



California Regulatory Notice Register

REGISTER 2009, NO. 45-Z

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Office of the Attorney General, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code will review proposed amendments to the conflict of interest code of the Fair Political Practices Commission (hereinafter "Commission").

The Office of the Attorney General has established a written comment period commencing on November 7, 2009, and closing on December 21, 2009, during which interested persons may comment on the proposed amendment of the Commission's Code. Interested persons should direct their written statements, arguments, or comments, concerning the proposed amendments to Deputy Attorney General Ted Prim, Office of the Attorney General, 1300 I Street, Room 125, Sacramento, CA 95814. Any written comments must be received no later than 5:00 p.m. on December 21, 2009.

At the end of the 45-day comment period, the proposed amendments to the conflict of interest code will be submitted to the Chief Deputy Attorney General for review, unless an interested person, requests a public hearing no later than 15 days prior to the close of the written comment period. If a public hearing is requested, it will be conducted at 10:00 a.m. on January 6, 2010, by a designee of the Chief Deputy Attorney General at 1300 I Street, Sacramento, California. If this hearing is held, oral testimony will be accepted. Subsequent to the hearing, the proposed code will be submitted to the Chief Deputy for review.

The Chief Deputy Attorney General will review the above-referenced amendments to the Commission's conflict of interest code, proposed pursuant to Government Code section 87306, which designates, pursuant to Government Code section 87302, those Commission employees who must disclose certain investments, interests in real property, and income.

The Chief Deputy Attorney General, upon his or her own motion or at the request of an interested person, will approve, or revise and approve, or return the amendment to the Commission for revision and re-submission within 60 days without further notice.

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 Office of the Attorney General as the code reviewing body for the Commission. The Chief Deputy Attorney General shall approve the 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 should be made to Deputy Attorney General Ted Prim, Office of the Attorney General, 1300 I Street, Sacramento, CA 95814; Telephone (916) 324-5481.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODE**

Copies of the proposed conflict of interest code may be obtained from the Attorney General's Office or the Fair Political Practices Commission. Requests for copies from the Commission should be made to Dixie Howard, 428 J Street, Suite 620, Sacramento, California 95814; Telephone (916) 322-5660. Requests for copies from the Attorney General's Office should be made to Ted Prim, Deputy Attorney General, 1300 I Street,

Room 125, Sacramento, CA 95814; Telephone (916) 324-5481.

2009. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

Multi County:

Fairfield-Suisun Unified School District
Eastside Power Authority

A written comment period has been established commencing on **November 6, 2009** and closing on **December 21, 2009**. 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 Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **December 21,**

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to 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 codes may be obtained from the Commission offices or the respective 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 regulation at a public hearing on or after **December 10, 2009**, at the offices of the Fair Political Practices Commission (hereafter “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 **December 8, 2009**.

BACKGROUND/OVERVIEW

The Political Reform Act (the “Act”)¹, among other things, requires public officials to disclose financial information concerning their investments in business entities and real property, the gifts they receive, and their sources of income. In some cases, there are limits on the amount in gifts a public official may accept from a particular source. As part of their financial disclosure duties public officials are required to disclose sources of income to their spouses or registered domestic partners and the investments of members of their “immediate families.” Also, in some cases, a gift to a family member of an official is considered to be a gift to the official. Finally, persons subject to the Act’s lobbying provisions (see Sections 86100 through 86300) are required to file periodic reports disclosing, among other things, gifts and compensation provided to members of the “immediate family” of the state officials whom they lobby.

Section 82029 defines the term “immediate family” as a spouse and dependent children. However, the Commission has never formally defined the term “dependent children,” although Commission staff has informally done so through advice letters issued to members of the public seeking guidance under the Act. Lack of a formal definition of “dependent children” has raised questions as to the scope of a public official’s financial disclosure and gift obligations under the Act, as well as issues concerning when a gift to a public official’s “dependent child” is considered a gift to the official. The

latter problem also has raised additional questions concerning the scope of the Commission’s existing regulation on “family gifts.”

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18229.1:

Proposed Regulation 18229.1 creates a formal definition of the term “dependent child” for purposes of the Act. As proposed, the definition codifies long-standing staff advice provided in its advice letters to members of the public, which state that a dependent child is a child under 18 years of age whom the public official is entitled to claim as a dependent for federal income tax purposes.

Amend 2 Cal. Code Regs. Section 18944:

Current Regulation 18944 defines when a gift to a member of a public official’s “immediate family” (including the official’s “dependent children”) is a gift to the public official. The proposed amendments to Regulation 18944 remove reference to the term “immediate family” and instead specifically state which family members of the official are included within the coverage of the regulation. In this regard, the proposed amendments cover gifts to the official’s spouse, registered domestic partner and children of the official who meet specific criteria. These criteria are broader than the definition of “dependent child” in proposed Regulation 18229.1 because the Commission staff is concerned that a gift to a college-aged child of an official, such as payment of college tuition, could provide a major benefit to the official and should, in some cases, be considered a gift to the official for purposes of the Act. The proposed amendments further clarify that, unless an exception applies, an official receives a gift when a person pays for the official’s child’s (as defined) expenses relating to attending school or when the official solicits a gift for and that is received by the official’s family member. Also, the proposed amendments modify exceptions currently in the regulation by creating a rebuttable presumption that certain gifts to family members are gifts to the official unless the official can show, as specified in the proposed regulation, that the gift was not intended to influence or reward the official for an official action and not intended to be made to the official. There are also several proposed technical changes to the regulation.

SCOPE

The intent of this rulemaking project is to clarify what constitutes a “dependent child” for purposes of the Act and to further clarify when an official is considered to receive a gift under the Act when a gift is made to his or her family member. To that end, the Commission may

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2, Division 6 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations unless otherwise indicated.

adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. Specifically, the Commission may adopt a broader or narrower definition of “dependent child” than that proposed by staff in Regulation 18229.1 and it could tailor a separate definition for application to lobbying disclosure. Also, the Commission may adopt a broader or narrower definition for the family members covered by the “family gift” provisions in Regulation 18944 and accept, reject, or modify the clarifications, presumptions, and exceptions contained in that regulation currently and as proposed.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will not have an impact on any local entity or program.

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

Fiscal Impact on Federal Funding of State Programs. These regulations 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 the proposed adoption of Regulation 18229.1 is to implement, interpret, and make specific the term “dependent child” as set forth in Government Code Section 82029. The purpose of the proposed amendments to Regulation 18944 is to implement, interpret, and make specific the provisions of Government Code Section 82028.

CONTACT

Any inquiries should be made to Heather M. Rowan, 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 <http://www.fppc.ca.gov/index.html?id=351>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the 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 Commission will consider the proposed regulations at a public hearing on or after **December 10, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 8, 2009**.

BACKGROUND/OVERVIEW

The Commission is considering changes to 2 Cal. Code of Regulations Section 18404.1 concerning the deadline for termination of candidate controlled committees organized for elective state office that have no “net debts outstanding”¹ and the procedure for asking the Commission for an extension of time to terminate those committees. Government Code Section 85316(a) permits state candidates to accept contributions after the date of the election only to the extent that the contributions do not exceed “net debts outstanding” from the election. Government Code Section 84214 provides that committees and candidates shall terminate their filing obligation pursuant to regulations adopted by the Commission that insure that a committee or candidate will have no activity that must be disclosed under the Act. Regulation 18404.1 sets forth requirements for the termination of these committees and procedures to request an extension of time.

Candidate controlled committees organized for elective state office that have “net debts outstanding” must be terminated no later than 24 months after the earliest of the date the candidate is defeated, leaves office or the term of office for which the committee was formed ends, or for withdrawn candidates, no later than 24 months after the election from which the candidate withdrew. Committees that have no “net debts outstanding” must be terminated not later than 9 months after the earliest of the date the candidate is defeated,

¹ 2 Cal. Code of Regulations Section 18531.61 defines “net debts outstanding” to include an amount necessary to cover the cost of raising funds to pay net debt outstanding from the election, to pay costs related to complying with post-election requirements of the Act, necessary administrative costs related to winding down the campaign, legal fees and expenses incurred directly in connection with monitoring the count of absentee or provisional ballots for the election and the total amount of unpaid debts, loans and accrued expenditures incurred with respect to the election, less the total cash on hand available to pay those debts and obligations and the total amount owed to the committee.

leaves office or the term of office for which the committee was formed ends, or for withdrawn candidates, no later than 9 months after the election from which the candidate withdrew.

Subdivision (f) of Regulation 18404.1 provides that committees may request an extension of up to six months for termination of a state candidate's committee and places no limit on the number of times a committee may request an extension.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18404.1:

The Commission receives a flood of requests for extension from candidate controlled committees organized for elective state office that have net debts outstanding, often from the same committees. The Commission almost always grants the requests because, to do otherwise, the Commission could be limiting a committee's ability to pay its debts. Rather than require these committees to repeatedly continue requesting an extension of time to raise funds to pay debt, these changes will permit these committees to remain open until 60 days after they repay their debt or the committee no longer intends or has the ability to discharge its debt. Committees that have received extensions are subject to all of the disclosure requirements imposed on committees under the Act. Hence, the revised deadline would streamline the process of terminating committees without harming the disclosure purposes of the Act. The proposed changes would also continue to allow these committees to request an extension but simplify the cumbersome procedure for doing so.

The proposed amendment also contains technical changes that eliminate obsolete provisions governing committees organized for elections held prior to 2001 and candidates defeated in elections between January 1, 2001 and February 15, 2002.

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding termination of candidate controlled committees organized for elective state office.

FISCAL IMPACT STATEMENT

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

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

Fiscal Impact on Federal Funding of State Programs. This regulatory action 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 (Gov. Code Secs. 81000–91014).

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 84214 and 85316.

CONTACT

Any inquiries should be made to Valentina Joyce, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC, or email vjoyce@fppc.ca.gov.

The Commission welcomes public comment on the proposed regulatory language which can be accessed under the "Regulations" section of the Commission's website at <http://www.fppc.ca.gov/index.html?id=247>. In addition, updated regulatory language will be available for public comment on the "Agendas" section of the Commission's website no later than November 30th, ten days before the Commission's December 10th meeting.

TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

**Victim Compensation Program Regulations
Title 2, §§ 640–645**

**TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
CLAIMS OF PERSONS ERRONEOUSLY CONVICTED OF FELONIES**

Article 5, §§ 640 – 645

[Notice Published November 6, 2009]

The Victim Compensation and Government Claims Board (Board) proposes to adopt the proposed regula-

tions described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on December 21, 2009. The Board will consider only comments received at the Board's office by that time. Submit comments to:

Geoff Feusahrens
Regulations Analyst
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 13920, and 13974 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret and make specific sections 11425.10(a), 11425.50, 11440.30, 11445.10(a), 11445.20(c), 11445.30, 11465.70(c), and *Diola v. Board of Control* (1982) 135 Cal.App.3d 580, 588, fn 7; *Tennison v. Victim Compensation and Government Claims Board* (2000) 152 Cal. App. 4th 1164.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, hearings for Persons Erroneously Convicted of Felonies are governed by Title 2, Article 5.2 and the General Hearing Procedures found in Title 2, Article 2.5 (General Hearing Procedures). Section 643(p) provides that if there is any conflict between the

General Hearing Procedures and these regulations, these regulations apply to these hearings.

Because the manner that hearings for persons erroneously convicted of felonies are conducted is unique when compared to other hearings by the Board, the existing regulations created confusion for claimants and representatives regarding which provisions under the General Hearing Procedures apply to the conduct of hearings for Claims of Persons Erroneously Convicted of Felonies.

This rulemaking action seeks to include the most relevant information that claimants and claimant representatives need to know to participate in these hearings in one location for easier reference. The rulemaking action includes new and amended regulations that adopt several provisions of the General Hearing Procedures for hearings for Claims of Persons Erroneously Convicted of Felonies, including commonly used terminology for these hearings, proper citations, and current Board practices.

For clarity for claimants and representatives, the rulemaking action specifies that the formal hearing provisions, alternative dispute procedures, and declaratory decision of the Administrative Procedures Act provisions do not apply to hearings for Claims of Persons Erroneously Convicted of Felonies.¹ It includes six new regulations that describe the Board's current practices in handling hearings for persons erroneously convicted of felonies, including hearings by electronic means, proposed decision by hearing officer, and action of proposed decision by the Board. In addition, it clarifies the hearing officer's authority in overseeing the conduct of these hearings.

The draft hearing regulations specify that hearings for persons erroneously convicted of felonies are open to the public. The hearing procedure regulations also seek to amend section 640, Presentation of Claim, to require claimants to file an original and two copies of the claim including supporting evidence and documentation. The original will remain with the Board, and one copy of the claim file will be provided to the California Attorney General and the other copy of the claim file will be retained by the Board in the event an appeal is filed and an administrative record is required.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None
Cost or savings to any state agency: None

¹ Cal. Code of Regs., tit. 2, § 615.1.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations do not affect small businesses because the regulations address the manner in which the Board conducts hearings for Claims of Persons Erroneously Convicted of Felonies and only affect claimants for Claims of Persons Erroneously Convicted of Felonies.

CONSIDERATION OF ALTERNATIVES

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

The Board invites interested individuals 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:

Geoff Feusahrens
Regulations Analyst
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person for these inquiries is:

Kyle Hedum
Staff Counsel III
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3605

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if any, and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

**TITLE 14. DEPARTMENT OF
FORESTRY AND FIRE PROTECTION**

**NOTICE OF INTENTION
TO AMEND THE CONFLICT-OF-INTEREST
CODE OF THE CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE
PROTECTION (CAL FIRE)**

NOTICE IS HEREBY GIVEN that CAL FIRE pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

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

This amendment adds new positions, deletes abolished positions, amends disclosure categories for specific positions, and makes other technical changes to reflect the current organizational structure of the Department.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than **December 28, 2009**, or at the conclusion of the public hearing, if requested, whichever comes later, to the designated 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 **December 14, 2009**, by contacting the designated person set forth below.

CAL FIRE 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 designated person set forth below.

CAL FIRE 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 7 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, CAL FIRE has determined that no alternative considered would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective as 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:

CAL FIRE Labor and Human Resource
Management
Attention: Sherry Mark, Policy and Projects
Services
P.O. Box 944246
Sacramento, California 94244-2460
Email: sherry.mark@fire.ca.gov

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail must be received by the Board of Optometry not later than 5:00 p.m. on December 21, 2009 and sent to the address listed under Contact Person in this Notice.

A hearing in this matter has been scheduled for December 22, 2009 from 9:00 a.m. to 12:00 p.m., in the Department of Consumer Affairs Hearing Room, at 1625 North Market Blvd., Sacramento, California 95834. All interested parties will be heard at that time.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related

to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written 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 3025, 3041 and 3041.10 of the Business and Professions Code, and to implement, interpret or make specific Sections 3041.3 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Adopt section 1571.

Business and Professions Code (BPC) section 3025 allows the California State Board of Optometry to make and promulgate rules and regulations governing procedures of the Board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry.

Senate Bill (SB) 1406 (Chapter 352, Statutes of 2008, Correa) became effective on January 1, 2009 and expanded the scope of practice of optometrists to include, among other things, the treatment of glaucoma. BPC section 3041.10 establishes procedures to be followed by the Board in order to make sure that the public is adequately protected during the transition to full certification for all licensed optometrists interested in treating and managing glaucoma patients.

The proposed regulation establishes the requirements for glaucoma certification for licensees that graduated prior to May 1, 2008.

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

Non-discretionary Cost/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

The Board of Optometry has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact

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

AND

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

Impact on Jobs/New Businesses:

The Board of Optometry 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:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Optometry has determined that the proposed adoption of this regulation would have no effect on small businesses. The proposed regulation establishes courses that optometrists would have to take to become glaucoma certified. Optometrists would have to go to the colleges and schools of optometry in order to take the courses and would need to pay a fee. At this time, the fee has not been determined but would fall under the schools and colleges of optometry's jurisdiction, not the Board's. The schools and colleges would be able to earn back whatever was spent to implement the courses when students pay their tuition fees in order to attend. Furthermore becoming glaucoma certified would be beneficial to an optometrist in the long run. Any educational costs incurred would certainly be compensated because the optometrist would no longer have to refer glaucoma patients to ophthalmologists and would be able to treat them in their practice.

CONSIDERATION OF ALTERNATIVES

The Board of Optometry 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 written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site at www.optometry.ca.gov.

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

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

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

CONTACT PERSON

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

Name: Andrea Leiva
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7182
Fax Number: (916) 575-7292
E-mail Address: andrea_leiva@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Executive Officer
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7176
Fax Number: (916) 575-7292
E-mail Address: mona_maggio@dca.ca.gov

Optometry Board web-site access: Information regarding this proposal can be found at www.optometry.ca.gov, click on "Laws and Regulations", then "Proposed Regulations".

**TITLE 22. OFFICE OF STATEWIDE
HEALTH PLANNING AND
DEVELOPMENT**

**California Coronary Artery Bypass Graft
Outcomes Reporting Program**

NOTICE OF PROPOSED RULEMAKING

Cardiac Online Reporting for California (CORC)

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes to change the following Sections of Title 22 of the California Code of Regulations (CCR): Amend Sections 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, and 97198. Adopt Sections 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.5, and 97200. Repeal Section 97194 and readopt as 97199.

The amendments, adoptions of new sections, and repeal with readoption of one section will change hospital data submission and correction requirements for the California Coronary Artery Bypass Graft Outcomes Reporting Program from a manual system to an on-line system. The on-line system is called Cardiac Online Reporting for California, or CORC. Data collection, reported data, and report periods will not change. Due dates for data shall remain the same; however, for 2009 data only, the report for the first reporting period will not be due until the report for the second reporting period is due.

The online system will create a secure data transmission process, eliminate mailing of CD's and diskettes from hospitals to OSHPD, hasten identification and correction of errors, facilitate communication, and reduce time and paperwork to achieve quality data for both OSHPD and hospitals. The more efficient data collection and review process may result in earlier preparation and distribution of public quality and transparency reports.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to Section 11346.8(a) of the Government Code. The written request for a hearing must be received by OSHPD's contact person, designated below, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD AND
CONTACT PERSON

Any interested person may submit written comments relevant to the proposed regulatory action. All such comments must be received by OSHPD no later than 3:00 p.m. on December 21, 2009.

All inquiries and comments concerning the proposed regulations should be addressed to the primary contact person named below. Comments may be delivered by fax, e-mail, hand delivery, or mail to:

Holly Hoegh, Ph.D.
Manager Clinical Data Programs
Healthcare Outcomes Center
Office of Statewide Health Planning and
Development
400 R Street, Room 250
Sacramento, CA 95811-6213
Tel: (916) 326-3868, Fax: (916) 322-9718
E-mail: hhoegh@oshpd.ca.gov

Inquiries and comments may also be addressed to backup contact person:

Mary Moseley, M.A.
Clinical Data Programs Contracts Manager
Healthcare Outcomes Center
Office of Statewide Health Planning and
Development
400 R Street, Room 250
Sacramento, CA 95811-6213
Tel: (916) 326-3867 — Fax: (916) 322-9718
E-mail: mmoseley@oshpd.ca.gov

Each comment should include the author's name, U.S. Postal Service address, and email address, so that the addressee may be included in future communications if the text of the currently proposed regulations changes.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 128810 of the California Health and Safety Code, OSHPD proposes to amend, adopt, and repeal certain Sections between Sections 97174 and 97200 of Chapter 10 of Division 7 of Title 22 of the California Code of Regulations, which would implement, interpret, or make specific Sections 128745, 128748, and 128770 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

In accordance with Health and Safety Code Section 128745, the Office of Statewide Health Planning and

Development each year prepares and publishes annual risk-adjusted outcome reports for coronary artery bypass graft (CABG) surgeries performed in California hospitals. The program, known as the California CABG Outcomes Reporting Program (CCORP), collects data from each hospital in which CABG surgeries are performed, on each CABG patient. Currently, CABG surgeries are performed in 122 hospitals. The reported data includes 81 demographic and clinical data elements from the patient medical record. The Office analyzes the data, along with data collected from other sources, and prepares the risk-adjusted outcome reports that compare outcomes by hospital and, in every other year, by cardiac surgeon.

Historically, hospitals have mailed their data on CD or diskette to the CCORP offices. The data are then downloaded into the Office's data base. All data review and correction has been handled manually at both the Office and facility level. The process can be cumbersome and time-consuming.

These regulations will change hospital data reporting and correction requirements from a manual system to an online system called the Cardiac Online Reporting for California (CORC). The CORC system will save the State and hospitals time and money as well as create a more secure environment for collection of medical data. The new online data system will provide a better method to collect, review, and correct data. These regulations set parameters for and implement the online reporting system. The data will be secured with software protocol that ensures protection. The data elements collected will not change.

The Office's Patient Data Section currently collects patient-level data on health facility inpatient discharges, emergency department encounters, and ambulatory surgery encounters using its MIRCAl online data reporting system. The CORC system has been developed on the MIRCAl platform to utilize the strength, speed, and productivity of that system. It is a system that hospitals already have considerable experience using.

The new system will require minimal change in hospital data collection procedures, but will significantly shorten the data collection and correction process; facilitate more efficient review, analysis and editing of reports; provide additional, improved methods of communication between hospitals and the program, and lessen reliance on hard media such as CD's and paper printouts that hold patient data.

The deadline for the first reports that will be filed using the new system will be extended to allow hospitals sufficient time to receive training and to test data submission with the online CORC system.

A significant number of regulatory changes are necessary to implement online reporting. Because of the large number of changes, it was decided to simply adopt

a number of new regulatory sections applicable to reports filed under the new system. For reports including discharges beginning January 1, 2009, these new sections essentially replace existing sections that applied to reports for discharges prior to January 1, 2009. The existing sections are still applicable to data from prior report periods.

The new sections specifically mandate online reporting and also make a number of modifications to the program rules to support the online reporting and correction of data.

The Office will provide a mandated computer-based training for hospital staff who will use the CORC system, and program staff will be available to assist hospitals with any questions or problems. The CORC system includes a component that allows hospitals to enter data for the purpose of testing whether the data comply with the Office's format and file specifications and edit criteria.

In addition, there are a few other types of changes unrelated to CORC. Some of the existing regulations are reorganized to make the entire set of regulations easier to understand. Some obsolete text is deleted, and there are additions to essential valid values reporting. Also, some minor, non-substantive clean-up has been done.

Four documents have been incorporated by reference and are available for review from the Office:

- Section 97177.10 incorporates by reference the CCORP Extension Request Form — OSH-CCORP 418 (Revised 06/09)
- Section 97177.25 incorporates by reference the Office's Format and File Specifications for California Coronary Artery Bypass Graft (CABG) Outcomes Reporting Program (CCORP) Version 4.0, dated February 2009.
- Section 97177.67 incorporates by reference the Surgeon Certification Form — OSH-CCORP 415 (Revised 06/09)
- Section 97177.70 incorporates by reference the CORC User Account Administrator (UAA) Agreement Form — OSH-CCORP 757 (Rev: 04/30/09)

The online submission of data from hospitals will result in more timely data analysis and public reporting on coronary artery bypass graft surgery outcomes. Implementation of the new system is necessary for efficiency and cost-savings and to enhance timely public reporting.

The Office has determined that there are no comparable federal statutes or regulations, and the proposed changes are not mandated by federal law or regulations.

The Office has determined that the regulations have been drafted in plain English.

**DETERMINATIONS REGARDING
THE PROPOSED ACTION**

OSHPD has made the following initial determinations:

1. Local mandate: None.
2. Estimated costs or savings to any state agency: None. No state agency files reports with OSHPD and costs for OSHPD have been allocated in previous fiscal years.
3. Costs to any local agency or school district that is required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None. Local agencies and schools do not report data to OSHPD.
4. Non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant impact on housing costs: None.
7. Potential cost impact on private persons or affected businesses: No adverse impact is anticipated; however a positive effect is expected. The speed and efficiency of the automated system should create savings for hospitals. Hospital staff time spent on data submissions and corrections will be reduced. Furthermore, hospitals already have computers capable of reporting with CORC. The new system is built on the same platform as OSHPD's mandated patient discharge data reporting system called MIRCal.
8. Potential significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: OSHPD has determined that the regulations would have no such economic impact. The regulations would create cost savings for businesses.
9. OSHPD has determined that the regulations would not significantly affect the following:
 - 1) The creation or elimination of jobs within the State of California.
 - 2) The creation of new businesses or elimination of existing businesses within the State of California.
 - 3) The expansion of businesses currently doing business within the State of California.

10. Business reporting requirement: Hospitals are required by statute to report CABG surgery data elements to OSHPD. These regulatory changes update the reporting process from a manual to an online system. OSHPD finds it necessary for the health, safety, or welfare of the people of this State that these regulations, which require a report, apply to businesses.
11. Small business determination: The proposed regulatory action does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

ALTERNATIVES CONSIDERED

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OSHPD has prepared an Initial Statement of Reasons for the proposed regulations. This statement, the express terms of the proposed regulations, and the information on which the proposal is based, are available by contacting the primary contact person listed earlier. In addition, the Initial Statement of Reasons and the proposed text amendments, additions, and elimination are available on the OSHPD web site, www.oshpd.ca.gov under the Healthcare Information Division listing, CORC subcategory.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this Notice. If the Office makes modifications that 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 Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person as

listed in this Notice. The Office will accept written comments regarding potential modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the primary contact person as listed in this Notice. The complete Rulemaking File will be available for review from the primary contact person.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further 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 November 6, 2009
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Pease-Marysville 60kV Transmission Line Project
Sutter and Yuba Counties
2080-2009-017-02

The Department of Fish and Game (Department) received a notice on October 14, 2009 that Pacific Gas and Electric (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the replacement of an existing single-circuit 60 kV transmission line with a double circuit line between the Pease substation in Yuba City in Sutter County and the Marysville substation in the City of Marysville in Yuba County, CA (Project). Project activities are likely to result in permanent impacts to approximately 0.002 acres of upland habitat suitable for the giant garter snake (*Thamnophis gigas*). Project activities are also likely to result in temporary impacts to 13.01 acres of aquatic

habitat and 4.53 acres of upland habitat suitable for the giant garter snake.

The U.S. Fish and Wildlife Service (Service) issued a reintiated request to append to a programmatic “no jeopardy” federal biological opinion (81420-2009-F-0412-1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on March 14, 2008, and issued an amendment to the request (81420-2009-F-0412-R001) on September 30, 2009, which considered the effects of the project on the Federally threatened and State threatened giant garter snake. Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the BO and ITS, as appended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, PG&E 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 November 6, 2009
CESA CONSISTENCY DETERMINATION
REQUEST FOR
South Bay Aqueduct Improvement and
Enlargement Program
Alameda County
2080-2009-018-03

The Department of Fish and Game (Department) received a notice on October 26, 2009, that the California Department of Water Resources (DWR) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the improvement and enlargement of the conveyance capacity of the existing South Bay Aqueduct, which extends from 16.28 miles from the South Bay pumping plant at Bethany Reservoir, east of the Altamont Hills, to the end of the Alameda Canal south of Livermore, in Alameda County, CA (Project). Project activities will result in temporary impacts to 157.5 acres of aquatic and riparian habitat of the San Joaquin kit fox (*Vulpes macrotis mutica*) and California tiger salamander (*Ambystoma californiense*).

The US Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-1-06-F-0129)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on June 28, 2006, which considered the effects of the project on the Federally endangered and State threatened San Joaquin

kit fox, and on the Federally threatened and State candidate California tiger salamander. The Service issued a conference opinion and amendment to the BO (81420–2008–F–1422–2) to the Corps on October 15, 2009. Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the BO and ITS, as amended, are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS, as amended, are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication November 6
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Telemetry Study & Population Estimates of
Razorback Suckers in the Lower Colorado River

The Department of Fish and Game (“Department”) received a research proposal from Jeffrey C. Lantow of U.S. Bureau of Reclamation requesting authorization to conduct fishery surveys that involve the capturing, handling and PIT tagging of razorback suckers (*Xyrauchen texanus*), a Fully Protected Fish, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take protected species of fish. Permit conditions also require that the holder of a SCP obtain special authorization from the Department for research on Fully Protected Species. The applicant has the required Scientific Collecting Permit (SC–009872), a valid USFWS Federal Section 10 Permit (Permit Number: TE053085–2), and has applied for a Memorandum of Understanding (MOU) to permit him to collect the razorback sucker, a Fully Protected Species.

The proposed research is a continuation of studies that have been conducted by the U.S. Bureau of Reclamation (USBR) in support of the multi-stakeholder Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The applicant proposes to conduct ongoing telemetry studies to determine survival and habitat use of razorback suckers (razorbacks) stocked into the Colorado River. The study on razorbacks also involves population estimates, transportation and stocking of all life stages, survival rates of stocked razorbacks, recruitment, presence/absence for young of the year, determination of additional spawning sites, and monitoring surveys to assist in the scien-

tific research to recover razorbacks. The sample area consists of the Colorado River and its associated flood plain from the California and Nevada border to the Southern reach of the Colorado River. Various methods of collection will be used: trammel nets, minnow traps, seines, hoop nets, dip nets, electrofishing, and hook and line to support the LCR MSCP. All fishes collected will be identified to species and measured. All razorbacks will be measured, weighed, sexed, scanned for Passive Integrated Transponder (PIT) and wire tags, and then released. No voucher specimens will be collected. No adult fish will be removed from the waters. A request to sacrifice larval stage razorbacks is being asked to conduct genetic analysis. The purpose of the analysis is to monitor genetic structure of razorback communities in reservoirs, river reaches, and off-channel habitats within the LCR and characterize the various razorback stocks relative to the founder population from Lake Mohave. Larval fish from each stock will be captured, preserved, and delivered to Arizona State University’s genetics research laboratory for analyses. Results will be used to determine the genetic health of these communities, to assess effectiveness of the Fish Augmentation Program, to continue monitoring of the Lake Mohave repatriation effort, and to provide guidance on management of RASU populations developing in newly constructed floodplain habitats within the LCR MSCP area.

The focus of the study does not involve additional tagging of razorbacks; however, there is a request to tag razorbacks. The applicant requests to tag captured razorbacks that were not previously tagged. Only experienced personnel will implant razorbacks with the PIT tags. Tissue samples from razorbacks may be taken for purposes of aging the fish (fin ray section). Only personnel experienced in fin sampling will collect tissues. Detailed prescriptions for handling the razorback suckers are included in the applicant’s Federal Permit. The Department intends to issue, under specified conditions, a MOU that would authorize the applicant to carry out the proposed activities. Additional locations and/or methods may be authorized by the Department for future projects.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it would issue the authorization on or after December 4 for an initial term of five years. Because the applicant’s federal permit expires on August 1, 2010, the validity of the MOU after 8/1/2010 is contingent upon successful renewal of the applicant’s federal permit.

Contact: Fisheries Branch, Nongame Native Fish Program, 830 S Street, Sacramento, CA 95811, Attn.: Glenn Yoshioka.

DECISION NOT TO PROCEED

STATE WATER RESOURCES CONTROL BOARD

NOTICE OF DECISION NOT TO PROCEED Pursuant to Government Code section 11347

Division of Water Quality State Water Resources Control Board

Pursuant to Government Code Section 11347, the Division of Water Quality, State Water Resources Control Board (Water Board) hereby gives notice that it has decided not to proceed with the proposal of rulemaking action published in the California Regulatory Notice Register (CRNR), November 7, 2008 (CRNR 2008, 45-Z, p. 1965, OAL File No. Z2008-1027-02) On-Site Wastewater Treatment Systems Regulations.

The Water Board plans at a later date, with notice as required by law, to propose these regulations pertaining to the same subject matter.

Any interested person with questions concerning this rulemaking should contact Todd Thompson at (916) 341-5518 or by email at: TThompson@waterboards.ca.gov.

This Notice of Decision Not to Proceed will also be published on the Water Board's website.

RULEMAKING PETITION DECISION

DEPARTMENT OF INSURANCE

DENIAL OF PETITION FOR RULEMAKING (Government Code §11340.7)

By letter dated September 23, 2009, John Metz, as Chairman and Executive Director of JustHealth ("Petitioner") petitioned the Insurance Commissioner of the State of California (the "Commissioner") requesting adoption of a regulation. The Petitioner seeks to have the Commissioner promulgate a regulation to require

insurers, and anyone acting on an insurer's behalf, to give testimony under oath in rate-making deliberations, in rulemaking hearings and in consumer complaint reviews, whenever the insurer seeks to have the Department of Insurance rely on a material fact proffered by the insurer. Notice is hereby given that the Commissioner denies the petition for the reasons set forth below.

PROVISIONS OF THE CODE OF REGULATIONS REQUESTED TO BE AFFECTED

Title 10, California Code of Regulations, Chapter 5.

AUTHORITY AND REFERENCE CITED IN THE PETITION

Insurance Code sections 790.10, 1861.02(e) and 14013; Government Code section 11152.

REASONS SUPPORTING THE DEPARTMENT'S DETERMINATION

Petitioners state that California Insurance Code sections 790.10, 1861.02(e) and 14013, as well as Government Code section 11152, provide authority for the Commissioner to promulgate the requested regulation.

Insurance Code section 790.10 provides the Commissioner with the authority to promulgate reasonable rules and regulations as necessary to administer Division 1, Part 2, Chapter 1, Article 6.5 of the Insurance Code, Unfair Practices.

Insurance Code section 1861.02(e) provides the Commissioner with the authority to promulgate regulations implementing rate regulation and determination of rates.

Insurance Code section 14013 provides the Commissioner with the authority to adopt and enforce reasonable rules pertaining to adjusters.

Government Code section 11152 states in pertinent part that the "head of each department may adopt such rules and regulations as are necessary to govern the activities of the department."

Petitioners' request is denied, as the rulemaking they advocate would fail to meet the authority and necessity standards required by Government Code section 11349.1.

Government Code section 11342.1 requires that each regulation adopted by state agency be within the scope of authority conferred upon the agency. Government Code section 11342.2 requires that a regulation be reasonably necessary to effectuate the purpose of the statute.

Government Code section 11152 grants to the head of each department authority to promulgate "rules and

regulations as are necessary to govern the activities of *the department*” of which she is head (emphasis added). This grant of rulemaking authority does not, by its terms, extend to rules governing the activities of insurers.

The Petitioner indicates that the regulation he urges the Commissioner to promulgate is necessary because, he claims, the current system is inherently unreliable, unfair to consumers, potentially damaging to licensees who are truthful and forthright, harmful to fair competition and wasteful of state resources. However, the Petitioner fails to provide any specific evidence that would demonstrate the existence of any such unfairness, lack of reliability or other potential harm in this State.

With regard to ratemaking, rate filings submitted by a licensee are currently required to be submitted under penalty of perjury. Consequently Petitioners’ suggested regulation is unnecessary to the extent that this is its goal.

With regard to rulemaking, the Department of Insurance does not have the authority to promulgate a regulation governing its rulemaking hearings. Rulemaking procedures are set out in the Government Code, and any attempt to specify in a regulation rulemaking procedures to be followed by the Department would be beyond the scope of the rulemaking authority granted to the Department, which does not generally have authority to promulgate regulations interpreting the Government Code.

With regard to the consumer complaint process, Insurance Code section 790.03 to a great extent addresses Petitioners’ concerns. In administrative proceedings pursuant to this statute, testimony is already required to be given under oath. Petitioners have not indicated how the requested regulation is necessary to administer the Unfair Practices Act.

As Petitioners’ proposed regulation is unnecessary to effectuate the purposes of the Insurance Code, and exceeds the scope of the Commissioner’s rulemaking authority, Petitioners’ request is denied.

AGENCY CONTACT PERSON

George Teekell, Senior Staff Counsel
 California Department of Insurance
 45 Fremont Street, 21st floor
 San Francisco, CA 94105

OBTAINING COPIES OF THE PETITION

Interested persons have a right to obtain a copy of the Petition for Rulemaking and may do so by requesting a copy from the Agency Contact Person.

**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)**

On June 1, 2009, The Office of Administrative Law (OAL) received a petition challenging Administrative Directive 820 issued by the Department of Mental Health (DMH) as an alleged underground regulation. The Administrative Directive 820 dealt with search policy and procedures.

On October 23, 2009, DMH certified to the OAL that the Administrative Directive 820 had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

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 MENTAL HEALTH

CERTIFICATION PURSUANT TO 1 CCR 280

I, Cynthia A. Radavsky, Deputy Director of Long Term Care Services, California Department of Mental Health (Department), hereby certify:

1. The Department received on or about August 19, 2009, an August 18, 2009 letter from the Office of Administrative Law (OAL) indicating that it accepted for consideration a petition from Ms. Jean F. Matulis alleging that Coalinga State Hospital’s Administrative Directive 820 (Search Policy and Procedures) constitutes underground regulation. A copy of the August 18, 2009 letter and the May 22, 2009 letter petition from Ms. Matulis are attached hereto as Exhibit A.
2. The Department will not issue, use, enforce, or attempt to enforce the alleged underground regulation, Coalinga State Hospital’s Administrative Directive 820 issued on April 25, 2007.

3. A copy of the certification was sent to the petitioner by certified mail, and a copy of the receipt is attached hereto as Exhibit B.

/s/ Dated: October 21, 2009
Cynthia A. Radavsky
Deputy Director
Long Term Care Services
California Department of Mental Health

DISAPPROVAL DECISION

AIR RESOURCES BOARD

**State of California
Office of Administrative Law**

In re:

California Air Resources Board

**Regulatory Action: Title 13
California Code of Regulations**

Amend Sections: 2403, 2405, 2406, 2408, 2409

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2009-0908-03S

DECISION SUMMARY

On September 8, 2009, the California Air Resources Board (ARB) submitted to the Office of Administrative Law (OAL) the proposed amendment of sections 2403, 2405, 2406, 2408, and 2409 of Title 13 of the California Code of Regulations (CCR) regarding modification of the production and certification emission credits program for small off-road engines and the establishment of a zero-emission small off-road equipment emission credits program, and related provisions.

On October 20, 2009, OAL notified the ARB that OAL disapproved the proposed amended regulations for failure to comply with specified standards and procedures of the California Administrative Procedures Act (APA). The reasons for the disapproval are summarized below:

- A. the proposed regulation fails to comply with the clarity standard of Government Code sections 11349.1(a)(3) and 11349(c);
- B. the proposed regulation fails to comply with the consistency standard of Government Code sections 11349.1(a)(4) and 11349(d); and
- C. the agency failed to comply with the APA procedural requirements regarding the contents of the Final Statement of Reasons pursuant to Government Code section 11346.9(a)(3).

All APA issues must be resolved prior to OAL approval of any resubmission.

Date: October 27, 2009

/s/
Dale Mentink
Senior Staff Counsel

FOR: SUSANLAPSLEY
Director

Original: James Goldstene
Copy: Amy Whiting

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0915-04
BOARD OF FORESTRY AND FIRE PROTECTION
Request for Renewal of SYPs, 2009

This regulatory action establishes a process for renewal of existing Sustained Yield Plans (SYPs). The rulemaking provides an approval process for an existing SYP to be renewed for an additional 10 year period.

Title 14
California Code of Regulations
ADOPT: 1091.15 AMEND: 1091.9
Filed 10/26/2009
Effective 01/01/2010
Agency Contact:

Christopher Zimny (916) 653-9418

File# 2009-0915-03
 BOARD OF FORESTRY AND FIRE PROTECTION
 Fire Prevention Precautions, 2009

This regulatory action requires foot patrol fire inspection only in the Northern Forest Practice District to prevent wildfires ignited by commercial timber harvesting operations utilizing mechanical felling machines equipped with a rotating metal blade (RBMF). The regulations also establish the type of equipment that the patrol shall carry in its vehicle and while patrolling on foot, establish where and when to conduct the patrol, and how frequently to clean out the blade guards if wood debris or chips are accumulating in the cutting head of the saw. These amendments are intended to be considered a "pilot program" and are set to expire on December 31, 2012.

Title 14
 California Code of Regulations
 AMEND: 938.8
 Filed 10/27/2009
 Effective 01/01/2010
 Agency Contact:
 Christopher Zimny (916) 653-9418

File# 2009-0915-05
 BOARD OF FORESTRY AND FIRE PROTECTION
 FIP, UFP, and Chaparral Management, 2009

The State Board of Forestry and Fire Protection amended regulations in three title 14 programs to accommodate receiving federal funding pursuant to the American Recovery and Reinvestment Act (ARRA). The three programs are the Forest Improvement Program (FIP), Urban Forestry Program (UFP), and the Chaparral Management Program of the Department of Forestry and Fire Protection (Department). The regulations were modified to allow the Department to waive any cost share requirements under in these programs because the ARRA requires that there be no cost share requirement associated with the federal ARRA funds.

Title 14
 California Code of Regulations
 ADOPT: 1530.05, AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567
 Filed 10/27/2009
 Effective 11/26/2009
 Agency Contact:
 Christopher Zimny (916) 653-9418

File# 2009-1020-02
 CALIFORNIA POLLUTION CONTROL
 FINANCING AUTHORITY
 California Pollution Control Financing Authority Bond Program

This emergency regulatory action revises the Authority's regulations relating to pollution control revenue bonds by adding a new fee category, revising fees, and making related clarifying changes.

Title 4
 California Code of Regulations
 AMEND: 8034, 8035, 8042, 8043
 Filed 10/27/2009
 Effective 10/27/2009
 Agency Contact:
 Patricia Tanous (916) 654-5821

File# 2009-0923-03
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Waiver of Custody Rules/DMH ICF Treatment Endorsements

This pilot program is designed to increase referrals of inmates for Intermediate Care Facility treatment at mental health programs administered by the Department of Mental Health (DMH). This pilot program is being implemented in response to the *Coleman v. Schwarzenegger* case that established goals for DOCR and DMH to increase the utilization of available mental health treatment beds for the three facilities that are operated by DMH: Atascadero State Hospital, Vacaville Psychiatric Program, and the Salinas Valley Psychiatric Program. The case found that there were barriers in DOCR regulations for mental health referrals and DOCR has been directed to pilot exemptions to these rules.

Title 15
 California Code of Regulations
 ADOPT: 3999.8
 Filed 10/23/2009
 Effective 10/23/2009
 Agency Contact:
 Timothy M. Lockwood (916) 255-5477

File# 2009-1002-01
 DEPARTMENT OF INSURANCE
 Auto Body Repair Consumer Bill of Rights

This action changes the toll free phone number for complaints provided on the Auto Body Repair Consumer Bill of Rights and adds an additional paragraph to the list of entitlements, as required by AB 1179 in the amended statute, Cal. Ins. Code section 1874.87. These changes do not become effective until January 1, 2010.

Title 10
California Code of Regulations
AMEND: 2695.85
Filed 10/26/2009
Agency Contact: Drake Shogun (916)492-3535

File# 2009-0916-01
DEPARTMENT OF INSURANCE
Frequency and Severity Bands Manual

The Department of Insurance is revising section 2632.9 of title 10 to allow for the use of the most recent 2008 California Private Passenger Auto Frequency and Severity Bands Manual (May 15, 2008), which the department has updated from its 1996 version. The Manual allows insurers to have the most recent available data for use in their rate filings. The manual summarizes the experience of California insurers in the private passenger auto insurance market, as specified in Section 2632.9(e) of title 10 of the California Code of Regulations. The data in the manual are presented for each of the six coverages by three different levels of aggregation: frequency and severity bands, California Automobile Assigned Risk Program (CAARP) areas, and zip codes. Section 1 contains frequency and severity rates for the six coverages included in the manual: bodily injury (BI), property damage (PD), medical payments (MP), uninsured motorist (UM), collision (CL), and comprehensive (CM). BI, PD, MP, and UM are classified as liability coverages, while CL and CM are physical damage classifications. The twenty rating bands were created by grouping zip codes with similar risk levels together. Insurers may use the date in creating rating bands as allowed in section 2632.5(d).

Title 10
California Code of Regulations
AMEND: 2632.9
Filed 10/26/2009
Effective 10/26/2009
Agency Contact: Drake Shogun (916)492-3535

File# 2009-1015-04
DEPARTMENT OF MENTAL HEALTH
State Hospital Operations

This rulemaking is being proposed to adopt in title 9 a new chapter 16 titled, "State Hospital Operations" and a new article dealing with Safety and Security that establishes what constitutes contraband electric devices.

Title 9
California Code of Regulations
ADOPT: 4350
Filed 10/26/2009
Effective 10/26/2009
Agency Contact: Jon Cordova (916)651-1446

File# 2009-1012-01
FISH AND GAME COMMISSION
Incidental Take of Pacific Fisher During Candidacy

This is the first emergency readoption by the Fish and Game Commission adopting section 749.5 in Title 14 of the California Code of Regulations to provide for the incidental take of Pacific fisher during its candidacy for listing as an endangered or threatened species under CESA, in accordance with Fish and Game Code section 2084. This is a straight readoption, with no change to the initially adopted language.

Title 14
California Code of Regulations
ADOPT: 749.5
Filed 10/22/2009
Effective 10/27/2009
Agency Contact:
Sherrie Fonbuena (916)654-9866

File# 2009-0921-05
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Fixed Ladders

This rulemaking action amends the Occupational Safety and Health Standards Board's safety order in Section 3277 of title 8 of the California Code of Regulations regarding fixed ladders to require the addition of ladder cage extensions between the bottom of ladder cages and the guardrails of landing platforms in specified situations. The rulemaking specifies certain exceptions and allows for an alternative use of ladder safety systems in lieu of ladder cage extensions in certain situations.

Title 8
California Code of Regulations
AMEND: 3277
Filed 10/22/2009
Effective 11/21/2009
Agency Contact: Marley Hart (916)274-5721

File# 2009-0921-04
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Electric Blasting in Proximity to Radio Transmitters

This action updates the reference to the signage required in the proximity of blasting operations utilizing electric detonation to advise motorists and others that they must turn off radio transmitters and cellular telephones until they are clear of the area.

Title 8
California Code of Regulations
AMEND: 5306
Filed 10/26/2009
Effective 11/25/2009
Agency Contact: Marley Hart (916)274-5721

File# 2009-0921-03
**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD**
 Blue Stop Signs, Blue Flags and Blue Lights

This regulatory action allows the use of blue flags as blue signals used for work on industrial railroad sidings, extends specified requirements for blue stop signs to cover blue flags and blue lights, and requires blue stop signs, blue flags and blue lights to be displayed in accordance with applicable law.

Title 8
 California Code of Regulations
 AMEND: 3333, 3650
 Filed 10/28/2009
 Effective 11/27/2009
 Agency Contact: Marley Hart (916) 274-5721

File# 2009-0921-02
**OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT**
 Proposition 65 Definitions

This change without regulatory effect revises the definition of "dental personnel" in regulations implementing the Safe Drinking Water and Toxic Enforcement Act of 1986 to reflect revisions to the Dental Practice Act (Bus. & Prof. Code sections 1600 et seq.).

Title 27
 California Code of Regulations
 AMEND: 25102(d)
 Filed 10/26/2009
 Agency Contact:
 Fran Kammerer (916) 445-4693

File# 2009-1015-01
STATE WATER RESOURCES CONTROL BOARD
 Emergency Fee Regulations to Conform with Budget Act 2009-10

On September 15, 2009, the State Water Resources Control Board adopted Resolution 2009-0071, which revised the emergency water right fee regulations and schedules to be consistent with the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2009-2010. Under the Water Code and existing regulations, a person filing a water right application, petition, registration, groundwater recordation or other filing, must pay a filing fee to the State Water Board. Existing regulations also establish annual fees for water right permits, licenses, water leases, and applications. In addition, the existing regulations establish requirements for filing a petition for reconsideration of a fee determination made by the Board. In general, these emergency regulations adjust the fee schedule to (1) provide a one-time credit on annual permit or license fees to bring revenues in line

with anticipated expenditures for FY 2009-2010, (2) reduce the filing fees for the groundwater recordation program to bring revenues in line with anticipated expenditures, (3) adjust the fee caps on certain filing fees to coincide with the changes in the consumer price index, and (4) clarify fee language for petitions involving water transfers and petitions for temporary urgency involving water transfers.

Title 23
 California Code of Regulations
 AMEND: 1062, 1064, 1066, 1070
 Filed 10/21/2009
 Effective 10/21/2009
 Agency Contact: Erin Mahaney (916) 341-5187

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 27, 2009 TO
 October 28, 2009**

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

- Title 2**
- 10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297
 - 10/01/09 AMEND: 1898.2, 1898.7
 - 09/22/09 ADOPT: 18603, 18603.1
 - 09/22/09 ADOPT: 18901.1 AMEND: 18420.1
 - 09/18/09 AMEND: 1859.76
 - 09/17/09 AMEND: 2270, 2271
 - 09/14/09 AMEND: 588.1, 588.2
 - 08/31/09 ADOPT: 1859.324.2 AMEND: 1859.302, 1859.324.1, 1859.330
 - 08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1 AMEND: 647.1, 647.2, 647.3, 647.4, 647.20, 647.20.1, 647.22, 647.23, 647.24, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.38 REPEAL: 647.25, 647.34
 - 07/30/09 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585
 - 07/20/09 ADOPT: 721
 - 07/07/09 AMEND: 18450.4
 - 07/06/09 AMEND: 18940.2
 - 06/15/09 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3
 - 06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25, 649.29, 649.32, 649.33, 649.48

AMEND: 647.4, 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12, 649.13, 649.15, 649.16, 649.22, 649.24, 649.26, 649.27, 649.28, 649.30, 649.31, 649.35, 649.36, 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 REPEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23, 649.25

06/09/09 ADOPT: 18405
06/01/09 ADOPT: 250.1

Title 3

10/15/09 AMEND: 3434(b)
10/08/09 AMEND: 3434(b)
10/08/09 AMEND: 3591.20(a)
09/24/09 AMEND: 3406(b)
09/24/09 AMEND: 3434(b)
09/22/09 AMEND: 6562
09/15/09 AMEND: 3434(b)
09/14/09 AMEND: 3435(b)
09/10/09 ADOPT: 2300.1, 2300.2, 2300.3
AMEND: 2300
09/09/09 AMEND: 3434(b)
09/03/09 AMEND: 3434(b)
09/01/09 AMEND: 3435(b)
08/28/09 AMEND: 3434(b)
08/27/09 AMEND: 3435(b)
08/27/09 AMEND: 3588
08/26/09 AMEND: 6400, 6502, 6620, 6626(a)-(b), 6626(c), 6627, 6670, 6672, 6736, and incorporated by reference forms
08/20/09 AMEND: 3406(b)
08/20/09 AMEND: 3591.13(a)
08/13/09 AMEND: 3434(b)
08/13/09 AMEND: 6618, 6619, 6761.1, 6770, 6771
08/12/09 ADOPT: 902.15
08/07/09 AMEND: 3406(b)
08/05/09 AMEND: 3434(b), 3434(c)
08/04/09 AMEND: 3423(b)
07/31/09 ADOPT: 3436
07/24/09 AMEND: 3434(b)
07/22/09 ADOPT: 3591.23
07/22/09 AMEND: 3406(b)
07/21/09 AMEND: 3591.2(a)
07/20/09 AMEND: 3591.20(a)
07/13/09 AMEND: 625
07/07/09 AMEND: 3435
07/02/09 AMEND: 3423(b)
06/30/09 AMEND: 3434(b)
06/22/09 AMEND: 3434(b)
06/19/09 AMEND: 3591.20(a)
06/15/09 AMEND: 3406(b)
06/15/09 AMEND: 3434(b)
06/01/09 AMEND: 3406(b)

06/01/09 ADOPT: 3408

Title 4

10/27/09 AMEND: 8034, 8035, 8042, 8043
10/20/09 AMEND: 1606
10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050
08/25/09 ADOPT: 12380, 12381, 12384, 12385, 12386 AMEND: 12360
08/04/09 AMEND: 1853
07/31/09 AMEND: 10020
07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071
07/21/09 AMEND: 1979, 1979.1
07/21/09 REPEAL: 1950.1
06/25/09 ADOPT: 12486
06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078
06/04/09 AMEND: 106

Title 5

08/20/09 ADOPT: 19825.1 AMEND: 19816, 19816.1, 19825, 19825.1 (renumber to 19825.2)
07/21/09 ADOPT: 43200
07/21/09 ADOPT: 43220
07/21/09 AMEND: 42920
07/21/09 ADOPT: 40411
07/09/09 AMEND: 18100
07/03/09 ADOPT: 80027.1, 80048.7 AMEND: 80027
06/29/09 ADOPT: 19821.5, 19825.1, 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846
05/28/09 AMEND: 9521

Title 8

10/28/09 AMEND: 3333, 3650
10/26/09 AMEND: 5306
10/22/09 AMEND: 3277
10/07/09 AMEND: 2395.6
08/31/09 AMEND: 3385
08/27/09 AMEND: 3400
07/31/09 AMEND: 1637, 1646
07/27/09 AMEND: 5006.1
07/24/09 AMEND: 3466
07/23/09 AMEND: 1598, 1599
07/06/09 ADOPT: 5199
07/06/09 ADOPT: 5199.1
06/22/09 AMEND: 230.1
06/18/09 ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5,

9792.23.6, 9792.23.7, 9792.23.8,
9792.23.9, 9792.24, 9792.24.1,
9792.24.2, 9792.24.3, 9792.25, 9792.26
AMEND: 9792.20, 9792.21, 9792.22,
9792.23

Title 9

10/26/09 ADOPT: 4350
09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1,
7214.2, 7214.3, 7214.4, 7214.6, 7214.8,
7215.1, 7216.1, 7216.2, 7220.3, 7220.5,
7220.7 AMEND: 7213, 7213.1, 7213.2,
7213.3, 7214, 7215, 7216, 7218, 7220,
7221, 7224, 7225, 7226, 7226.1, 7226.2,
7227, 7227.1, 7227.2 REPEAL: 7219
09/14/09 ADOPT: 4000, 4005
08/04/09 AMEND: 7331
06/29/09 ADOPT: 10700, 10701 AMEND: 10518,
10529 REPEAL: 10532, 10533
06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4
AMEND: 7210, 7211, 7212

Title 10

10/26/09 AMEND: 2632.9
10/26/09 AMEND: 2695.85
10/15/09 AMEND: 2632.5
10/06/09 ADOPT: 2728, 2773, 2903 AMEND:
2731, 2848, 2930 REPEAL: 2728, 2755
09/29/09 AMEND: 2699.6625
09/24/09 AMEND: 260.004, 260.017.1,
260.102.14, 260.165, 260.210, 260.211,
260.230.1, 260.236, 260.236.1,
260.237.2, 260.240, 260.241.3
REPEAL: 260.101, 260.103.3,
260.237.1
09/23/09 AMEND: 260.102.8(b), 260.103.6,
260.105.15, 260.113, 260.140.8(b)(4),
260.140.42(e), 260.140.71.2,
260.140.114.1(c), 260.151(a),
260.236(c)(3)(C), 260.608, 1457(d),
1950.122.1, 2020(c), 2030, Note after
Subchapter 6 REPEAL: 250.50, 250.51
09/17/09 AMEND: 2699.6805
08/19/09 AMEND: 2699.6707, 2699.6711,
2699.6721, 2699.6723, 2699.6725,
2699.6809
08/04/09 ADOPT: 2355.1, 2355.2 AMEND:
2359.4 amended and renumbered to
2355.3, 2359.7 renumbered to 2355.4,
2359.8 renumbered to 2355.5 REPEAL:
2355.1, 2355.2, 2355.3, 2355.4, 2355.5,
2355.6, 2355.7, 2355.8, 2356.1, 2356.2,
2356.3, 2356.4, 2356.5, 2356.6, 2356.7,
2356.8, 2356.9, 2357.1, 2357.2, 2357.3,
2357.4, 2357.5, 2357.6, 2357.7, 2357.8,
2357.9, 2357.10, 2357.11, 2357.12,

2357.13, 2357.14, 2357.15, 2357.16,
2357.17, 2357.18, 2357.19, 2358.1,
2358.2, 2358.3, 2358.4, 2358.5, 2358.6,
2358.7, 2358.8, 2358.9, 2359.1, 2359.2,
2359.3, 2359.5, 2359.6

07/29/09 ADOPT: 2194.50, 2194.51, 2194.52,
2194.53, 2194.54, 2194.55
07/14/09 ADOPT: 2359.8
07/09/09 AMEND: 2797
07/06/09 AMEND: 250.30
06/24/09 AMEND: 2498.4.9
06/24/09 AMEND: 2498.4.9
06/24/09 AMEND: 2498.4.9
06/24/09 AMEND: 2498.4.9
06/01/09 ADOPT: Article 1, 2031.1, 2031.2,
2031.3, 2031.4, 2031.5, 2031.6, Article
2, 2031.7, 2031.8, Article 3, 2031.9,
Article 4, 2031.10
06/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7,
4.8, 4.9, 4.10
06/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4,
2850.5, 2850.6, 2850.7, 2850.8, 2850.9,
2850.10
05/29/09 ADOPT: 5500, 5501, 5502, 5503, 5504,
5505, 5506, 5507

Title 11

10/14/09 AMEND: 9052(c), 9053(b), 9053(c),
9053(e)(5)(A)4, 9053(e)(10)(A),
9053(e)(10)(B), 9054(e)(4), 9057(b),
9059(b), 9059(c), 9059(e)(9)(A),
9059(e)(9)(B), 9060(e)(4)

Title 12

10/13/09 ADOPT: 600 REPEAL: 600
09/17/09 ADOPT: 508

Title 13

10/20/09 AMEND: 2433
10/13/09 ADOPT: 2350, 2351, 2352, 2353, 2354,
2355, 2356, 2357, 2358, 2359
09/16/09 ADOPT: 2468, 2468.1, 2486.2, 2468.3,
2468.4, 2468.5, 2468.6, 2468.7, 2468.8,
2468.9, 2468.10
09/01/09 AMEND: 2222
08/24/09 AMEND: 2193
08/12/09 AMEND: 2020(b)
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