97383.5, 97383.7, 97383.9, 97383.11,
 97383.13, 97383.15, 97383.17, 97383.19, 97384.1,
 97384.3, 97384.5, 97384.7, 97385.1, 97385.3,
 97385.5, 97390.1, 37390.3, 97391.1, 97392.1,
 97392.3, 97392.5, 97392.7, 97392.9, 97392.11,
 97392.13, 97394.1, 97395.1, 97395.3, 97401.1,
 97401.3, 97401.5, 97402.1, 97403.1, 97403.3,
 97404.1, 97404.3, 97404.5, 97404.7, 97404.9,
 97405.1, 97405.3, 97411.1, 97411.3, 97411.5,
 97411.7, 97411.9, 97411.11, 97412.1, 97412.3,
 97412.5, 97412.7, 97412.9, 97413.1, 97413.3,
 97413.5, 97413.7, 97413.9, 97413.11, 97414.1,
 97414.3, 97416.1, 97416.3, 97416.5, 97416.7,
 97416.9, 97416.11, 97417.1, 97418.1, 97420.1,
 97420.3, 97420.5, 97421.1, 97425.1, 97425.3,
 97425.5, 97425.7, 97425.9, 97426.1, 97426.3,
 97426.5, 97426.7, 97426.9, 97426.11, 97431.1,
 97431.3, 97431.5, 97432.1, 97433.1, 97433.3,
 97434.1, 97434.3, 97434.5, 97434.7, 97434.9

Filed 07/26/2010
 Effective 07/26/2010
 Agency Contact: Beth Herse (916) 326-3613

File# 2010-0625-01
 OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT
 Inpatient Expected Source of Payment Data Element

This change without regulatory effect updates the Ex-
 pected Source of Payment (ESOP) data element by ad-
 ding codes for two new licensed plans, deletes codes for
 eight plans no longer licensed, and repeals two expired
 subsections.

Title 22
 California Code of Regulations
 AMEND: 97232
 Filed 07/21/2010
 Agency Contact: Irene Ogonna (916) 326-3937

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 24, 2010 TO
July 28, 2010**

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

Title 2

- 07/08/10 AMEND: 18313.5(c)
- 07/06/10 AMEND: 51000
- 07/01/10 AMEND: 1859.90.1
- 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1
renumbered as 1859.90.2, 1859.129,
1859.197
- 06/24/10 AMEND: 47000, 47001, 47002
- 06/23/10 AMEND: 1859.184
- 06/17/10 AMEND: 18703.3
- 06/17/10 ADOPT: 18313.5
- 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300
- 05/25/10 AMEND: div. 8, ch. 65, sec. 55400
- 05/11/10 AMEND: 18945
- 05/06/10 AMEND: 1859.2
- 05/03/10 AMEND: 60040, 60045
- 04/21/10 AMEND: 1859.96, 1859.148.2,
1859.166.2
- 04/08/10 AMEND: 1859.76
- 03/23/10 AMEND: 18351
- 03/19/10 ADOPT: 59670
- 03/19/10 AMEND: 18942 REPEAL: 18630
- 03/11/10 AMEND: 18932.4
- 02/24/10 AMEND: 1859.2, 1859.41, Form SAB
50-01, Form SAB 50-02

Title 3

- 07/26/10 AMEND: 3435(c)
- 07/20/10 AMEND: 3437
- 07/16/10 AMEND: 3434(b) and (c)
- 07/13/10 AMEND: 3591.20(a)
- 07/07/10 ADOPT: 3591.24
- 07/01/10 AMEND: 3437
- 06/30/10 AMEND: 3423(b)
- 06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1,
6450, 6450.1, 6450.2, 6451, 6451.1
- 06/10/10 ADOPT: 429, 430 AMEND: 441
- 06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and
3024.8 AMEND: 3024, 3024.1, 3024.2,
3024.3, 3024.4, and 4603
- 06/09/10 AMEND: 3434(b), (c), (d), and (e)
- 06/07/10 AMEND: 4500

- 06/02/10 AMEND: 3435
- 06/01/10 AMEND: 3437(b)
- 05/24/10 AMEND: 3434(b)
- 05/17/10 AMEND: 3591.5(a)
- 05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,
3701.4, 3701.5, 3701.6, 3701.7, 3701.8
AMEND: 3407(e), 3407(f)
REPEAL: 3000, 3001, 3002, 3003, 3004
- 05/13/10 AMEND: 3437
- 05/04/10 AMEND: 3423(b)
- 05/04/10 AMEND: 3437(b)
- 05/04/10 AMEND: 3434(b)
- 05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)
- 04/22/10 AMEND: 3434(b)
- 04/22/10 AMEND: 3406(b), 3406(c)
- 04/20/10 AMEND: 3437(b)
- 04/15/10 AMEND: 3434(b)
- 04/05/10 AMEND: 3434(b)
- 03/24/10 ADOPT: 3436
- 03/24/10 AMEND: 3588
- 03/17/10 AMEND: 3423(b)
- 03/15/10 AMEND: 3434(b)
- 03/10/10 AMEND: 3591.20(a)
- 03/10/10 AMEND: 3434(b)
- 03/04/10 AMEND: 3700(c)
- 03/04/10 AMEND: 3406(b)
- 03/03/10 REPEAL: 3279, 3433
- 03/03/10 AMEND: 3591.20
- 03/03/10 AMEND: 3406(b)
- 03/03/10 AMEND: 3423(b)
- 03/03/10 ADOPT: 3437
- 02/26/10 AMEND: 3435

Title 4

- 07/22/10 AMEND: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10323,
10325, 10326, 10327, 10328, 10330,
10335, 10337
- 07/13/10 AMEND: 8034, 8035, 8042, 8043
- 07/12/10 ADOPT: 5000, 5010, 5020, 5021, 5030,
5031, 5032, 5033, 5034, 5035, 5036,
5037, 5038, 5039, 5050, 5051, 5052,
5053, 5054, 5055, 5056, 5060, 5061,
5062, 5063, 5064, 5080, 5081, 5082,
5100, 5101, 5102, 5103, 5104, 5105,
5106, 5107, 5120, 5130, 5131, 5132,
5140, 5141, 5142, 5143, 5150, 5151,
5152, 5153, 5154, 5155, 5480, 5490,
5491, 5492, 5493, 5494, 5500, 5510,
5520, 5530, 5531, 5532, 5533, 5534,
5540, and 5550
- 06/21/10 AMEND: 8070, 8072, 8073, 8074
- 06/09/10 AMEND: 1689.1
- 06/01/10 AMEND: 10020
- 05/17/10 ADOPT: 12590 REPEAL: 12590
- 04/29/10 AMEND: 8034, 8035, 8042, 8043

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 32-Z

04/13/10 ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended 12345, and 12348 renumbered as 12346 REPEAL: 12347

04/06/10 ADOPT: 12372, 12395, 12396 AMEND: 12370

03/29/10 AMEND: 1685

03/29/10 AMEND: 1632

03/25/10 AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190

03/15/10 ADOPT: 12482

Title 5

07/23/10 AMEND: 19816, 19816.1

06/09/10 AMEND: 19824, 19851, 19854

05/27/10 ADOPT: 80048.8, 80048.8.1, 80048.9, 80048.9.1, 80048.9.2, 80048.9.3 AMEND: 800.46.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.3, 80048.4, 80048.6 REPEAL: 80048.2

05/20/10 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736

04/15/10 AMEND: 19816, 19816.1

04/12/10 REPEAL: 40503

04/12/10 AMEND: 42002

02/26/10 AMEND: 19824, 19851, 19854

Title 7

06/21/10 AMEND: 202 REPEAL: 212

Title 8

07/22/10 AMEND: 5278

07/13/10 AMEND: 9789.70

07/01/10 AMEND: 4650, 4797, 4823

06/30/10 AMEND: 10232.1, 10232.2, 10250.1

06/30/10 ADOPT: 17300

06/29/10 ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500

06/21/10 AMEND: 344.30

06/02/10 AMEND: 1590

05/25/10 AMEND: 1599

05/05/10 AMEND: 3308

04/06/10 AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8

03/24/10 AMEND: 4301

03/10/10 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B

Title 9

07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)

07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)

05/07/10 REPEAL: 3520

04/28/10 ADOPT: 4350

04/20/10 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533

Title 10

07/21/10 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741

07/19/10 ADOPT: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78

07/12/10 AMEND: 2698.600, 2698.602

07/01/10 AMEND: 2699.200, 2699.201

06/29/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911

06/24/10 AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721

06/09/10 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725

06/01/10 AMEND: 2498.6

05/26/10 AMEND: 2699.6809

05/19/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

05/04/10 AMEND: 2699.6625

04/28/10 AMEND: 2318.6

04/28/10 AMEND: 2318.6, 2353.1, 2354

04/28/10 AMEND: 2353.1

04/21/10 AMEND: 2699.202

04/21/10 AMEND: 2699.202

04/13/10 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10

04/12/10 AMEND: 2690

04/06/10 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10

04/01/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3,

| | | | |
|-----------------|--|-----------------|---|
| | 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122 | 04/20/10 | AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29 |
| 03/29/10 | AMEND: 2202, 2203 | 03/29/10 | ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 |
| 03/18/10 | ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507 | 03/10/10 | REPEAL: 18456.2.1, 18460.2.1 AMEND: 670.5 |
| Title 11 | | Title 15 | |
| 06/09/10 | AMEND: 1005, 1018 | 07/27/10 | REPEAL: 3999.2 |
| 06/09/10 | AMEND: 1005, 1007, 1008 | 07/22/10 | ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6 |
| 05/19/10 | AMEND: 20 | 07/13/10 | ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504 |
| 04/21/10 | AMEND: 1084 | 07/02/10 | ADOPT: 8000, 8001, 8002 |
| 03/30/10 | AMEND: 1084 | 05/25/10 | AMEND: 3170.1(g), 3173.2(d) |
| Title 13 | | 05/25/10 | AMEND: 3090, 3091, 3093, 3095 |
| 07/23/10 | ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22 | 04/26/10 | ADOPT: 3720, 3721, 3721.1, 3722, 3723 |
| 07/16/10 | AMEND: 2449, 2449.1, 2449.2 | 02/24/10 | AMEND: 7001 |
| 07/08/10 | AMEND: 1141(b) | Title 16 | |
| 06/14/10 | AMEND: 440.04 | 07/21/10 | REPEAL: 1569 |
| 06/14/10 | AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42 | 07/21/10 | ADOPT: 2262.1 AMEND: 2262, 2276 |
| 06/07/10 | AMEND: 152.00, 190.03 | 07/09/10 | AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006 |
| 05/18/10 | ADOPT: 1971.5 AMEND: 1968.2, 1971.1 | 07/09/10 | AMEND: 411 |
| 04/27/10 | AMEND: 1160.3, 1160.4 | 07/09/10 | AMEND: 3340.42 |
| 04/13/10 | AMEND: 1201, 1212, 1213 | 07/07/10 | AMEND: 3028, 3061 |
| 04/05/10 | ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409 | 06/30/10 | AMEND: 1355.4 |
| 04/01/10 | AMEND: 1961, 1961.1 | 06/21/10 | ADOPT: 1525, 1525.1, 1525.2 |
| 04/01/10 | AMEND: 1961, 1961.1 | 06/18/10 | ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6 |
| 03/25/10 | AMEND: 2480 | 06/07/10 | ADOPT: 1702 |
| 03/04/10 | ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14 | 06/03/10 | AMEND: 4180 |
| 03/03/10 | AMEND: 423.00 | 05/27/10 | AMEND: 314 |
| Title 14 | | 05/20/10 | AMEND: 1996.3, 1997 |
| 07/20/10 | AMEND: 670.5 | 05/19/10 | AMEND: 3340.1 |
| 07/19/10 | AMEND: 632 | 05/13/10 | ADOPT: 1399.615, 1399.616, 1399.617, 1399.618, 1399.619 AMEND: 1399.571 |
| 07/12/10 | AMEND: 7.50 | 05/04/10 | ADOPT: 4175 |
| 06/24/10 | AMEND: 360, 361, 362, 363, 364, 555, 708, 713 | 04/27/10 | AMEND: 1399.152, 1399.153.3, 1399.160.3, 1399.160.4 |
| 06/23/10 | AMEND: 919.9, 939.9 | 04/12/10 | ADOPT: 3340.36.1 |
| 05/26/10 | AMEND: 7.50 | 03/29/10 | ADOPT: 1355.4 |
| 05/03/10 | AMEND: 820.01 | 03/16/10 | ADOPT: 311.1 |
| 04/30/10 | AMEND: 27.80 | 03/09/10 | AMEND: 1016, 1017 REPEAL: 1016.1, 1017.1 |
| 04/27/10 | AMEND: 632 | 03/08/10 | AMEND: 4100 |
| | | 02/24/10 | AMEND: 4120 |

Title 17

06/29/10 AMEND: 100070, 100090
 06/17/10 ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1
 06/17/10 ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104
 04/15/10 AMEND: 95480.1, 95481, 95486
 04/07/10 AMEND: 1031.2, 1031.3

Title 18

07/19/10 ADOPT: 1698.5
 06/17/10 AMEND: 25136
 05/18/10 ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903
 05/13/10 AMEND: 1584
 05/13/10 AMEND: 1602.5, 1700
 05/11/10 REPEAL: 1525.7
 04/14/10 AMEND: 192, 193, 371
 03/30/10 ADOPT: 3500 AMEND: 2300, 2401, 3502, 4041, 4500, 4508, 4701, 4702, 4703, 4901
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7
 03/17/10 AMEND: 1699
 03/16/10 AMEND: 312(a)
 03/16/10 AMEND: 1597

Title 19

07/13/10 AMEND: 2729.7 and Appendix B of Article 4
 06/17/10 ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067

Title 19, 26

05/12/10 AMEND: Title 19: 2402, 2407, 2411, 2413, 2415, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2573.3, 2575.1, 2575.2, 2576, 2576.1, 2577.2, 2577.3, 2577.5, 2577.6, 2577.7, 2577.8, 2578.1, 2578.2, 2578.3, 2703, 2705, 2724, 2729.2, 2731, 2735.1, 2735.3, 2735.4, 2735.5, 2745.1, 2745.10, 2750.2, 2750.3, 2765.2, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, 2800, 2810, 2815, 2820, 2825, 2830, 2835, 2850, 2855, 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2966, 2970, 2980, 2990, Title 26: 19-2510, 19-2520, 19-2530, 19-2540, 19-2703, 19-2705, 19-2724, 19-2731

Title 20

07/08/10 AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b)

Title 21

06/02/10 AMEND: 1411.1, 1411.7

Title 22

07/26/10 REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19, 97300.21, 97300.23, 97300.25, 97300.27, 97300.29, 97300.31, 97300.33, 97300.35, 97300.37, 97300.39, 97300.41, 97300.43, 97300.45, 97300.47, 97300.49, 97300.51, 97300.53, 97300.55, 97300.57, 97300.59, 97300.61, 97300.63, 97300.65, 97300.67, 97300.69, 97300.71, 97300.73, 97300.75, 97300.77, 97300.79, 97300.81, 97300.83, 97300.85, 97300.87, 97300.89, 97300.91, 97300.93, 97300.95, 97300.97, 97300.99, 97300.103, 97300.105, 97300.107, 97300.109, 97300.111, 97300.113, 97300.115, 97300.117, 97300.119, 97300.121, 97300.123, 97300.125, 97300.127, 97300.129, 97300.131, 97300.133, 97300.135, 97300.137, 97300.139, 97300.141, 97300.143, 97300.145, 97300.147, 97300.149, 97300.151, 97300.153, 97300.155, 97300.157, 97300.159, 97300.161, 97300.163, 97300.165, 97300.167, 97300.169, 97300.171, 97300.173, 97300.175, 97300.177, 97300.179, 97300.181, 97300.183, 97300.185, 97300.187, 97300.189, 97300.191, 97300.193, 97300.195, 97300.197, 97300.199, 97300.203, 97300.205, 97300.207, 97300.209, 97300.211, 97300.213, 97300.215, 97300.217, 97300.219, 97300.221, 97300.223, 97300.225, 97300.227, 97300.229, 97300.231, 97320.1, 97320.3, 97320.5, 97320.7, 97320.9, 97320.11, 97320.13, 97320.15, 97320.17, 97320.19, 97320.21, 97320.23, 97320.25, 97320.27, 97320.29, 97320.31, 97321.1, 97321.3, 97321.5, 97321.7, 97321.11, 97321.13, 97321.15, 97321.17, 97321.19, 97321.21, 97321.23, 97321.25, 97321.27, 97321.29, 97321.31,

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 32-Z

| | | | | | | | |
|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|
| 97321.33, | 97321.35, | 97321.37, | 97363.11, | 97364.1, | 97364.3, | 97364.5, | |
| 97321.39, | 97321.41, | 97321.43, | 97364.7, | 97364.9, | 97365.1, | 97365.3, | |
| 97321.45, | 97321.47, | 97321.49, | 97370.1, | 97370.3, | 97370.5, | 97370.7, | |
| 97321.51, | 97321.53, | 97321.55, | 97372.1, | 97372.3, | 97372.5, | 97372.7, | |
| 97321.57, | 97321.59, | 97321.61, | 97372.9, | 97373.1, | 97373.3, | 97373.5, | |
| 97321.63, | 97321.65, | 97321.67, | 97373.7, | 97374.1, | 97381.1, | 97381.3, | |
| 97321.69, | 97321.71, | 97321.73, | 97381.5, | 97381.7, | 97381.9, | 97381.11, | |
| 97321.75, | 97321.77, | 97321.79, | 97382.1, | 97383.1, | 97383.3, | 97383.5, | |
| 97321.81, | 97321.83, | 97321.85, | 97383.7, | 97383.9, | 97383.11, | 97383.13, | |
| 97321.87, | 97321.89, | 97321.91, | 97383.15, | 97383.17, | 97383.19, | 97384.1, | |
| 97321.93, | 97321.95, | 97321.97, | 97384.3, | 97384.5, | 97384.7, | 97385.1, | |
| 97321.98, | 97321.99, | 97321.101, | 97385.3, | 97385.5, | 97390.1, | 37390.3, | |
| 97321.103, | 97321.105, | 97231.107, | 97391.1, | 97392.1, | 97392.3, | 97392.5, | |
| 97321.109, | 97321.111, | 97321.113, | 97392.7, | 97392.9, | 97392.11, | 97392.13, | |
| 97321.115, | 97321.117, | 97321.119, | 97394.1, | 97395.1, | 97395.3, | 97401.1, | |
| 97321.121, | 97321.123, | 97321.125, | 97401.3, | 97401.5, | 97402.1, | 97403.1, | |
| 97321.127, | 97321.129, | 97321.131, | 97403.3, | 97404.1, | 97404.3, | 97404.5, | |
| 97321.133, | 97321.135, | 97321.137, | 97404.7, | 97404.9, | 97405.1, | 97405.3, | |
| 97321.139, | 97321.141, | 97321.143, | 97411.1, | 97411.3, | 97411.5, | 97411.7, | |
| 97321.145, | 97321.147, | 97321.149, | 97411.9, | 97411.11, | 97412.1, | 97412.3, | |
| 97322.1, | 97322.3, | 97322.5, | 97412.5, | 97412.7, | 97412.9, | 97413.1, | |
| 97322.9, | 97322.11, | 97322.13, | 97413.3, | 97413.5, | 97413.7, | 97413.9, | |
| 97323.1, | 97323.3, | 97323.5, | 97413.11, | 97414.1, | 97414.3, | 97416.1, | |
| 97323.9, | 97323.11, | 97323.13, | 97416.3, | 97416.5, | 97416.7, | 97416.9, | |
| 97324.1, | 97324.3, | 97324.5, | 97416.11, | 97417.1, | 97418.1, | 97420.1, | |
| 97324.9, | 97324.11, | 97324.13, | 97420.3, | 97420.5, | 97421.1, | 97425.1, | |
| 97324.17, | 97324.19, | 97324.21, | 97425.3, | 97425.5, | 97425.7, | 97425.9, | |
| 97324.23, | 97324.25, | 97324.27, | 97426.1, | 97426.3, | 97426.5, | 97426.7, | |
| 97324.29, | 97324.31, | 97324.33, | 97426.9, | 97426.11, | 97431.1, | 97431.3, | |
| 97324.35, | 97324.37, | 97324.39, | 97431.5, | 97432.1, | 97433.1, | 97433.3, | |
| 97324.41, | 97324.43, | 97324.45, | 97434.1, | 97434.3, | 97434.5, | 97434.7, | |
| 97324.47, | 97324.49, | 97324.51, | 97434.9 | | | | |
| 97324.53, | 97324.55, | 97324.57, | 07/23/10 | AMEND: | 66261.3, | 66261.4, | 66268.1, |
| 97324.59, | 97324.61, | 97324.63, | | | 66268.7, | 66268.9, | 66268.124 |
| 97324.65, | 97324.67, | 97324.69, | 07/22/10 | ADOPT: | 52000, | 52100, | 52101, |
| 97324.71, | 97324.73, | 97324.75, | | | 52102, | 52103, | 52104, |
| 97324.77, | 97325.1, | 97325.3, | | | 52500, | 52501, | 52502, |
| 97325.7, | 97325.9, | 97326.1, | | | 52503, | 52504, | 52505, |
| 97326.5, | 97326.7, | 97326.9, | | | 52506, | 52508, | 52509, |
| 97326.13, | 97326.15, | 97331.1, | | | 52510, | 52511, | 52512, |
| 97331.5, | 97331.7, | 97332.1, | | | 52513, | 52514, | 52515, |
| 97333.3, | 97333.5, | 97333.7, | | | 52516, | 52600 | |
| 97333.11, | 97333.13, | 97333.15, | 07/21/10 | AMEND: | 97232 | | |
| 97333.17, | 97333.19, | 97333.21, | 06/24/10 | AMEND: | 51510, | 51510.1, | 51510.2, |
| 97333.23, | 97335.1, | 97335.3, | | | 51510.3, | 51511, | 51511.5, |
| 97341.3, | 97341.5, | 97341.7, | | | 51511.6, | 51535, | 51535.1, |
| 97342.1, | 97343.3, | 97343.5, | | | 51544, | 54501 | |
| 97343.9, | 97343.11, | 97343.13, | 06/22/10 | AMEND: | 2706-7 | | |
| 97345.1, | 97345.3, | 97350.1, | 06/17/10 | AMEND: | 51516.1 | | |
| 97350.5, | 97350.7, | 97350.9, | 05/25/10 | AMEND: | 66262.44 | | |
| 97352.3, | 97352.5, | 97352.7, | 05/19/10 | AMEND: | 100159, | 100166, | 100171 |
| 97352.11, | 97353.1, | 97353.3, | 05/18/10 | ADOPT: | 100102.1, | 100103.1, | 100103.2, |
| 97353.7, | 97353.9, | 97353.11, | | | 100106.1, | 100106.2, | 100107.1 |
| 97353.15, | 97354.1, | 97354.3, | | | AMEND: | 100101, | 100102, |
| 97361.1, | 97361.3, | 97361.5, | | | 100103, | 100104, | 100105, |
| 97363.1, | 97363.3, | 97363.5, | | | 100106, | 100107, | 100108, |
| 97363.9, | | | | | 100109, | 100110, | 100111, |
| | | | | | 100112, | 100113, | 100114, |
| | | | | | 100115, | 100116, | 100117, |
| | | | | | 100118, | 100119, | 100120, |
| | | | | | 100121, | 100122, | 100123, |
| | | | | | 100124, | | |

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 32-Z

100125, 100126, 100127, 100128, 97188, 97190, 97192, 97194
 100129, 100130 (renumbered as 97199), 97196, 97198

05/18/10 ADOPT: 100059.1, 100061.2 AMEND: **Title 22, MPP**
 100057, 100058, 100059, 100059.2, 07/09/10 ADOPT: 87606 AMEND: 87202, 87208,
 100060, 100061, 100061.1, 100062, 87212, 87455, 87633
 100063, 100063.1, 100064, 100064.1, 03/04/10 ADOPT: 89475.1, 89475.2 AMEND:
 100065, 100066, 100067, 100068, 89200, 89201, 89202, 89205, 89206,
 100069, 100070, 100071, 100072, 89207, 89218, 89219, 89219.1, 89219.2,
 100073, 100074, 100075, 100076, 89224, 89226, 89227, 89228, 89229,
 100077, 100078, 100079, 100080, 89231, 89234, 89235, 89240, 89242,
 100081, 100082, 100083 89244, 89246, 89252, 89254, 89255,
 05/18/10 ADOPT: 100340, 100341, 100342, 89255.1, 89256, 89286, 89317, 89318,
 100343, 100343.1, 100343.2, 100343.3, 89319, 89323, 89361, 89370, 89372,
 100344, 100345, 100346, 100346.1, 89373, 89374, 89376, 89377, 89378,
 100347, 100348, 100349 89379, 89387, 89387.1 renumbered as
 05/18/10 ADOPT: 100202.1, 100206.1, 100206.2, 89387(h), 89387.2, 89388, 89400,
 100206.3, 100206.4, 100208.1, 89405, 89410, 89420, 89421, 89465,
 100211.1, 100214.1, 100214.2, 100214.3 89468, 89469, 89475, 89510.1, 89510.2,
 AMEND: 100201, 100202, 100203, 89565.1, 89566, 89569.1, 89572.2,
 100204, 100205, 100206, 100207, 89587.1 REPEAL: 89245, 89261,
 100208, 100209, 100210, 100211, 89570.1
 100212, 100213, 100214, 100215, **Title 23**
 100216, 100217 REPEAL: 100218 07/19/10 ADOPT: 6932 REPEAL: 6932
 05/12/10 ADOPT: 5300, 5400 AMEND: 5002, 07/12/10 ADOPT: 3929.3
 5010, 5052, 5055, 5062, 5102, 5105 07/12/10 ADOPT: 3919.8
 05/12/10 AMEND: 11-425, 22-001, 22-003, 05/20/10 ADOPT: 2910 REPEAL: 2910
 22-009, 45-302, 45-303, 45-304, 03/10/10 AMEND: 3005
 45-305, 45-306 03/04/10 ADOPT: 2631.2
 05/06/10 AMEND: 66273.36 02/25/10 ADOPT: 3919.6
 04/08/10 AMEND: 50778 02/24/10 ADOPT: 3919.7
 04/05/10 AMEND: 4446.5 **Title 25**
 03/03/10 AMEND: 70055, 70577, 70703, 70706, 07/19/10 ADOPT: 6932 REPEAL: 6932
 70707, 70717, 70749, 70751, 70753, 06/11/10 AMEND: 8315
 71053, 71203, 71205, 71503, 71507, 05/25/10 AMEND: 7966, 7970
 71517, 71545, 71551, 71553, 72091, 03/26/10 AMEND: 10001
 72109, 72303, 72311, 72315, 72319, 02/25/10 ADOPT: 6200, 6201, 6202, 6203
 72337, 72413, 72423, 72433, 72453, **Title 27**
 72461, 72471, 72515, 72523, 72525, 07/13/10 AMEND: 25705(b)
 72528, 72543, 72547, 73077, 73089, 04/09/10 ADOPT: 22100, 22101, 22103, Division
 73301, 73303, 73311, 73313, 73315, 2 Form CalRecycle 114 AMEND: 20164,
 73325, 73329, 73399, 73409, 73449, 21200, 21570, 21640, 21685, 21820,
 73469, 73479, 73489, 73517, 73519, 21840, 21865, 21880, 22102, 22211,
 73523, 73524, 73543, 73547, 79315, 22220, 22221, 22231, 22234, 22245,
 79351, 79637, 79689 22248, Division 2 Appendix 3, Division 2
 02/24/10 ADOPT: 97177.10, 97177.15, 97177.20, form Calrecycle 100, Division 2 form
 97177.25, 97177.30, 97177.35, Calrecycle 106
 97177.45, 97177.50, 97177.55, 03/10/10 AMEND: 25903
 97177.60, 97177.65, 97177.67, **Title MPP**
 97177.70, 97177.75, 97199.50, 97200 06/10/10 AMEND: 42-302, 42-712, 42-713
 AMEND: 97170, 97172, 97174, 97176, 06/02/10 AMEND: 19-005
 97178, 97180, 97182, 97184, 97186, 05/17/10 ADOPT: 31-021 AMEND: 31-003,
 31-410, 31-501

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 32-Z

05/17/10 AMEND: 44-211

05/10/10 AMEND: 11-425, 22-001, 22-003,
22-009, 45-302, 45-303, 45-304,
45-305, 45-306

02/26/10 ADOPT: 31-021 AMEND: 31-003,
31-410, 31-501

