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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 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: ANTELOPE VALLEY
COMMUNITY COLLEGE
DISTRICT

A written comment period has been established commencing on **February 13, 2009**, and closing on **March 30, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 March 30, 2009. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, 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 **March 19, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **March 17, 2009**.

BACKGROUND/OVERVIEW

The Commission must adjust the gift limit, contribution limits, voluntary expenditure ceilings, officeholder account and aggregate officeholder account limits to reflect changes in the Consumer Price Index by January 1 of each odd numbered year as required respectively under Sections 89303(f), 83124 and 85316. Currently, the Commission uses the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the calendar year immediately preceding the year in which the adjustment is to take effect to adjust all of these figures. The September forecast is used because it is available before January 1 of every odd numbered year. The final Consumer Price Index for each year is not available until January or February of the proceeding year. Therefore, it is not possible to use the final Consumer Price Index for the preceding even numbered year to adjust the limits by January 1 of each odd numbered year as required. In order to have the limits adjusted by January 1 of every odd numbered year, Regulation 18544(c) directs the Commission to use the September forecast of the California Consumer Price Index to adjust the Contribution limits. Regulation 18940.2 also states that the California Consumer Price Index be used to adjust the gift limit. However, this regulation does not specifically state that the September forecast of the California Consumer Price

Index be used to adjust the limit. In reality, the Commission uses the September forecast of the California Consumer Price Index to adjust all of these limits in order for them to be adjusted by the January 1 deadline. The language for the two regulations relating to this adjustment currently reads as follows:

Regulation 18544(c) Contribution Limit Adjustment

“The adjustments shall be based upon the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the calendar year immediately preceding the year in which the adjustment is to take effect.”

Regulation 18940.2(c) Gift Limit

“The gift limitation adjustment shall be based on the California Consumer Price Index for All Urban Consumers based on Consumer Price Index data obtained from the United States Bureau of Labor Statistics for the calendar year immediately preceding the year in which the adjustment is to take effect.”

This proposed amendment seeks to replace the current language in Regulation 18940.2(c) with the same language used in Regulation 18544(c) in order to provide greater clarity to the public as to how the adjustment figures are calculated.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18940.2(c) to read:

The Commission may consider whether to adopt an amendment to Regulation 18940.2(c). Following is the proposed amendment language:

“The adjustments shall be based upon the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the calendar year immediately preceding the year in which the adjustment is to take effect.”

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 89503 and 87103.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Counsel, Legal Division, Fair Political Practices Commission, 428 J Street, Suite 800, 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, 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 **March 19, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **March 17, 2009**.

BACKGROUND/OVERVIEW

The conflict-of-interest provisions of the Political Reform Act (the "Act") provide that "no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." (Section 87100). The Act further provides that a public official has a financial interest in a decision

if it is reasonably foreseeable that the decision will have a material financial effect on, among other things, the official, a member of the official's immediate family, or any business entity in which the public official has a direct or indirect investment worth \$2,000 or more. (Section 87103(a).) To implement these provisions, the Commission has adopted regulations specifying materiality standards to apply to business entities in which a public official has an economic interest to determine if a conflict of interest exists.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18705.1:

Regulation 18705.1 defines materiality standards in terms of the size of a business entity by looking to whether the entity (i) is listed on the Fortune 500, the New York Stock Exchange, the American Stock Exchange or the NASDAQ, (ii) meets a fixed dollar threshold for earnings before taxes or net income, or (iii) if not listed, nevertheless meets the listing requirements of any of the exchanges.

The proposed amendment would apply the same materiality standard used for Fortune 500 companies to companies that are as large as Fortune 500 companies but are not listed, primarily because they are not U.S. based companies. This would bring unity to the treatment of like-sized companies.

The Commission also proposes eliminating the standard used for companies that are not listed on any exchange but are eligible for listing. Listing requirements of the various exchanges change from time to time and current ones no longer track the language of the regulation. Eliminating this seldom used standard would streamline and clarify the materiality standards.

Finally, the proposed amendment would replace "net income" with "earnings before taxes" where "net income" is used to establish the size of a business entity in determining the applicable materiality standard. "Net income" is only used once (subdivision (c)(3), in describing the applicable materiality standard for companies not listed on NASDAQ), while "earnings before taxes" is used throughout the regulation to set the materiality standard for various companies. Using a standard measure would simplify and clarify the regulation.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCES

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 87100, 87102.5, 87102.6, 87102.8 and 87103, Government Code.

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. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?id=351>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3433, of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on September 2, 2008. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than April 13, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3433, of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on October 15, 2008. The Department proposes to continue the regulation as amended and to complete the

adoption process by submission of a Certificate of Compliance no later than April 13, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3433, of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on October 20, 2008. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than April 13, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before March 30, 2009.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 180 days of the emergency regulation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendments of Section 3433 established three additional quarantine areas for the pest *Diaprepes abbreviatus*, Diaprepes root weevil: 1) Vista area and the San Diego area of San Diego County; 2) Laguna Beach area of Orange County; and, 3) Fountain Valley area of Orange County.

The effect of these amendments was to provide authority for the State to regulate the movement of the articles and commodities covered which may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine. This action is neces-

sary to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is required for Section 3433 under Section 17561 of the Government Code because the agricultural commissioners of Orange and San Diego counties requested the change in the regulation. The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental production nursery producing plants in one-gallon containers may incur initial costs of \$334 to \$527 per acre per six month period and; thereafter, ongoing costs of \$214.75 to \$456.25 per acre per six month period in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates

into an initial increased production cost of \$0.005 to 0.008 per one gallon container and an ongoing production cost of \$0.003 to 0.007 per one gallon container of nursery stock every six months. The actual costs may vary with the type, size and production practices of the affected businesses.

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail:

sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017.

Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3408, of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradication Area as an emergency action that was effective on October 28, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 27, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested per-

son, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 30, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

Section 3408 was adopted and established gypsy moth, *Lymantria dispar*, as a quarantine pest, a portion of Ventura County as a quarantine area for gypsy moth, the articles and commodities covered, restrictions and that the Director may issue special permits. The effect of this action was to establish authority for the State to conduct quarantine activities in a portion of Ventura County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3408 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3408. No reimbursement is required for Section 3408 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings

to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

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

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on October 20, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later April 20, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on November 12, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 20, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on December 12, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 20, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on January 14, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 20, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 30, 2009.

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

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

The amendments of section 3434(b) established additional portions of Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma counties as regulated areas. There is no existing, comparable federal regulation or statute regulating the intrastate movement.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3434. No reimbursement is required for Section 3434 under Section 17561 of the Government Code because all of the affected county agricultural commissioners requested the change in the regulation. The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations (CCR), and cannot be sold. Therefore, there are no additional mandated costs of compliance due to this regulation.

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 350.36, 350.38, 350.40, 350.44 and 350.46, in Chapter 1, Division 1, Article 5, of Title 13 in the California Code of Regulations to allow casual requesters a method of electronic access for requesting his/her information or specific family member information from the department's records and to identify the fee amount for requesting information by electronic means.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. on March 30, 2009, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1810 and Civil Code section 1798.26, in order to implement, interpret or make specific Vehicle Code sections 1810 and 1811.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 1810 authorizes the department to "permit inspection of, or sell, or both, information from its records . . . at a charge sufficient to pay the actual cost to the department for providing the inspection or sale of the information, . . . with the charge for the information to be determined by the director." Vehicle Code section 1811, authorizes the department to sell information at "a charge sufficient to pay at least the entire cost to the department. . . the charge for the records and the conditions under which they may be sold to be determined by the director."

The department has created a method to allow casual requesters to submit a request for his/her own or specific family member's Department of Motor Vehicles record information electronically via the Internet. The proposed amendments will allow electronic access, provide realistic identity/security protection prompts to gain access to the information and set the fee amount for requesting information electronically.

§350.36 Casual Request for Information. An amendment to Section 350.36 is proposed to identify the methods available to the public who wish access to information from the department regarding his/her individual or specific family member's public records.

§350.38 Identification of Casual Requesters. An amendment to Section 350.38 is proposed to clarify the various identity/security protection prompts required by the department to gain access to the requester's information contained in the department's public records.

§350.40 Release of Information to Casual Requester. An amendment to Section 350.40 is proposed to allow the release of information when requested electronically, specify whose information can be released to a requester, inform the public that notification will be sent to the party whose information was released and deletion of unnecessary language that is currently in statute or would not apply to the release of information.

§350.44 Cost of Information. An amendment to Section 350.44 is proposed to add the fee for a casual requester when requesting information electronically via the Internet and clarify the cost when the request is made in person or by mail.

§350.46 Payment for Information. An amendment to Section 350.46 is proposed to delete the method of payment for the information request.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents to be incorporated by reference.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The regulation broadens the methods in which the public may request information from the department. The two dollar (\$2) fee is compatible with the commercial requester fee for information requested and released electronically and is less than the cost when requested in person or by mail.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the State of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not significantly affect small businesses because a casual requester is allowed to only access his/her own information or the information of specific family members from the department's public records.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the is-

sues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Randi Calkins, at (916) 657-8898 or e-mail rcalkins@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the pro-

posed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to add Section 6594, et seq., Title 14, in California Code of Regulations, relating to proposed regulations to administer federal funds for the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program and Boating Safety and the Boating Law Enforcement Trainee Grant Program.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (herein referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department by 5:00 p.m. on 04/10/2009, which is hereby designated as the close of the written comment period. The Department will also accept written comments during the written comment period. Comments may be transmitted by regular mail, fax, or email to the Department in care of the Contact Person designated below:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

PUBLIC HEARING

The Department does not propose to conduct a public hearing for this proposed regulatory action. However, in accordance with section 11346.8 of the Government Code, any interested party, or his or her duly authorized representative, may submit a request for a public hearing, in writing, to the Department, at least 15 days before the close of the written comment period, specified above.

Please submit your written request for a hearing to the contact person listed above.

AUTHORITY AND REFERENCE CITATIONS

This regulatory action is taken pursuant to the authority vested by Harbors and Navigation Code Sections 61.4 and 61.6, and referenced in Harbors and Navigation Code Sections 61.4, 61.6 and 650, and Title 49 CFR Part 18, which allows the Department to accept and expend Federal grants. The purpose of the proposed regulations is to implement, interpret and make specific the requirements of the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program and the Boating Safety and Boating Law Enforcement Trainee Grant Program.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department receives Federal funds for boating safety and enforcement and provides such funds to local agencies, as defined, in the form of grants in accordance with the provisions of Harbors and Navigation Code sections 61.4 and 61.6, and in compliance with Title 49 of the Code of Federal Regulations Part 18. This proposal is intended to implement, interpret, and make specific the requirements of the Boating Safety and Boating Law Enforcement Equipment Grant Program, and the Boating Safety and Boating Law Enforcement Training Grant Program and the Boating Safety and Boating Law Enforcement Trainee Program.

The proposed Boating Safety and Boating Law Enforcement Equipment Grant Program implements and specifies the application process necessary for the Department to award grants for the purchase of boats, trail-

ers and equipment; specifies grant award criteria, the reimbursement process, and the audit and appeals process necessary to ensure funds are utilized in accordance with program guidelines.

The proposed Boating Safety and Boating Law Enforcement Training Grant Program implements and specifies the guidelines to conduct boating safety and boating law enforcement training, specifies guidelines for the reimbursement process, and guidelines for the audit and appeals process necessary to ensure funds are utilized in accordance with the program guidelines.

The proposed Boating Safety and Boating Law Enforcement Trainee Program implements and specifies the grant award criteria for agencies whose personnel participate in boating safety and boating law enforcement training courses; specifies guidelines for the reimbursement process, and specifies guidelines for the audit and appeals process necessary to ensure funds are utilized in accordance with program guidelines.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or any increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no cost or savings in Federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

The Department has determined that the proposed regulatory action will not impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirements upon businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action has no impact on small businesses because only a County, or a public agency within a County, may voluntarily participate in the Boating Safety and Boating Law Enforcement Equipment Grant Program, the Boating Safety and Boating Law Enforcement Training Grant Program, and the Boating Safety and Boating Law Enforcement Trainee Grant Program, and primarily because counties and public agencies are not considered to be small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the

attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments regarding alternatives to the proposed regulations to the contact person, named in this notice, during the public comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for each program proposed, and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation for each program may be obtained from the Department contact person named in this notice. The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text is made available.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulations, inquiries regarding the rulemaking file and questions on the substance of the proposed regulatory action may be directed to:

Mr. Mike Sotelo
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
Telephone: (916) 263-0787
FAX: (916) 263-0357
E-mail: msotelo@dbw.ca.gov

NOTE: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: Denise Peterson, Law Enforcement and Training Supervisor, at (916) 263-8181.

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the Department's Internet Home Page (<http://www.dbw.ca.gov>).

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the Department's "Decisions Pending and Opportunities for Public Participation" Internet page at <http://www.dbw.ca.gov/PublicOpp.aspx>.

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend 7601, 7602, and 7605 in Title 14 of the California Code of Regulations (CCR), relating to Yacht and Ship Broker's Licenses, i.e., amending the definition of advertising, clarifying the required information that must appear in an advertisement for a brokered yacht, and clarifying the authorization is also required to share compensation for sharing a listing of a brokered vessel with another broker.

WRITTEN COMMENTS

A written comment period has been established commencing 02/13/2009 and terminating on 04/10/2009. Any interested person may present written comments concerning the proposed regulation no later than 5:00 p.m., 04/10/2009. Comments submitted after this time and date will not be considered. Please submit your written comments, relevant to the proposed regulatory action, to:

Mike Sotelo
 California Department of Boating and Waterways
 2000 Evergreen Street, Suite 100
 Sacramento, CA 95815
 Facsimile (FAX): (916) 263-0648

PUBLIC HEARING

The Department does not propose to conduct a public hearing for this proposed regulatory action. However, in accordance with section 11346.8 of the Government Code, any interested party, or his or her duly authorized representative, may submit a request for a public hearing, in writing to the Department, at least 15 days before the close of the written comment period.

Please submit your written request for a hearing to the contact person listed above.

AUTHORITY AND REFERENCE

This regulatory action is taken pursuant to the authority vested by Harbors and Navigation Code section 703, which authorizes the Department to adopt the proposed regulations, which would implement, interpret, or make specific sections 701, 708, and 716 of the Harbors and Navigation Code.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

The regulations the Department proposes to adopt through the authority found in 701 of the Harbors and Navigation Code allows the Department to adopt rules and regulations it deems necessary to carry out the provisions of Division 3, Chapter 5, Article 2 of the Harbors and Navigation Code, known as the Yacht and Ship Brokers Act. The proposed amendment to of Article 8 in Chapter 1, Division 4 of Title 14 of the CCR would amend the definition of advertising, clarify the required information that must appear in an advertisement for a brokered yacht, and clarify the authorization required to share a listing to sell a brokered yacht.

Amend 7601(c), General Definitions. The current definition of advertising found in section 7601(c) is out of date and does not adequately identify the various advertising media used in selling brokered yachts. This section is amended to update the definition.

Amend 7602, Advertising. This section specifies the requirement for brokers to disclose the fact that the advertisement for a brokered vessel is conducted by a licensed broker. The section is being amended to disclose the name of the listing broker if the advertisement appears in a multiple listing advertisement, so that con-

sumers are aware which brokerage holds the listing for the vessel that they are interested in purchasing.

Amend 7605, Shared Compensations. This section, formerly, identified as “shared listings”, is amended to read, “shared compensation”, to specify that a broker who intends to share the commission or compensation from the sale of the brokered vessel, must obtain permission in writing from his or her principal to do so. The section was amended to clarify that the listing broker must obtain the seller’s authorization to share or divide the commission or compensation with other brokers who would assist the listing broker by sharing a listing to advertise the vessel to enhance the sales possibilities.

PLAIN ENGLISH REQUIREMENTS

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirement of Government Code section 11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and are written to be easily understood by the persons affected by them.

CONSIDERATION OF ALTERNATIVES

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

SIGNIFICANT STATEWIDE ADVERSE
 ECONOMIC IMPACT DIRECTLY
 AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE
 PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has determined that the proposed regulatory action will not create or eliminate jobs within the state of California, create new businesses or eliminate existing businesses within the state of California, and will not expand businesses currently doing business within the state of California.

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action will have little or no effect on small businesses. The kayaking company that provided the impetus for regulatory action may move to another staging area where such activity is permitted.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

IMPACTS ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COST OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no costs or savings in federal funding to the State.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirement upon businesses.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATORY ACTION

The Department has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the Department contact person named in this notice. The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text will be made available.

AVAILABILITY ON THE INTERNET

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on the Department’s Internet Home Page: <http://www.dbw.ca.gov/PubOpp.aspx>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named below. In addition, the Final Statement of Reasons will be posted on the Department’s Internet Home Page and accessed at <http://www.dbw.ca.gov>.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the initial Statement of Rea-

sons and/or the proposed text of the regulation, inquiries regarding the rulemaking file and the questions on the substance of the regulatory action may be directed to:

Mike Sotelo
 California Department of Boating and Waterways
 2000 Evergreen Street, Suite 100
 Sacramento, CA 95815
 Telephone (916) 263-0787
 Fax (916) 263-0648
 E-mail: msotelo@dbw.ca.gov

NOTE: If the contact person listed above is unavailable, for questions on the substance of the regulatory action you may contact, Denise Peterson, Law Enforcement and Training Supervisor, at (916) 263-8181.

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

**NOTICE OF PROPOSED ACTION
 ADOPTION OF EMERGENCY REGULATIONS**

**California Code of Regulations
 Title 15, Crime Prevention and Corrections
 Department of Corrections and Rehabilitation
 Corrections Standards Authority**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Welfare and Institutions Code Section 1975 and the rulemaking authority granted by Penal Code Section 5058.3, in order to implement, interpret and make specific Welfare and Institutions Code Sections 1970 through 1976, proposes to adopt Sections 1800 through 1892 of Title 15, California Code of Regulations, Division 1, Chapter 1 Subchapter 7 concerning local youthful offender rehabilitative facilities construction funding.

PUBLIC HEARINGS

Date and Time: March 24, 2009
 1:00 p.m.
Place: Los Angeles County Probation
 Department
 Executive Conference Room
 9150 East Imperial Highway
 Downey, CA 90242

Purpose: To receive comments about this action.
Date and Time: April 3, 2009
 1:00 p.m.
Place: Corrections Standards Authority
 660 Conference Room
 660 Bercut Drive
 Sacramento CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will **begin on February 13, 2009** and will **close on March 30, 2009 at 5:00 p.m.** Any person may submit public comments in writing (by mail, fax or by e-mail) regarding the proposed changes. To be considered by the Corrections Standards Authority (CSA), comments must be submitted to the CSA, County Facilities Construction Division, 600 Bercut Drive, Sacramento, CA 95811; by fax at (916) 327-3317; or by e-mail at juvenilefacility-construction@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquires regarding this action to:
**Charlene Aboytes, Field Representative
 Corrections Standards Authority
 Department of Corrections and Rehabilitation
 600 Bercut Drive, Sacramento, CA 95811
 Voice: (916) 324-1914
 E-mail: Charlene.aboytes@cdcr.ca.gov**

In the event that the contact person is unavailable, inquiries should be directed to the following back-up person:

**Melinda Ciarabellini, Field Representative
 Corrections Standards Authority
 Department of Corrections and Rehabilitation
 600 Bercut Drive, Sacramento, CA 95811
 Voice: (916) 445-9435
 E-mail: Melinda.ciarabellini@cdcr.ca.gov**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None. The Corrections Standards Authority did not receive funds for additional staff to implement these regulations.
- Other nondiscretionary cost or savings imposed on local agencies: None. To be eligible for this voluntary funding program, counties must provide matching funds of 25% of total eligible project costs. This will vary depending on the total funds that a county requests.
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The CSA has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CSA has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The CSA has determined that the proposed regulations will indirectly positively affect small businesses.

Among other provisions, the Senate Bill (SB) 81 Local Youthful Offender Rehabilitative Facility Construction Grants provide \$100 million to counties for the construction, renovation or expansion of local youthful offender rehabilitative facilities. This will mean more construction and custody related jobs in the communities where this construction takes place.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The CSA has determined that the proposed regulations will indirectly positively affect jobs in California. Among other provisions, the SB 81 Local Youthful Offender Rehabilitative Facility Construction Grants provide \$100 million to counties for the construction, renovation or expansion of local youthful offender rehabilitative facilities. This will mean more construction related jobs in the communities where this construction takes place.

CONSIDERATION OF ALTERNATIVES

The CSA must determine that no reasonable alternative considered by the CSA, or that has otherwise been identified and brought to the attention of the CSA, 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 regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CSA has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Authority's contact person. The proposed text, ISOR and the Notice of Proposed Action will also be made available on the CSA's website at http://www.cdcr.ca.gov/Divisions_Boards/CSA/CFC/Index.html.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CSA's contact person.

AVAILABILITY OF CHANGES
TO PROPOSED TEXT

After considering all timely and relevant comments received, the CSA may adopt the proposed regulations substantially as described in this Notice. If the CSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CSA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Summary of Existing Laws:

In August 2007, Senate Bill 81, Local Youthful Offender Rehabilitative Facility Construction Grants became law (as authorized by certain provisions of SB 81, Chapter 175, Statutes of 2007). Those requirements are now reflected in new sections of the Welfare and Institutions Code. These sections (1970 through 1976) outline the CSA's responsibilities to administer local youthful offender rehabilitative facility construction funding. Specifically, Section 1975 requires the CSA to adopt regulations for the approval or disapproval of local youthful offender rehabilitative facilities.

Penal Code Section 5058.3 authorizes the Director to adopt, amend or repeal emergency regulations conducted pursuant to Government Code Section 11340.

Summary of Existing Regulations:

There are no standards that address the CSA's responsibilities in SB 81, Chapter 175, Statutes of 2007. Previously, the Board of Corrections¹ administered the County Jail Capital Expenditure Bond Acts of 1981 and 1984, the County Correctional Facility Capital Expenditure Bond Act of 1986, the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988 and federal dollars from the Violent Offender In-

¹ As a result of the reorganization of California's correctional system in 2005, the Board of Corrections was renamed the Corrections Standards Authority.

carceration and Truth-in Sentencing Incentive Grant Program. Regulations in effect at that time were located in Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 2. There are no comparable federal regulations or statutes.

ARTICLE 1. GENERAL PROVISIONS

Section 1800, Purpose. The intent of this new regulation is to describe the scope of the new regulations in Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 7.

Section 1806, Definitions. This new regulation defines terms used throughout the following regulations.

The following definitions are provided and are used in an abbreviated form in these regulations.

"Authority" for Corrections Standards Authority (an entity within the California Department of Corrections and Rehabilitation); the state agency responsible for administering the 2007 Youthful Offender Rehabilitative Facilities Construction Funding Program in conjunction with the California Department of Corrections and Rehabilitation and the State Public Works Board.

"Board" for State Public Works Board; an entity within the California Department of Finance responsible for financing the construction through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program with lease-revenue bonds. "CCR" for the California Code of Regulations wherein these Title 15 regulations will reside. "CDCR" for the California Department of Corrections and Rehabilitation; the state agency responsible for California's corrections system.

"EIR" for environmental impact report; a required report as defined in the California Environmental Quality Act.

In 2007, language was added to the Welfare and Institutions Code (Chapter 1.5, Article 3, Sections 1970 through 1976) that set forth the requirements to finance the construction of local youthful offender rehabilitative facilities. The definition of "2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program" was provided to describe these regulations that implement and specify those statutes.

The definition of "Administrative work plan" was developed as a criterion by which county's proposals will be evaluated. This term is referenced in Sections 1830, Proposal and 1840, Proposal Evaluation Criteria.

The definition of "Applicant" as used throughout these new regulations was developed to describe those counties that are eligible for applying for funds under this funding program.

The definition of “Board of Supervisors’ resolution” was provided to describe the document required from a County Board of Supervisors to demonstrate a county’s commitment as referenced in these new regulations (Sections 1812 Eligibility Requirements and 1830, Proposal).

The definition of “Cash match” (also known as “hard match”) was provided to describe the money that is required to be applied as the county’s share of an award of funding and is referenced in Sections 1814, Matching Fund Requirements and 1847, Pre-funding Requirements.

The definition of “Conditionally award state bond funds” was added to describe the conditions by which counties must conform to in order to receive funding through this program. This phrase is referenced in Sections 1856, Disbursement of the Proceeds from the Lease-Revenue Bond Funds, 1868, Project Modifications and 1872, Unused Proceeds of Lease-Revenue Bonds.

The definition of “Construction documents” was provided to define what constitutes a construction document submittal. This term is referenced in Section 1849, Submittal of Architectural Drawings and Specifications.

The definition of “Construction management” was added to describe a term in Sections 1812, Eligibility Requirements and 1814, Matching Fund Requirements.

The definition of “County” was added to assure consistency and clarity throughout these regulations.

The definition of “Design capacity” is referenced in Section 1850, Staffing Plan/Operating Cost Analysis, and was added to provide a consistent means of calculating costs per bed and costs per square foot.

The definition of “Design development” was provided to define what constitutes a design development submittal. This term is referenced in Sections 1849, Submittal of Architectural Drawings and Specifications and 1850, Staffing Plan/Operating Cost Analysis.

The definition of “Detention alternatives” was developed as a criterion by which county’s proposals will be evaluated. This term is referenced in Section 1840, Proposal Evaluation Criteria.

The definition of “Evaluation and rating process” was developed to describe the process of how each county’s proposal will be evaluated. This phrase is referenced in Sections 1876, Purpose and 1888, Request for Corrections Standards Authority Appeal Hearing.

The definition of “Facility administrator” is referenced in Section 1850, Staffing Plan/Operating Cost Analysis and was provided to describe that individual who will be submitting the preliminary staffing plan and operating cost analysis to the Board of Supervisors for review and approval.

The definition of “Facility lease” was provided to describe a document referenced in Section 1854, Facility Sublease.

The definition of “Facility sublease” was provided to describe a document referenced in Section 1853, Right of Entry for Construction and Section 1854, Facility Sublease.

The definition of “Ground lease” was provided to describe a document referenced in Section 1852, Ground Lease and Section 1853, Right of Entry for Construction.

“Hard match” and “cash match” are used interchangeably. See cash match

The definition of “In-kind match” (also known as “soft match”) was provided to describe the cost of county paid personnel, land, or services that is required to be applied as the county’s share of an award of funding and is referenced in these new regulations (Sections 1814, Matching Fund Requirements and 1847, Pre-funding Requirements).

The definition of “Large county” was provided to describe counties with a general population of greater than 700,000 and is based on provisional estimates by the Department of Finance for July 1, 2007. There is a set-aside amount within the total available funds for large, medium and small counties to assure that small, medium and large counties have the opportunity to compete for the funds equally.

The term “Lease-revenue bonds” (also known as state bond funds) is used throughout these new regulations and was provided to describe the funding source for local youthful offender rehabilitative facilities construction, expansion or renovation as authorized by Chapter 1.5, Article 3, Sections 1970 through 1976, Welfare and Institutions Code.

The term “Local juvenile facilities” is used throughout these new regulations and was provided to describe the types of county juvenile facilities that are eligible to receive funding as authorized by Chapter 1.5, Article 3, Sections 1970 through 1976, Welfare and Institutions Code.

Referenced in the new Sections 1812, Eligibility Requirements, 1814, Matching Fund Requirements, 1830, Proposal, 1847, Pre-funding Requirements and 1870, Audits, the term “Match” was provided to describe the local funds in the form of cash, property value, or management/administrative services contributed by a county for a state bond funded project pursuant to Welfare and Institutions Code Section 1976.

The definition of “Medium county” was provided to describe counties with a general population from 200,001 to 700,000 and is based on provisional estimates by the Department of Finance for July 1, 2007. There is a set-aside amount within the total available

funds for medium, large and small counties to assure that small, medium and large counties have the opportunity to compete for the funds equally.

Referenced in the new Sections 1812, Eligibility Requirements, 1814, Matching Fund Requirements, 1830, Proposal and 1831 Needs Assessment Study, the term “Needs assessment study” was provided to describe the document that contains data that validates and justifies the scope of the construction/expansion/renovation project as required by Welfare and Institutions Code Section 1976.

The definition of “Net gain in beds” was added to describe the number of new beds being added to a county’s juvenile detention system as a result of this funding program. This term is referenced in Section 1840, Proposal Evaluation Criteria.

Referenced in the new Section 1849, Submittal of Architectural Drawings and Specifications, the term “Operational program statement” was included to describe the document, submitted early in the design process, which explains how a county intends to operate a local youthful offender rehabilitative facility.

The term “Participating county” is used throughout these new regulations and was defined in Welfare and Institutions Code Section 1970. It was included in this section to provide clarity and consistency.

The term “Project” is used throughout these new regulations and was defined in this section to add clarity and consistency.

“Project delivery and construction agreement” is referenced in the new Sections 1847, Pre-funding Requirements, 1848, Requirements for the Project Delivery and Construction Agreement, 1856, Disbursement of the Proceeds from the Lease-revenue Bond Funds, 1867, Completion of Project and 1868, Project Modifications. This term is the title of a specific agreement between the participating county, State Public Works Board, CDCR and the Authority.

The term “Proposal” is used throughout these new regulations and was defined in this section to add clarity and consistency.

The term “Proposal evaluation criteria” is used in new Section 1840, Proposal Evaluation Criteria. This term was included in these regulations to describe how proposals will be rated and ranked.

The definition of “Rated capacity”, as used in these new regulations as well as in the proposal form referenced in Section 1830, Proposal, was added to describe the number of detainees that can occupy beds that comply with specific regulations as determined by the Authority and to distinguish these beds from special use beds.

The definition of “Regional consortium of counties” was added to describe a two or more counties bound together by legal agreements to construct and operate a lo-

cal youthful offender rehabilitative facility shared by the counties. This term is referenced in Section 1831, Needs Assessment Study.

The definition of “Schematic design” was provided to define what constitutes a schematic design submittal. This term is referenced in Section 1849, Submittal of Architectural Drawings and Specifications.

The definition of “Scope of work and project impact” was added to describe the conditions by which counties must conform to in order to receive funding through this program. This phrase is referenced in Section 1840, Proposal Evaluation Criteria.

The term “Site” is used throughout these new regulations and was defined in this section to add clarity and consistency.

The definition of “Small county” was provided to describe counties with a general population of fewer than 200,000 and is based on provisional estimates by the Department of Finance for July 1, 2007. There is a set-aside amount within the total available funds for small, medium and large counties to assure that small, medium and large counties have the opportunity to compete for the funds equally.

“Soft match” and “in-kind match” are used interchangeably. See in-kind match.

The definition of “Special use beds” as used in these new regulations as well as in the proposal form referenced in Section 1830, Proposal, was added to describe those beds that are not part of the rated capacity, but are included in the total number of beds. These are beds in medical, mental health or disciplinary rooms or units.

The term “Staffing plan” is used in the new Section 1850, Staffing Plan/Operating Cost Analysis and was added to describe the document that outlines the assessment and identification of staffing levels needed to operate the proposed project.

“State bond funds” and “lease-revenue bonds” are used interchangeably. See lease-revenue bonds.

The term “Youthful offender rehabilitative facilities” was added to describe the type of facilities to be constructed, expanded or renovated through the SB 81 Local Youthful Offender Rehabilitative Facilities Construction Funding Program.

ARTICLE 2. ELIGIBILITY REQUIREMENTS

Section 1812, Eligibility Requirements. This new regulation was developed to explain how a county can be eligible to participate in the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program.

Section 1814, Matching Fund Requirements. This new regulation was developed to reflect new statutory language that requires counties to contribute matching

funds totaling a minimum of 25 percent of the total eligible project cost.

ARTICLE 3. APPLICATION TO PARTICIPATE
IN 2007 LOCAL YOUTHFUL OFFENDER
REHABILITATIVE FACILITIES
CONSTRUCTION FUNDING PROGRAM

Section 1830, Proposal. Welfare and Institutions Code Sections 1970 through 1976 describes the financing of local youthful offender rehabilitative facilities through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Program. The Authority is responsible for distributing these state funds and is using a competitive request for proposals process. This new regulation was developed to describe the requirements and elements that comprise the proposal for the 2007 Local Youthful Offender Rehabilitative Facilities Construction Program.

The proposal form, titled 2007 Local Youthful Offender Rehabilitative Facilities Construction Program Proposal and dated July 15, 2008, is attached to the Request for Proposals, Construction, Expansion or Renovation of Local Youthful Offender Rehabilitative Facilities. This twelve page form is incorporated by reference into these regulations because it would be impractical, cumbersome and unduly expensive to publish in the California Code of Regulations. Also, the proposal form is an interactive form to be completed by counties electronically, printed and submitted as the project proposal along with other required documents as attachments. The Request for Proposals is available through the Authority's website at <http://www.cdcr.ca.gov/Divisions/Boards/CSA/CFC/Index.html>. It is also available to the public upon request directly from the Authority's business office located in Sacramento, CA.

Section 1831, Needs Assessment Study. Welfare and Institutions Code Section 1975 requires that counties must have a justified and documented need for the proposed project to be funded by the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program. This new regulation was added to describe how counties would document their need to construct a new juvenile facility or add beds to an existing facility. This regulation requires that counties complete and submit a needs assessment study pursuant to Title 24, CCR, Part 1, Section 201(c)2 as part of the county's proposal.

Section 1840, Proposal Evaluation Criteria. Proposals submitted by counties will be evaluated to determine how they will be ranked for available funding. This new regulation was added to describe the criteria by which proposals will be evaluated.

Section 1847, Pre-funding Requirements. This new regulation describes the requirements to be fulfilled before a Project Delivery and Construction Agreement can be entered into between the participating county, State Public Works Board, CDCR and the Authority.

Section 1848, Requirements for the Project Delivery and Construction Agreement. This new regulation describes each of the required elements of the Project Delivery and Construction Agreement between the participating county, State Public Works Board, CDCR and the Authority.

Section 1849, Submittal of Architectural Drawings and Specifications. New statutory language requires the Authority to review and approve the plans and specifications of local youthful offender rehabilitative facilities considered for funding through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program. This new regulation describes the requirements for that process.

Section 1850, Staffing Plan/Operating Cost Analysis. New statutory language requires that counties must, within ninety days of construction completion, staff and operate local youthful offender rehabilitative facilities built through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program. This new regulation requires that counties develop a plan that describes how the new facility will be staffed and how its operation will be funded throughout the life of the facility.

Section 1851, General County Requirements. This new regulation describes a participating county's responsibilities as delineated in Welfare and Institutions Code Sections 1971 and 1974.

Section 1852, Ground Lease. This new regulation describes the transfer of the possession and control of the property upon which the local youthful offender rehabilitative facility will be constructed from the participating county to CDCR.

Section 1853, Right of Entry for Construction. This new regulation was added to describe the document that authorizes the participating county and their contractors to use the site that has been leased to CDCR via the above referenced ground lease.

Section 1854, Facility Sublease. As indicated in the new Section 1852, the property upon which the local youthful offender rehabilitative facility will be constructed will be leased to CDCR. This new regulation was added to describe the requirements to sublease the local youthful offender rehabilitative facility back to the participating county.

ARTICLE 4. ADMINISTRATION OF THE
PROCEEDS OF THE STATE BOND FUNDS
AND PROJECT MONITORING

Section 1856, Disbursement of the Proceeds from the Lease–Revenue Bond Funds. This new regulation describes how proceeds from the lease–revenue bonds will be disbursed.

Section 1857, Pooled Money Investment Board. This new regulation describes the interim financing provided by the Pooled Money Investment Board (pursuant to Government Code Sections 61312 and 61313) through the CDCR, to the participating county, for the local youthful offender rehabilitative facilities project until lease–revenue bonds are sold.

Section 1860, Accounting. This new regulation describes the accounting requirements that participating counties must adhere to if awarded state funds through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program.

Section 1866, Monitoring of Process. This new regulation describes the project monitoring requirements of the Authority and the Board.

Section 1867, Completion of Project. This new regulation requires the county to construct the project in accordance with the agreements as approved by CDCR and the Board and plans and specifications as approved by the Board and the Authority.

Section 1868, Project Modifications. This new regulation describes the process that participating counties must follow if modifications are needed to their project.

Section 1870, Audits. This new regulation describes the audit requirements that participating counties must adhere to if awarded state funds through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program.

Section 1872, Unused Proceeds of Lease–Revenue Bonds. This new regulation stipulates the process that occurs in the event a participating county does not use all the state funding that was awarded to them through the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program.

ARTICLE 5. APPEAL PROCEDURES

Section 1876, Purpose. The intent of this new regulation is to describe the scope of the regulations in Article 5. These are the regulations that counties would follow in the event they object to the proposal evaluation and rating process.

Section 1878, Definitions. This new regulation defines terms used throughout the following regulations.

The definition of “Appeal hearing” was provided to describe the administrative process that provides a par-

ticipating county the formal means by which to object to the proposal evaluation and rating process.

The definition of “Appellant” was included to describe the participating county that has an objection to the proposal evaluation and rating process.

The term “Authority” was included for Corrections Standards Authority (an entity within the California Department of Corrections and Rehabilitation); the state agency responsible for administering the 2007 Local Youthful Offender Rehabilitative Facilities Construction Funding Program in conjunction with the California Department of Corrections and Rehabilitation and the State Public Works Board.

The definition of “Authorized representative” was included to describe that person authorized by the appellant to act as his/her representative in any or all aspects of the appeal hearing.

The definition of “Executive Director” was provided as a reference to the Executive Director of the Corrections Standards Authority.

The definition of “Filing date” was included to describe the date a request for an appeal hearing is received by the Executive Director’s office at the Corrections Standards Authority.

The definition of “Hearing panel” was included to describe the panel of three members of the Authority, selected by the chairperson at the time the appeal is filed. (A fourth member may be designated as an alternate.) This regulation also specifies that panel members must adhere to explicit conflict of interest requirements.

The definition of “Notice of decision” was included to describe the Executive Director’s written document that contains the formal decision of the Authority and the reason for that decision.

The definition of “Proposed decision” was included to describe the written recommendation from the hearing panel/hearing officer to the Authority that contains a summary of facts and a recommended decision on the appeal.

The definition of “Request for appeal hearing” was included to describe the written expression of dissatisfaction about the proposal evaluation and rating process; the request for a hearing on the matter; and its filing with the Executive Director of the Authority.

Section 1888, Request for Corrections Standards Authority Appeal Hearing. This new regulation describes the process of how a participating county can request an appeal hearing regarding their dissatisfaction about the proposal evaluation and rating process.

Section 1890, Corrections Standards Authority’s Hearing Procedures. This new regulation describes the Authority’s formal hearing procedures in an appeal.

Section 1892, Corrections Standards Authority’s Decision. This new regulation describes the Authority’s process of receiving the hearing panel’s appeal rec-

ommendation, adopting or amending the recommendation, the notification to the participating county regarding the decision and retaining the records of the decision.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3503 and 3511 in the California Code of Regulations (CCR), Title 15 concerning adult parole contact requirements.

PUBLIC HEARING

Date and Time: April 7, 2009 — 9:00 a.m. to 10:00 a.m.
Place: Department of Corrections and Rehabilitation
Office of Training & Professional Development
10000 Goethe Road, Mt. Lassen Room, Suite 117
Sacramento, CA 95827
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, April 7, 2009, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 255-5500**

Questions regarding the substance of the proposed regulatory action should be directed to:

**William Dunkak
Division of Adult Parole Operations
Telephone (916) 327-1136**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB
AND/OR BUSINESS CREATION,
ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action

will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES
TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons. This action provides the following:

- Amends Section 3000, adopts new text under reserved Section 3503, and relocates and revises text from existing Section 3504 to reserved Section 3511, now adopted, of the California Code of Regulations, Title 15, Division 3.

- Amends the language governing the parole assessment process specifically related to parolee contact requirements and clarifies for CDCR staff and inmates/parolees, the different levels of parole supervision and the contact requirements at each level.
- Clarifies the contact and workload responsibilities for Parole Agents.
- Brings the regulations into compliance with the latest Memorandum of Understanding between the State of California and the California Correctional Peace Officers Association concerning Parole Agent workload responsibilities and duties.
- Incorporates by reference into the regulations, the CDCR Form 1650–D (Rev. 06/07), Record of Supervision. This form is utilized to record the results for those parolees required to have anti–narcotic testing or testing prohibiting the use of alcohol. Copy of the CDCR Form 1650–D has been made available for review.

TITLE 18. FRANCHISE TAX BOARD

The Franchise Tax Board will not hold a hearing unless requested by interested persons or their representatives at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the officer named below.

However, if a public hearing is requested, it will be held at 10:00 a.m., on April 22, 2009, at 9646 Butterfield Way, Town Center Grizzly Bear Room, Sacramento, California, to consider amendment of Regulation section 25114 under Title 18 of the California Code of Regulations, pertaining to a water’s–edge election.

If a hearing is held, it will be posted on our website and notification will be mailed to individuals on our mailing list. You may also contact the persons named below to confirm.

Government Code section 15702, subdivision (b), provides for consideration by the three–member Franchise Tax Board of any proposed regulatory action if any person makes such a request in writing.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., April 22, 2009. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY & REFERENCE

Section 19503 of the Revenue and Taxation Code authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001) of the Revenue and Taxation Code. The proposed regulatory action will implement, interpret, and make specific amendments to section 25114 of the Revenue and Taxation Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Previously, Revenue and Taxation Code section 25114, subdivision (a), required the Franchise Tax Board to examine the returns filed by taxpayers pursuant to the water’s–edge rules. If the Franchise Tax Board then determined that there was potential non-compliance, it was required to conduct a detailed examination under the federal transfer pricing rules of Internal Revenue Code section 482, unless the Internal Revenue Service was examining the taxpayer for the same years and issues. This detailed examination was required to be conducted notwithstanding the “potential net revenue benefit to the state.”

On October 5, 2007, the Governor signed SB 788, Stats. 2007, ch. 306, which amended Revenue and Taxation Code section 25114. Under amended Revenue and Taxation Code section 25114, the Franchise Tax Board is still required to review all returns filed by taxpayers pursuant to the water’s–edge rules. However, the amendments to Revenue and Taxation Code section 25114 have deleted the requirement for the Franchise Tax Board to conduct a detailed examination in cases of potential noncompliance. The decision to conduct a detailed audit, including a transfer pricing audit, has been left to the discretion of the Franchise Tax Board Audit staff. If a decision to conduct a transfer pricing audit is made, the Franchise Tax Board must still conduct the audit under the federal transfer pricing rules of Internal Revenue Code section 482, unless the Internal Revenue Service is examining the taxpayer for the same years and issues.

The proposed amendments to the existing regulation are necessary to conform to the statutory changes requiring examinations of returns filed by taxpayers that have made a water’s–edge election. In addition, consistent with the language of Revenue and Taxation Code section 25114, proposed amendments to Regulation section 25114 shall apply to examinations commenced by the Franchise Tax Board on or after January 1, 2008. The proposed amendments specify that an examination

will be considered commenced when a taxpayer is first contacted by the Franchise Tax Board concerning any examination with respect to the taxpayer's return.

Questions have arisen as to how to reconcile the term "examine" in subdivision (a) with the term "examination" in subdivision (c) of Revenue and Taxation Code section 25114 without requiring an audit of every water's-edge taxpayer or contact with every water's-edge taxpayer. The proposed amendments set forth a definition of examine and examination in order to address this question.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

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

Potential cost impact on private persons or businesses affected: The Franchise Tax 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.

Significant effect on the creation or elimination of jobs in the state: None.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of businesses currently doing business within the state: None. The Franchise Tax Board has been required to conduct a detailed examination on all water's-edge tax returns when it has found potential noncompliance since 1988 when water's-edge elections first became part of the Revenue and Taxation Code. Revenue and Taxation Code section 25114 was amended to make the decision to conduct a detailed examination discretionary rather than mandatory. The amendments to this regulation should reduce the effect on businesses currently doing business in California by eliminating the requirement that mandatory examinations be conducted by the Franchise Tax Board.

Effect on small business: The regulation is generally utilized by large multinational corporations and not small businesses.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no alternative considered by it 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 regulatory action.

The proposed regulatory action pertains to corporate taxpayers and therefore does not affect private persons.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

An initial statement of reasons has been prepared setting forth the facts upon which the proposed regulatory action is based. The statement includes the specific purpose of the proposed regulatory action and the factual basis for determining that the proposed regulatory action is necessary.

The express terms of the proposed text of the regulation and the initial statement of reasons and the rule-making file are prepared and available upon request from the agency contact person named in this notice. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website mentioned below.

CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

The regulation may also be adopted with modifications if the changes are nonsubstantive or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulation as modified could result from that originally proposed. The text of the regulation as modified will be made available to the public at least 15 days prior to the date on which the regulation is adopted. Requests for copies of any modified regulation should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing who is in need of a language interpreter or sign language assistance, should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed regulations can be directed to Karen Smith at Telephone (916) 845-3347 or Email: Karen.smith@ftb.ca.gov. The notice, initial statement of reasons and express terms of the regulation are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

**TITLE 23. WATERS
DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS**

Notice of Proposed Regulatory Action

**CHAPTER 18. PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND
ARTICLE 7. UNDERGROUND STORAGE TANK
PETROLEUM CONTAMINATION ORPHAN SITE CLEANUP FUND**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) proposes to repeal, in part, and adopt, in part, the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to repeal existing California Code of Regulations, title 23, division 3, chapter 18, article 7, section 2814.20 et seq., because Health and Safety Code section 25299.50.2, relating to the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Account (OSCA), was repealed effective January 1, 2008. The State Water Board further proposes to adopt proposed California Code of Regulations, title 23, division 3, chapter 18, article 7, section 2814.20 et seq., relating to the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund (Orphan Site Cleanup Fund), which was established by Health and Safety Code section 25299.50.2, as effective on January 1, 2009.

PUBLIC HEARING

A public hearing has not been scheduled for this proposed action. However, as provided in Government Code section 11346.8, any interested person, or his or her duly authorized representative, may request a public hearing if the request is submitted in writing in the manner described below to the State Water Board no later than 15 days prior to the close of the written comment period. If a request for a public hearing is made, the State Water Board shall, to the extent practicable, provide notice of the time, date, and place of the hearing in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes at 5:00 p.m. on March 30, 2009. The State Water Board will only consider comments received by that time at the addresses below.

Comments may be hand-delivered or submitted by U.S. mail, facsimile transmission, or electronic mail. Comments delivered by hand should be taken to 1001 I Street, Sacramento, CA, and addressed to the attention of Ms. Judy Reid as shown below. Comments submitted by U.S. mail should be addressed as follows:

Judy Reid, Regulations Coordinator
 State Water Resources Control Board
 Division of Financial Assistance
 Orphan Site Cleanup Fund
 P.O. Box 944212
 Sacramento, CA 94244-2120

Comments submitted by facsimile should be sent to the following facsimile phone number: (916) 341-5806. Comments submitted by electronic mail should be sent to the following e-mail address: jreid@waterboards.ca.gov.

To be added to the mailing list for this rulemaking and to receive notification of updates to this rulemaking, you may subscribe to the listserve for public notices regarding the Orphan Site Cleanup Fund by going to: www.waterboards.ca.gov/resources/email/subscriptions/swrcb_subscribe.shtml. You may also call Ms. Judy Reid at (916) 341-5760 or email her at jreid@waterboards.ca.gov.

AUTHORITY AND REFERENCE

Health and Safety Code section 25299.77 authorizes the State Water Board to adopt, amend, or repeal regulations to implement chapter 6.75 of the Health and Safety Code. The proposed regulations implement, interpret, or make specific Health and Safety Code section 25299.50.2, as effective on January 1, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Chapter 774, Statutes of 2004, \$10 million per fiscal year 2004-05, 2005-06, and 2006-07 was transferred from the Underground Storage Tank Cleanup Fund (USTCF) to the OSCA to address petroleum contamination from underground storage tanks at sites that qualify as brownfields. Effective January 1, 2008, Health and Safety Code section 25299.50.2, which established the OSCA, was repealed. Therefore, the State Water Board proposes to repeal existing California Code of Regulations, title 23, division 3, chapter 18, article 7, section 2814.20 et seq., relating to the OSCA.

Chapter 616, Statutes of 2008 provides that \$10 million for each of the 2008-09, 2009-10, and 2010-11 fiscal years shall be transferred from the USTCF to the Orphan Site Cleanup Fund to address petroleum contamination from underground storage tanks at sites that qualify as brownfields. Under Health and Safety Code section 25299.50.2, enacted by Chapter 616, Statutes of 2008, the State Water Board is responsible for the administration of the Orphan Site Cleanup Fund. In order to implement Health and Safety Code section

25299.50.2, establishing the Orphan Site Cleanup Fund, the State Water Board proposes to adopt proposed California Code of Regulations, title 23, division 3, chapter 18, article 7, section 2814.20 et seq. The proposed regulations define eligible sites, eligible applicants, and eligible costs and establish eligibility requirements, a priority system for paying eligible applicants, and funding limitations. The proposed regulations also define the types of costs that qualify for funding.

The proposed regulations generally duplicate the regulations for the OSCA, which are being repealed. The four major differences between the regulations for the OSCA and the proposed regulations for the Orphan Site Cleanup Fund are listed below.

- Unlike the regulations for the OSCA, which restricted payment requests to requests for \$5,000 or more, the proposed regulations allow payment requests to be submitted for costs of \$500 or more.
- The regulations for the OSCA include several provisions regarding performance-based contracts for cleanup grants. Under the proposed regulations, the Orphan Site Cleanup Fund will only issue time and material cleanup grants. Therefore, provisions regarding performance-based contracts, including the definitions of “performance-based contract” and “remediation milestone” are not included in the proposed regulations.
- Similar to the regulations for the OSCA, the proposed regulations establish a monetary cap of \$1.5 million per occurrence for grants from the Orphan Site Cleanup Fund. However, the proposed regulations also provide that any grants issued and reimbursed by the State Water Board from the OSCA shall be counted toward the total amount available per occurrence from the Orphan Site Cleanup Fund.
- The provisions governing the Orphan Site Cleanup Fund’s priority list are modeled after the regulations for the OSCA. However, the State Water Board has determined that those applicants to the Orphan Site Cleanup Fund who previously applied for a grant from the OSCA and either received a grant from the OSCA or were on the OSCA’s priority list at the time that the OSCA program was repealed, should receive higher priority than other applicants to the Orphan Site Cleanup Fund. In order for the applicant to receive this higher priority, the State Water Board must receive the applicant’s application on or before 45 days after the effective date of the proposed regulations.

LOCAL MANDATE

These proposals do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of the Government Code, division 4.

COSTS OR SAVINGS TO STATE AGENCIES

The State Water Board has determined that there is no cost or savings to state agencies as a result of the proposed regulations.

**COST OR SAVINGS IMPOSED
ON LOCAL AGENCIES**

The State Water Board has determined that there is no cost or savings imposed on local agencies as a result of the proposed regulations, or other nondiscretionary costs or savings imposed on local agencies.

**COST OR SAVINGS IN FEDERAL
FUNDING TO THE STATE**

The State Water Board has determined that there is no cost or savings in federal funding to the state as a result of the proposed regulations.

BUSINESS IMPACT/SMALL BUSINESSES

The State Water Board has determined that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The State Water Board has determined that the proposed regulatory action does not adversely affect small businesses in that they will derive a benefit from the implementation of the regulations. Small businesses are among the applicants that will be able to receive grants from the Orphan Site Cleanup Fund.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The State Water 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.

**ASSESSMENT REGARDING
EFFECT ON JOBS/BUSINESSES**

The State Water Board has determined that the proposed regulatory action will have no effect on the creation or elimination of jobs within California. Nor will the proposed regulatory action have any effect on the creation of new businesses, the elimination of existing businesses, or the expansion of existing businesses doing business within California.

EFFECT ON HOUSING COSTS

The State Water Board has determined that the proposed regulatory action will have no effect on housing costs.

ALTERNATIVES

The State Water Board has determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS, TEXT OF PROPOSED
REGULATIONS, AND THE RULEMAKING FILE**

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for the regulations proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. All the information upon which the proposed regulations are based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulations, and the rulemaking file are available from the contact person listed below or at the website listed below.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After holding any hearing that is requested and considering all timely and relevant comments received, the State Water Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. If the State Water Board 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 written comment at least 15 days before the State Water Board adopts the regulations as modified.

**AVAILABILITY AND FINAL
STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons will be available from the contact person listed below or at the website listed below.

CONTACT PERSONS

Requests for copies of the text of the proposed regulations, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries, should be addressed to the following:

Name: Judy Reid
 Address: State Water Resources Control Board
 Orphan Site Cleanup Fund
 1001 "I" Street
 Sacramento CA 95814
 Telephone No.: (916) 341-5760
 Fax No.: (916) 341-5806
 E-mail address: jreid@waterboards.ca.gov

The backup contact person is:

Name: Wendy Westerman
 Address: State Water Resources Control Board
 Orphan Site Cleanup Fund
 1001 "I" Street
 Sacramento, CA 95814
 Telephone No.: (916) 341-5794
 Fax No.: (916) 341-5806
 E-mail Address: wwesterman@waterboards.ca.gov

The documents relating to this proposed action also may be found on the State Water Board's website at the following address:

www.waterboards.ca.gov/water_issues/programs/ustcf/oscf.shtml.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

**NOTICE OF PROPOSED RULEMAKING
FOR THE HOME INVESTMENT
PARTNERSHIPS (HOME) PROGRAM**

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (Department) proposes to formally amend regulations which govern implementation of the State Home Investment

Partnerships Program (HOME). The existing regulations are codified in Title 25, Subchapter 2 (commencing with section 8200) of the California Code of Regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins February 13, 2009 and closes at 5:00 p.m. on March 30, 2009. The Department will consider comments received during this time-frame. Please address your e-mail comments to Christina DiFrancesco at cdifrancesco@hcd.ca.gov. Written comments can also be sent via mail to Christina DiFrancesco, Department of Housing and Community Development, P.O. Box 952054, Sacramento, California 94252-2054, or via fax to (916) 322-2904, attention: Christina DiFrancesco.

PUBLIC HEARING

No public hearing is scheduled on the proposed regulatory amendments. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50406 and 50896.3(b). These regulations implement, interpret and make specific amendments to Chapter 12 (commencing with Section 50896) of Part 2 of Division 31 of the Health & Safety Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Health and Safety Code 50407 establishes that the Department is responsible for coordinating federal-state relationships in housing and community development. In conjunction with this responsibility, Health and Safety Code section 50406 directs the Department to be responsible for the allocation of Federal Home Investment Partnership Program funds. Consequently, the State of California receives money from the U.S. Department of Housing and Urban Development to make grants to eligible cities and counties and direct loans and grants to private organizations that qualify as Community Housing Development Organizations (CHDOs). These regulations establish procedures for

the award and disbursement of HOME funds and establish policies and procedures for the use of these funds to meet the purposes contained in Title II of Public Law No. 101-625, 104 Stat. 4079, known as the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended by the Housing and Community Development Housing Act of 1992, Public Law No. 102-550. These funds can be used for a variety of housing-related uses provided the State, the cities and counties and the CHDOs comply with a comprehensive set of requirements prescribed by the Federal government regulations in 24 CFR part 92.

The proposed changes to the State HOME Regulations are summarized as follows.

Section 8217. PROJECT DEADLINES

Amendments to subsection (c): (1) clarify that in order to receive a waiver of performance penalties under this section, the violation(s) have to be clearly outside the control of all specified parties: applicant, developer, owner, managing general partner. (2) Permit waiver of the "hold-out penalty" set forth under 8217 (b) (3) (A) for three missed project deadlines.

IMPACT OF PROPOSED REGULATIONS

LOCAL MANDATE

The Department has determined that these regulations do not impose a mandate on local agencies or school districts. Eligibility for the program is limited to entities demonstrating willingness and capacity to develop and administer affordable housing. In any case, participation in the program is voluntary.

FISCAL IMPACT

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed action has no impact on small business because participation in the HOME Program is voluntary.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program is voluntary.

COST IMPACTS ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. While private businesses (including non-profits) and individuals are eligible to receive program funds under the program, participation is voluntary.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals, and is available on the Depart-

ment's web site, at <http://www.hcd.ca.gov/fa/home/>. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Christina DiFrancesco at the address and telephone number noted below.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Christina DiFrancesco at the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF RULEMAKING
DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting Christina DiFrancesco at the address and telephone number noted below.

**AVAILABILITY OF FINAL STATEMENT OF
REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

CONTACT PERSON

HCD: **CHRISTINA DIFRANCESCO**
 (916) 322-0918

HCD
BACK-UP: **LENORA FRAZIER**
 (916) 323-7288

HCD Address: **State Department of Housing
 and Community
 Development**
1800 Third Street, Room 390
Sacramento, California 95814

HCD Website: Copies of the Notice of
Proposed Action, the Initial
Statement of Reasons, and the
text of the regulations may be
accessed through our website at:
**[http://www.hcd.ca.gov/fa/
home/](http://www.hcd.ca.gov/fa/home/)**

HCD Facsimile No: **(916) 322-2904**

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Inquiries concerning the substance of the proposed rulemaking action, as well as request for the documents noted should be directed to:

**Christina DiFrancesco, HOME Program
Specialist**
**Department of Housing and Community
Development**
1800 Third Street, Suite 390
Sacramento, California 95814
Telephone (916) 322-0918
Fax: (916) 322-2904
E-mail: cdifrancesco@hcd.ca.gov

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

ERRATA

**TITLE 17. CALIFORNIA AIR
RESOURCES BOARD**

By notice dated December 30, 2008, and published in the January 9, 2009, California Regulatory Notice Register, Register 2009, No. 2-Z, the Air Resources Board (ARB or the Board) provided Notice of Public Hearing to Consider the Adoption of a Proposed Regulation To Reduce Greenhouse Gas Emissions from California Semiconductor Operations.

PLEASE BE ADVISED that there was an error in the notice regarding the title of the Initial Statement of Reasons Report (ISOR). The following ISOR title appeared in Paragraph 3 on page 3 of the notice:

“Initial Statement of Reasons for Proposed Measure to Reduce Fluorinated Gas Emissions from Semiconductors and Related Devices.”

The correct ISOR title is:

“Initial Statement of Reasons For Proposed Regulation To Reduce Greenhouse Gas Emissions From Semiconductor Operations.”

The complete text of the notice and the Initial Statement of Reasons are available on the ARB internet site for this rulemaking at <http://www.arb.ca.gov/regact/2009/semi2009/semi2009.htm>.

Any questions regarding these corrections should be directed to Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, at (916) 322-4011, or Trini Balcazar, Regulations Coordinator, at (916) 445-9564.

If you require special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by Fax at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.”

/s/
James N. Goldstene
Executive Officer

Date: January 29, 2009

BUREAU OF STATE AUDITS

Notice of Interested Persons Meetings

To: All persons interested in the implementation of the Voters First Act (Act), which calls for the selection of a Citizens Redistricting Commission (Commission) that will draw new boundary lines for State Assembly, State Senate, and State Board of Equalization districts.

Representatives from the California Bureau of State Audits will be conducting public meetings to solicit comments about the processes that should be established for individuals to apply to become members of the Commission and for the selection of an Applicant Review Panel to assess the applicants and create an applicant pool of 60 qualified members. The meetings will be conducted on the following dates, at the times and locations specified below (Sacramento and San Diego meetings were held on January 26, 2009 and February 9, 2009, respectively):

Fresno — Thursday, February 19, 2009 NEW DATE AND TIME

Location: State Agencies Building
2550 Mariposa Mall
Room 1036
Fresno, CA 93721

Time: 11:30 a.m. to 4 p.m.*

Los Angeles — Monday, February 23, 2009

Location: Central Branch Library
Mark Taper Auditorium
630 W. 5th Street
Los Angeles, CA 90071

Time: 11 a.m. to 5 p.m.*

San Francisco — Friday, February 27, 2009

Location: Office of the Courts
Milton Marks Auditorium
455 Golden Gate Ave.
San Francisco, CA 94102

Time: 10 a.m. to 4 p.m.*

Sacramento — Tuesday, March 3, 2009

Location: California Secretary of State Office
Building
Auditorium
1500 11th Street
Sacramento, CA 95814

Time: 1 p.m. to 5 p.m.*

*All meetings will conclude earlier if the participants in attendance have completed their comments.

Parking availability and cost will vary by location. The State Auditor’s office cannot guarantee the availability of parking and is not responsible for any costs incurred as a result of participation in these meetings.

The facilities to be used for the meetings are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify Barbara Paget at (916) 445-0255 at least ten (10) days prior to the meeting to make special arrangements.

The Act is California’s new law for drawing boundary lines for State Assembly, State Senate, and State Board of Equalization districts. The Act became law when voters approved Proposition 11 at the November 4, 2008 General Election. As part of the Act, a redistricting commission will be appointed to draw new boundary lines following each United State Census. The next Census is in 2010.

The State Auditor is responsible for implementing an application process for individuals interested in serving on the Commission and the State Auditor will also select a review panel, through random selection, to assess the qualifications of the applicants and establish an applicant pool of 60 qualified individuals. The Act speci-

ties that the pool be comprised of three subpools based on the applicants' political party affiliations. Once the applicant pool is established, the State Auditor will randomly draw eight names. Three names will be randomly drawn from each of the subpools that represent the largest and second largest political parties in California and two names will be randomly drawn from the subpool for the applicants who are not registered with the largest or second largest political parties in California. The newly appointed Commission members will then select the remaining members of the Commission. The State Auditor will repeat this process every 10 years (each time a United States Census is conducted). However, the State Auditor may need to establish a new pool for commissioner selection sooner if a vacancy on the Commission occurs and there are no qualified applicants remaining in the pools established for the current census.

The State Auditor is seeking your comments regarding the processes that should be established for individuals to apply to become members of the Commission and for the selection of an Applicant Review Panel to assess the applicants and create an applicant pool of 60 qualified members. The comments received during these meetings may be used to guide the State Auditor and her staff at the Bureau of State Audits regarding the processes that should be established and any regulations that need to be adopted to direct these processes.

Although participants may comment on any aspect of the State Auditor's role in the implementation of the Act, the State Auditor is particularly interested in comments regarding the following:

- The application process for the selection of members of the Commission as discussed in Article XXI, Section 2(c)(3) of the California Constitution and Section 8252(a)(1) of the California Government Code.
- The creation of the Applicant Review Panel to screen Commission applicants as discussed in Section 8252(b) of the California Government Code.
- The removal of individuals from the applicant pool based on conflicts of interest identified in the Act as discussed in Section 8252(a)(2) of the California Government Code.
- The publication of the names in the applicant pool as discussed in Section 8252(c) of the California Government Code.
- The random selection of eight members of the Commission as discussed in Section 8252(f) of the California Government Code.
- The creation of a new pool of qualified applicants in the event of a vacancy on the Commission with no qualified person left in the pool previously established by the State Auditor to fill vacancies as discussed in Section 8252.5(b) of the California Government Code.

Participants should be prepared to present comments during the meetings. The meetings will be recorded.

Representatives from the Bureau of State Audits reserve the right to establish and control the manner and order in which comments are received. Participants should be prepared to present their comments at the time the meetings are scheduled to commence. Since the State Auditor is unable to anticipate the number of participants, the meetings will be adjourned before the scheduled end time if all participants in attendance who wish to comment have provided their comments, but under no circumstances will the meeting be extended beyond the scheduled end time. The length of time each participant has to comment may be limited. In the event that there are more participants than the meeting facilities allow, the State Auditor may schedule additional meetings to enable all who wish to participate to do so.

Participants are encouraged, but not required, to submit written statements to the address listed below, by no later than ten (10) days prior to the date the meeting is scheduled to commence. The prior submission of written statements is purely voluntary and you may attend and participate in the meetings even if you do not submit your comments in writing beforehand. You may also provide written comments only, without attending the meetings, by submitting them to the address listed below.

Important Note: Please be advised that participation in the meetings will be in addition to, and not in substitution for, participation in any formal rulemaking process that may be initiated to adopt regulations related to the State Auditor's responsibilities in implementing the Act. This Notice of Interested Persons Meetings (Notice) is not a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral and/or written) received in connection with the meetings (or this Notice) will not be included in any rulemaking file that may be established if a Notice of Proposed Action is issued. Similarly, the State Auditor is not required to respond to comments made at the meetings (or in response to this Notice). For this reason, if you wish to have comments included in any rulemaking file that may be established at a later time, or to require the State Auditor to respond to comments as part of any process that may be initiated to adopt regulations to implement sections of the Act, you must present your

comments according to the procedures outlined in any Notice of Proposed Action that may be issued, regardless of whether you have provided comments in connection with the meetings (or this Notice).

All inquiries should be directed to:

Barbara Paget
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814
Telephone: (916) 445-0255
Fax: (916) 323-0913
Email: barbarap@bsa.ca.gov

DEPARTMENT OF HEALTH CARE SERVICES

The Department of Health Care Services (“DHCS”) is issuing this public notice regarding Medi-Cal payment reductions mandated by Welfare and Institutions Code (W&I) section 14105.191 which are scheduled to take effect on March 1, 2009.

With the exception of adult day health care services, W&I Code section 14105.19, signed into law on September 30, 2008, as Chapter 758 of the Statutes of 2008, mandated a 10 percent payment reduction for services listed below, for dates of service on or after July 1, 2008. Section 14105.191 of the W&I Code is reducing the payments that would otherwise be paid for the services listed below under the current rate methodology from 10 percent to 5 percent for dates of service on or after March 1, 2009:

- Services rendered in Intermediate Care Facilities as defined in Section 51118 of Title 22 of the California Code of Regulations.
- Nursing Facility Services in a distinct part of a hospital.
- Adult Subacute Care Services in a distinct part of a hospital.
- Pediatric Subacute Care Services in a distinct part of a hospital.
- Adult day health care services.

The reductions described above will apply only to payments for services when the General Fund share of the payment is paid with funds directly appropriated to DHCS in the annual Budget Act and will not apply to payments for services paid with funds appropriated to other departments or agencies.

DHCS is mandated by state law to implement the above change in reimbursement. DHCS has considered the impact of this reimbursement on providers and Medi-Cal beneficiaries. DHCS’ assessment is that reimbursement will continue to compensate a high percentage of costs incurred for these facility services and

that Medi-Cal beneficiaries will continue to have access to these services consistent with title 42, United States Code, section 1396a(a)(30)(A).

Public Review

Copies of the proposed changes are available for public review at local county welfare offices throughout the state. Any person may submit written comments to or request copies of the proposed changes from:

Sandy G. Yien, Chief
Long Term Care Reimbursement Unit
Department of Health Care Services
1501 Capitol Avenue, MS 4612
Sacramento, CA 95814

Please submit written comments by Monday, February 23, 2009, so that DHCS has sufficient time to consider them in deciding whether any changes in implementation of the above reimbursement changes are warranted.

RULEMAKING PETITION DECISION

DEPARTMENT OF FISH AND GAME

PETITION DECISION

DEPARTMENT OF FISH AND GAME

The following Petition Decision from the Department of Fish and Game (DFG) consists of two parts: 1) DFG’s Initial Decision letter dated January 26, 2009; 2) supplemental Decision Letter dated February 2, 2009.

Initial Decision Letter:

January 26, 2009

Scott Feierabend, Interim Executive Director
California Trout
870 Market Street, Ste. 528
San Francisco, CA 94102

Michael Garabedian, President
Friends of the North Fork
7143 Gardenvine Avenue
Citrus Heights, CA 95621

Leaf Hillman, Vice Chair
Karuk Tribe of California
64236 Second Avenue
PO Box 1016
Happy Camp, CA 96039

Elizabeth Marin, Chief Executive Officer
The Sierra Fund
432 Broad Street
Nevada City, CA 95959

Re: Petition for Emergency Rulemaking

Dear Messrs. Feierabend, Garabedian, and Hillman and Ms. Marin:

On January 8, 2009, the Department of Fish and Game (“Department”) acknowledged receipt by letter of the above-referenced petition, stating it would inform you in writing of its determination concerning the petition no later than January 26, 2009.

The Department shares your concern about the fish species that are the subject of the petition. However, for the reasons explained below, the Department must respectfully deny the petition because there is not substantial evidence to support a finding that an emergency exists as a matter of law. Although emergency action is not supported, please know that the Department is working on many fronts to recover and protect coho salmon and other salmonids, native trout, and other aquatic resources throughout the state. With respect to suction dredging, the Department is in the process of hiring a consultant to conduct an environmental review of the existing suction dredge mining regulations. Based on that review, the Department will propose amendments, as appropriate, to the regulations through the normal rulemaking process to ensure that suction dredge mining is not deleterious to fish.

The Department’s determination is driven by the legal requirements of the Administrative Procedure Act (“APA”) (Gov. Code, § 11340 et seq.). Under the APA, for an emergency regulation to be approved, the adopting agency must make a finding that an emergency exists. “Emergency” means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.” (Gov. Code, § 11342.545.) To make a finding of emergency, the agency must describe the specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation. A finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, is not adequate to demonstrate the existence of an emergency. (*Id.*, § 11346.1, subd. (b)(2).)

As the petition explains, the emergency rulemaking it proposes “. . . would establish interim measures to minimize and mitigate the impact of suction dredging operations on coho salmon, green sturgeon, and lamprey within segments of the Klamath, Scott, and Salmon rivers, plus enumerated tributaries, specifically to avoid and minimize the potential for such operations that will or may cause ‘take’ of these species[.] . . . and

also facilitate and promote the recovery of coho salmon.” (Petition at p. 1.) The petition explains further that the emergency rulemaking is necessary to protect “self-supporting populations of native trout [in segments of five streams along the western slope of the Sierra Nevada] from the adverse environmental effects of [suction dredge mining].” (*Ibid* at p. 2.)

As required by law, the Department reviewed the petition and supporting exhibits to assess the evidence regarding what is asserted to be an emergency as defined by the APA. Generally speaking, the petition is based on the argument that coho salmon are in decline, suction dredge mining is having a deleterious effect on coho salmon and native trout (the petition does not include any information on green sturgeon or lamprey), and, as a result, the Department must take immediate action to prohibit suction dredge mining in certain river segments to protect those species.¹

The Department continues to believe, as documented in the cited Department declarations by Banky Curtis and Neil Manji, that suction dredging is having deleterious effects on fish, including coho salmon. To say that deleterious effects will occur in the interim during the required environmental review is not the same thing as concluding that these effects constitute an emergency under the APA that requires immediate action prior to the completion of the court-ordered environmental review. Furthermore, coho salmon are state listed as threatened and endangered. As such, they receive the protections afforded by the California Endangered Species Act (CESA).

However, even if we were to assume that the situation the petition describes (e.g., the “adverse environmental affects of . . . instream mining activities on native trout” (Petition at p. 2) or the “dramatic and recent decline” in coho salmon populations (*Id.* at p. 3)) constitutes an emergency generally, the petition does not provide and the Department does not have, substantial evidence that the proposed immediate restrictions on suc-

¹By way of correction, the Department notes that two of the exhibits submitted do not support the petition. Specifically, the petition states there has been a “dramatic and recent decline” in coho salmon populations, and such a decline “constitutes an emergency situation.” (Petition at p. 3.) As evidence of the decline, the petition paraphrases the authors’ conclusion in Exhibit B that “. . . (the coho) is currently in danger of extinction.” (Petition at p. 3.) However, that conclusion pertains to coho salmon in the Central California Coast Evolutionarily Significant Unit (“CCC ESU”). CCC ESU coho salmon do not occupy the river segments to which the petition applies. As a result, the proposed restrictions on suction dredge mining would have no effect on those coho salmon. Similarly, in Exhibit E, Governor Schwarzenegger directed the Department to “address the long-term restoration and management” not of coho salmon or salmon in general, but instead, specifically, “the Sacramento River Fall Run Chinook Salmon.”

tion dredge mining would actually address what is claimed to be an emergency.

As to coho salmon, the information in the petition and exhibits indicates that the proposed restrictions would do nothing to address ocean conditions, “suspected as a main causative agent” of the recent (2007/08) decline in coho salmon returns (Petition, Exhibit A), or that the restrictions should be adopted immediately, without public participation, to address what the petition asserts is an emergency. Similarly, the conclusion that “65 percent of our state’s native salmonid species will be extinct *within the next 100 years* if present trends continue[.]” and that suction dredge mining is one among at least nine (unweighted) major factors (Petition at p. 4, citing Exhibit D (emphasis added)) does not support the petition’s underlying argument that the proposed restrictions must be adopted immediately to avoid the extinction of those species.

As to native trout, the petition includes Exhibit C, a biological and aquatic resources assessment the Department completed in 1998, to support the proposed interim restrictions on suction dredge mining in segments of five streams along the western slope of the Sierra Nevada. The petition states, “[i]n that study, the Department concluded that suction dredging in Brushy Creek and the North Fork American River is having adverse environmental consequences and deleterious effects on fish.” That statement does not accurately represent the Department’s conclusion in the study. The Department noted that the “high banking” and “pot holes” the Department observed along the right bank of the North Fork American River could have an adverse effect on “juvenile fish,” but its principal concern was the effects of suction dredge mining on foothill yellow-legged frogs. In regard to those effects, the Department notes that its existing suction dredge regulations prohibit suction dredging into the bank of a river. (See Cal. Code Regs., tit 14, § 228, subd. (f)(2).) As a result, promulgating the emergency regulations as proposed by the petition is not necessary to immediately prevent such impacts from occurring. Further, as noted in the study, the Department’s related recommendation to modify the existing suction dredge regulations represented a “cautious approach” to protect foothill yellow-legged frogs, rather than the native trout that are the subject of the petition. Finally, unlike the petition, the Department’s recommendation in the study did not call for a complete closure of the North Fork American River to suction dredge mining, but rather a modification of the existing (year-round) season. This recommendation will be considered in the environmental review that is currently underway.

Given the foregoing, the Department must deny the petition because there is no substantial evidence to support a finding of emergency under the APA, including

the need to immediately adopt the petition’s proposed restrictions on suction dredge mining.

If you have any questions regarding this matter, please contact Mark Stopher, Environmental Program Manager, at (530) 225–2275.

Sincerely

/s/
Donald Koch
Director

SUPPLEMENTAL DECISION LETTER

February 2, 2009

Scott Feierabend, Interim Executive Director
California Trout
870 Market Street, Ste. 528
San Francisco, CA 94102

Michael Garabedian, President
Friends of the North Fork
7143 Gardenvine Avenue
Citrus Heights, CA 95621

Leaf Hillman, Vice Chair
Karuk Tribe of California
64236 Second Avenue
PO Box 1016
Happy Camp, CA 96039

Elizabeth Marin, Chief Executive Officer
The Sierra Fund
432 Broad Street
Nevada City, CA 95959

Re: Petition for Emergency Rulemaking

Dear Messrs. Feierabend, Garabedian, and Hillman and Ms. Martin:

On January 26, 2009, the Department of Fish and Game (“Department”) provided a written response to your December 26, 2008 petition requesting emergency action related to suction dredge mining under the Administrative Procedure Act (APA). Since then, the Department has received a number of inquiries seeking additional input regarding the basis for its decision.

As noted in our earlier correspondence, the decision to not proceed with emergency action as requested by your petition resulted from a legal determination on whether there was an emergency under the APA. The Department’s decision was not a policy determination on whether limitations on suction dredging should be approved to protect fish.

A recent decision by the Office of Administrative Law (OAL) rejecting the adoption of emergency regulations by the State Board of Education provided guidance in this determination. (See Cal. Reg. Notice Regis-

ter 2007, No. 7–Z, p. 320 (February 16, 2007); OAL File No. 07–0119–02E; see also Gov. Code, § 11349.6.) The decision summarizes controlling law and highlights various factors to assist agencies in interpreting and applying the emergency definition in the APA, including:

1. The magnitude of the potential harm.
2. The existence of a crisis situation, emergent or actual.
3. The immediacy of the need, i.e., whether there is a substantial likelihood that serious harm will be experienced unless immediate action is taken.
4. Whether the anticipation of harm has a basis firmer than simple speculation.
5. Whether the basis for believing that an emergency exists is simply expediency, convenience, best interests, or general public need.
6. Whether the situation is a grave character and serious moment.
7. Whether the situation is unforeseen.

The petition fails to provide, and the Department currently lacks, substantial evidence that the magnitude of the potential harm caused by suction dredge mining to the state’s fisheries is so great that an emergency exists under the APA. Likewise, there is no substantial evidence that suction dredge mining and its deleterious effects on fish under the Department’s existing regulations constitutes a crisis situation, emergent or otherwise, or that the situation is a grave character or serious moment requiring emergency action. As such, we could not find that the emergency and related harm anticipated by the petitioners is firmly based on the evidence available. In addition, the situation is not unforeseen. The matter has been the subject of on going litigation, in which the court has required environmental review under the California Environmental Quality Act (CEQA), but has not enjoined or required restrictions on suction dredging operations in the interim.

OAL’s decision emphasizes that the existence of all or many of these factors provides strong evidence that use of emergency regulations is justified. The decision also emphasizes that the existence of a few or none of these factors is strong evidence that emergency regulations are not justified. The Department was guided by these factors in evaluating the petition and ultimately determining that emergency action under the APA is not warranted in the present case. Therefore, the Department does not have the legal ability or authority to impose emergency regulations at this time.

The need to review and update the Department’s existing suction dredge mining regulations is public knowledge. Even though the Department is on record in court underscoring that need, and even though it shares

petitioners’ interest to protect the state’s native fish, the Department does not find that the proposed amendments can be adopted as an emergency action under the APA. The Department is continuing with the standard rulemaking process in accordance with the APA and the environmental review process required under CEQA.

If you have any questions regarding this matter, please contact Mark Stopher, Environmental Program Manager, at (530) 225–2275.

Sincerely

/s/
Donald Koch
Director

**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 December 3, 2008, The Office of Administrative Law (OAL) received a petition challenging an advisory issued by the Bureau of Professional Fiduciaries, dated August 7, 2008, as an underground regulation. The advisory addressed the application of the Professional Fiduciaries Act to persons enrolled as agents to practice before the Internal Revenue Service.

On February 2, 2009, The Professional Fiduciaries Bureau certified to the OAL that it would not issue, use, enforce, or attempt to enforce the advisory; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

PROFESSIONAL FIDUCIARIES BUREAU

January 30, 2009

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, California 95814

**LETTER OF CERTIFICATION PURSUANT
TO SECTION 280**

This letter is to certify that pursuant to Section 280, the Professional Fiduciaries Bureau will not issue, use,

enforce, or attempt to enforce the alleged underground regulations per the petition in file number CTU 2008-1203-01.

In implementation and enforcement of the Professional Fiduciaries Act (Act) the Bureau publishes advisories on its website and notifies interested parties of various licensing mandates under the law. This particular matter relates to an advisory the Bureau issued on the application of the Act to persons enrolled as agents to practice before the Internal Revenue Service. It has been alleged that there is a possible ambiguity in this advisory. In order to eliminate any possible confusion, and to continue to educate the public and interested parties that as of January 1, 2009 all professional fiduciaries subject to licensing under the Act, including enrolled agents acting outside the scope of practice of Part 10 of Title 31 of the Code of Federal Regulations, must be licensed, I will be issuing a new advisory in this matter.

Sincerely,

/s/
Mellonie Yang, Chief
Professional Fiduciaries Bureau

cc: Patricia Godfrey

PETITION TO THE OFFICE OF
ADMINISTRATIVE LAW

RE: Alleged Underground Regulation
FROM: Patricia Godfrey
DATE: November 24, 2008

1. Petitioner’s Identifying Information:
Patricia Godfrey
7750 University Ave., Ste. E
La Mesa, CA 91941

Tel: (619) 697-2852
Fax: (619) 697-2432
Email: patricia@taxladyonline.com

2. State agency or department being challenged:
Professional Fiduciaries Bureau (PFB)

3. Description of purported underground regulation:
Attached “advisory” by Chief Yang is posted on PFB website. PFB advisory interprets SB 1550 and B&P Code § 6530(d) to effectively remove PFB licensing exception for Enrolled Agents. The Court interprets statute by its common language and meaning. Contrary to legislative intent and understanding by stakeholders who were present at enactment of SB 1550, PFB defines and limits “scope of practice” of Enrolled Agents

exclusively to operation under a tax power of attorney. Part 10 of Title 31 of CFR provides “scope of practice” inclusive of representation under a tax power of attorney. Scope of practice is not exclusive.

4. Description of agency actions believed to demonstrate attempt to enforce purported underground regulation:

PFB clarified its interpretation of Enrolled Agents’ “scope of practice” to stakeholders in a public meeting. At the Westin Hotel in Los Angeles on November 18, 2008 PFB told stakeholders that Enrolled Agents who also meet the statutory definition of professional fiduciary are subject to \$5,000 fines at January 1, 2009 for practicing without a license.

See attached Protest and Amnesty Request Letter, which is incorporated into this Petition.

5. Legal basis for believing agency application is a regulation and that no statutory exemption to APA requirement is applicable:

PFB application of denying licensing exemption to Enrolled Agents is the agency’s interpretation of SB 1550. Interpretation of statute by an administrative agency is a regulation and subject to OAL procedures which serve to protect the public and stakeholders.

At the November 18, 2008 public meeting, a Department of Consumer Affairs official confirmed to stakeholders that [interpretive] regulations propagated by PFB are subject to APA procedures.

6. Additional information that petition raises an issue of considerable public importance requiring prompt resolution:

There are about 11,500 Enrolled Agents practicing in California. Many practicing Enrolled Agents also fit the statutory profile of professional fiduciary. PFB has done a poor job of communicating its interpretive position (regulation) to this class of individuals. Enrolled Agents’ logically believed that they are exempt from PFB licensing by the common reading of statute, which was confirmed in both PFB literature and PFB web postings. Stakeholders who were present at the enactment of SB 1550 state that legislative intent was to provide exemption from licensing for Enrolled Agents.

Until the clarification on November 18, 2008 public meeting, where Chief Yang explained to stakeholders that she had “changed her mind”, stakeholders wholly believed in good faith that they were exempt.

PFB stated in the public meeting of November 20, 2008 at Westin Hotel, Los Angeles, that its focus is now enforcement against those individuals practicing without a license. Enrolled Agents have been denied the due process protections afforded APA.

Proposed regulations exact a \$5,000 fine for practicing without a license. Enrolled Agents who also meet the statutory definition of professional fiduciary are now subject to \$5,000 fines if not licensed at January 1, 2009. Under the present facts and circumstances, refusing even temporary relief from fines until Enrolled Agents can become licensed is an abuse of agency discretion.

7. Certification:

I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:

Name of person in agency to who petition was sent: Chief Mellonie Yang

Agency: Professional Fiduciaries Bureau
P.O. Box 989005
West Sacramento, CA 95798-9005

Telephone: (916) 574-7340

I certify that all of the above information is true and correct to the best of my knowledge.

/s/

Patricia Godfrey
Signature of Petitioner

11/24/2008
Date

August 7, 2008

Subject: **ENROLLED AGENT EXEMPTION TO LICENSING AS A PROFESSIONAL FIDUCIARY IN CALIFORNIA**

Attention Interested Parties of the Professional Fiduciaries Bureau:

This Advisory relates to the "Enrolled Agent" exemption for licensing as a professional fiduciary in California pursuant to Section 6530(d) of the Business and Professions Code

Section 6530 (d) of the Business and Professions Code, related to licensing as a professional fiduciary, provides:

6530. (a) On and after January 1, 2009, no person shall act or hold himself or herself out to the public as a professional fiduciary unless that person is licensed as a professional fiduciary in accordance with the provisions of this chapter. . . .

(d) This section does not apply to a person enrolled as an agent to practice before the Internal Revenue Service who is acting within the scope of practice pursuant to Part 10 of Title 31 of the Code of Federal Regulations.

Enrolled agents are certified to represent taxpayers before the Internal Revenue Service. Under Section 10.2 of Subpart A, Rules Governing Authority to Practice, of Part 10 of Title 31 of the Code of Federal Regulations, the following is the definition of the practice of an enrolled agent:

"Practice before the Internal Revenue Service comprehends all matters connected with a presentation to the Internal Revenue Service or any of its officers or employees relating to a taxpayer's rights, privileges, or liabilities under laws or regulations administered by the Internal Revenue Service. Such presentations include, but are not limited to, preparing and filing documents, corresponding and communicating with the Internal Revenue Service, rendering written advice with respect to any entity, transaction, plan or arrangement, or other plan or arrangement having a potential for tax avoidance or evasion, and representing a client at conferences, hearings and meetings."

As applied to licensing as a professional fiduciary in California, an enrolled agent is exempt from licensure if they are serving as a conservator, guardian, trustee, or agent under durable power of attorney for health care or finances, as defined in the Professional Fiduciaries Act (Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code)), within the scope of practice of an enrolled agent pursuant to Part 10 of Title 31 of the Code of Federal Regulations.

An enrolled agent practicing as a professional fiduciary outside the scope of practice of an enrolled agent must obtain a license as a professional fiduciary in accordance with the requirements of the Professional Fiduciaries Act to "act or hold himself or herself out to the public as a professional fiduciary" (Section 6530(a) of the Business and Professions Code and Section 60.1(b) of the Probate Code). Otherwise, practicing without a license is a violation of the law,

Thanks
Mellonie Yang, Chief
Professional Fiduciaries Bureau

Patricia Godfrey, E.A.
7750 University Avenue, Suite E, La Mesa, CA 91941
Tel: (619) 697-2852 Fax: (619) 697-2432
Email: patricia@taxladyonline.com

November 24, 2008

Chief Mellonie Yang
Professional Fiduciaries Bureau
P.O. Box 989005
West Sacramento, CA 95798-9005

Formal Protest Regulatory Agency Abuse of
Discretion Due to Lack of Due Process Request for
Amnesty from Penalty for Practicing Without License
at 01/01/2009 Request for Protection from Other
Punitive Retaliatory Actions Against Applicant
Protective Refund Claim

The attached licensing application with \$400 fee is respectfully submitted for expeditious processing to Professional Fiduciaries Bureau for the following named individual:

Patricia A. Maison-Godfrey
AKA Patricia Godfrey, E.A.
7750 University Ave., Ste. E
La Mesa, CA 91941

This letter constitutes a Protective Claim For Refund of \$400 application fee for the above named individual. Due to the Bureau's grim financial constraints, the Bureau is respectfully requested to hold the funds in abeyance until legal issue is decided through the following:

1. Ruling by Office of Administrative Law on Petition which alleges underground regulation;
2. Legislation;
3. Determination by an Administrative Law Judge; or
4. Other Litigation or Settlement.

The grounds for Protest, Amnesty Protection, and Protective Refund Claim are as follows:

1. Bureau's legal interpretation of SB 1550 as posted in Chief Yang's Web Advisory is alleged underground regulation. To protect against agency abuse, protocol requires that an administrative agency file its interpretive regulation with OAL. Dues process with the protections of a proper notice with opportunity for both public and stakeholder comment before agency enforcement was effectively denied.
2. Stakeholders who were present at the enactment of SB 1550 assert that the Bureau's legal interpretation of SB 1550, as posted in Chief Yang's Web Advisory, is contrary to legislative intent. Due to intended enforcement of alleged underground regulation, stakeholders believe that Enrolled Agent scope of practice as it applies to fiduciary practice needs to be re-legislated.

3. In the Bureau's initial web posting and printed literature, Enrolled Agents were listed as exempt from licensing. In August, 2008 the Bureau posted a contrary position. It was not until November 18, 2008, in a public meeting, that stakeholders were able to obtain clarification. Chief Yang explained that she had "changed her mind." Stakeholders learned on that date that Enrolled Agents who are also professional fiduciaries under the statutory definition, and who do not have a license issued by the Bureau at January 1, 2009 are subject to a \$5,000 fine.
4. In the public meeting held November 20, 2008, stakeholders requested that the Bureau extend the deadline before enforcement proceedings ensue against Enrolled Agents. While acknowledging the reality that Enrolled Agents thought they were exempt from licensing, Chief Yang said that neither she nor the Committee could advocate for Enrolled Agents regarding relief from penalties. Stakeholders were advised to seek emergency legislation.

The licensing applicant can be reached at the address and contact information listed on this letterhead.

Under penalty of perjury, I declare that the foregoing is true to the best of my knowledge and belief.

/s/

Patricia Godfrey, E.A.
Applicant for Fiduciary License

cc: Senator Dennis Hollingsworth
36th District of California
1870 Cordell Ct., Ste. 107
El Cajon, CA 92020

Sharon Stone Smith, Esq.
Projects Manager and
Catherine Apker, Exec. V.P.
Calif. Society of Enrolled
Agents
3200 Ramos Circle
Sacramento, CA 95827-2513

Steven L. Simas, Esq.
Simas & Hutchinson
Government & Administrative
Law
1215 K St., 17th Fl.
Sacramento, CA 95814-3945

Lynn Freer
Spidell Publishing, Inc.
P.O. Box 61044
Anaheim, CA 92803

Joel Anderson
California Assemblyman

500 Fesler St., Ste 201
El Cajon, CA 92020

Elaine Lyttleton, President
and Morris Miyabara, Committee Chair
Calif. Society of Acctg. & Tax Prof.
(CSATP) PMB #217
5714 Folsom Blvd.
Sacramento, CA 95819-4608

Daniel Stubbs
PFB Committee Appointee
776 E. Green St., #205
Pasadena, CA 91101

Calif. Society of Tax Consultants
12419 Lewis St., #106
Garden Grove, CA 92840

File# 2008-1212-04
BOARD OF BEHAVIORAL SCIENCES
Acceptance of Degrees from Approved Institutions

Board of Behavioral Sciences proposes adoption of title 16, section 1832.5 to recognize specified educational degrees, approved by the Bureau for Private Post-secondary and Vocational Education as of June 30, 2007, to meet the degree requirements for Marriage and Family Therapist licensure applicants and intern registrants, provided that the degree is awarded on or before June 30, 2012.

Title 16
California Code of Regulations
ADOPT: 1832.5
Filed 01/28/2009
Effective 02/27/2009
Agency Contact: Tracy Rhine (916) 574-7847

**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# 2008-1231-01
BOARD OF BARBERING AND COSMETOLOGY
Cosmetology Curriculum Regulations

This rulemaking action amends section 950.2 of Title 16 of the California Code of Regulations regarding cosmetology school curriculum. It specifies the subjects and minimum hours of technical instruction and minimum number of practical operations for each subject which students must receive and perform, respectively, in order to be certified.

Title 16
California Code of Regulations
AMEND: 950.2
Filed 01/28/2009
Effective 02/27/2009
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2009-0106-02
BOARD OF EDUCATION
Instructional Materials — Social Content Review

This rulemaking implements Senate Bill 734 (Ch. 476 of 2007) which requires the Board of Education to adopt regulations governing the social content review of non-Board-of-Education-adopted instructional materials in the areas of racial and cultural diversity, contributions of men and women and ethnic communities, and many other social, civic, environmental, safety, and health issues. The new regulations do not include social content standards but rather incorporate by reference a manual entitled: Standards for Evaluating Instructional Materials for Social Content, 2000 Edition. The regulations also set various fees to be charged to publishers for review of various instructional material formats, which contain provisions for reduced fees for small publishers, and also create an appeal process which publishers may use to challenge a finding of non-compliance with social content standards.

Title 5
California Code of Regulations
ADOPT: 9800, 9810, 9820, 9830
Filed 02/04/2009
Effective 03/06/2009
Agency Contact: Connie Diaz (916) 319-0860

File# 2008-1219-02
CALIFORNIA INSTITUTE FOR REGENERATIVE
MEDICINE
Grant Administration Policy for Major Facilities

This action adopts policies for the administration of grants to nonprofit entities for building scientific and medical research facilities.

Title 17
California Code of Regulations
ADOPT: 100701
Filed 02/03/2009
Effective 03/05/2009
Agency Contact: C. Scott Tocher (415) 396-9136

File# 2009-0112-01
CORRECTIONS STANDARDS AUTHORITY
2007—Local Youthful Offender Rehabilitative Facilities Construction Funding Program Regulations

SB 81 (Chapter 17, Statutes of 2007) provides for \$100 million in funding for the construction of local youthful offender rehabilitative facilities. SB 81 authorizes the State Public Works Board and CDCR to enter into agreements with participating counties (this is a voluntary program) for acquisition, design and construction, expansion or renovation of county juvenile facilities which are built and operated pursuant to the regulations established by the CSA. CSA proposed the adoption of a new Subchapter 7 to Title 15 of the California Code of Regulations with accompanying 28 new sections covering eligibility requirements for funds, application requirements, administration and monitoring of the funds and project, and appeal procedures.

Title 15
California Code of Regulations
ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
Filed 02/02/2009
Effective 02/02/2009
Agency Contact:
Charlene Aboytes (916) 324-1914

File# 2009-0109-03
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

This regulatory action is a certification of compliance for three emergency actions that removed three areas from the interior quarantine for the Mediterranean Fruit Fly due to the success of eradication efforts.

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 02/02/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2008-1223-01
DEPARTMENT OF HEALTH CARE SERVICES
California Children's Services (CCS) Program

This change without regulatory effect renumbers and nonsubstantively amends numerous California Children's Services regulations in Title 22 of the California Code of Regulations. This action corrects Authority and Reference Citations which have been repealed and re-enacted, it updates agency names, corrects errors in the code and repeals several sections for which there is no longer statutory authority.

Title 22
California Code of Regulations
AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42716, 42717, 42718, 42719, 42720 REPEAL: 42800, 42801
Filed 01/28/2009
Agency Contact: Ben Carranco (916) 440-7766

File# 2009-0120-01
DEPARTMENT OF JUSTICE
Secretary of State Bond Form

The Department of Justice is adopting section 64.7, title 11, California Code of Regulations (Foreclosure Consultant Surety Bond for the Secretary of State).

Title 11
California Code of Regulations
ADOPT: 64.7
Filed 02/03/2009
Effective 02/03/2009
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2008-1222-01
DEPARTMENT OF JUSTICE
Department of Motor Vehicles Bond Form

This is an amendment to the Department of Motor Vehicles' (DMV) Business Partner Automation Surety Bond Form, submitted on behalf of DMV by the Department of Justice (DOJ). The form was approved by DOJ and is submitted to OAL for filing with the Secre-

tary of State and printing in the California Code of Regulations only.

Title 11
California Code of Regulations
AMEND: 51.19
Filed 01/28/2009
Effective 01/28/2009
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2009-0108-02
DEPARTMENT OF PUBLIC HEALTH
Childhood Lead Poisoning Prevention Fees

To fund activities under the Childhood Lead Poisoning Prevention Act of 1991, a fee is imposed upon manufacturers and other persons that were formerly and/or presently engaged in the stream of commerce of lead or products containing lead or who are otherwise responsible for identifiable sources of lead. This regulatory action amends existing regulations governing the assessment of those fees. This filing is exempt from review by the Office of Administrative Law pursuant to subsection (h) of section 105310 of the Health and Safety Code.

Title 17
California Code of Regulations
ADOPT: 33060 AMEND: 33007, 33010, 33020, 33025, 33030, 33040
Filed 01/29/2009
Effective 01/29/2009
Agency Contact:
Maureen Miyamura (916) 440-7841

File# 2008-1219-03
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Conso. Universal Waste & Authorization of Electronic Hazardous Waste

This is the Certificate of Compliance making permanent prior emergency regulatory actions (OAL file nos. 2008-0501-03EE, 2006-1221-02E and 06-1221-03EJ), and making additional changes to regulations, all dealing with the authorized treatment of universal waste electronic devices and notification requirements for manufacturers of covered electronic devices under the Electronic Waste Recycling Act of 2003. The regulatory action also makes permanent the prohibition of covered electronic devices from being sold or offered for sale in California if the electronic device is prohibited from being sold or offered for sale in the European Union due to the concentration of one or more heavy metals pursuant to specified European

Union documents; and makes permanent the list of electronic devices that are presumed to be hazardous wastes, and that are also "covered electronic devices," if they have a viewable screen size greater than four inches, as indicated in the "Appendix X" list of electronic devices that are presumed to be hazardous wastes when discarded. The emergency language has been in place pursuant to Health and Safety Code section 25214.10.2.

Title 22
California Code of Regulations
ADOPT: 66260.201, 66260.202, 66273.7, 66273.33.5, 66273.41, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77 AMEND: 66260.10, 66260.23, 66261.4, 66261.9, 66261.50, appendix X of chapter 11, 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2 REPEAL: 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, 66273.7.10, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90 Articles Affected: Amend article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7.
Filed 02/04/2009
Agency Contact: Laura Hayashi (916) 322-6409

File# 2009-0116-09
FAIR POLITICAL PRACTICES COMMISSION
Primarily Formed & General Purpose Committees

The Fair Political Practices Commission is adopting section 18427.5, title 2, California Code of Regulations, entitled "Primarily Formed and General Purpose Committees".

Title 2
California Code of Regulations
ADOPT: 18427.5
Filed 01/30/2009
Effective 03/01/2009
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2009-0116-08
FAIR POLITICAL PRACTICES COMMISSION
Candidate Controlled Ballot Measure Committees

The Fair Political Practices Commission (FPPC) is adopting sections 18521.5, and 18421.8, title 2, California Code of Regulations, entitled "Ballot Measure Committees Controlled by Candidates for Elective State Office," and "Reporting an Expenditure by a Candidate Controlled General Purpose Ballot Measure Committee". Further, the FPPC is amending section 18401, title 2, California Code of Regulations, entitled, "Required Recordkeeping for Chapter 4".

Title 2
California Code of Regulations
ADOPT: 18421.8, 18521.5 AMEND: 18401
Filed 01/30/2009
Effective 03/01/2009
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2009-0116-10
FAIR POLITICAL PRACTICES COMMISSION
Political Committee Names

The Fair Political Practices Commission is amending sections 18402 and 18450.3, title 2, California Code of Regulations, entitled "Committee Names," and "Committee Name Identification. Advertisement Disclosure".

Title 2
California Code of Regulations
AMEND: 18402, 18450.3
Filed 02/02/2009
Effective 03/04/2009
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2008-1230-04
FISH AND GAME COMMISSION
Sport Fish Report Card & Tagging Fee Adjustments

This change without regulatory effect amends Title 14 section 701 by adjusting the fees for fishing cards pursuant to section 713 of the Fish and Game Code.

Title 14
California Code of Regulations
AMEND: 701
Filed 01/28/2009
Agency Contact: Jon Snellstrom (916) 653-4899

File# 2008-1219-05
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Properly Rigged (Handling Loads)

This rulemaking clarifies that it is the rigger of lifted loads who is the "qualified person" who must be trained and capable of ensuring the safe lifting and handling of loads by cranes and other devices. The rulemaking also adds a Note which identifies where in the California Code of Regulations rigging and signaling requirements can be found. The rulemaking also requires that the use of slings in rigging loads complies with specified Code requirements for the use of slings.

Title 8
California Code of Regulations
AMEND: 4999
Filed 01/28/2009
Effective 02/27/2009
Agency Contact: Marley Hart (916) 274-5721

File# 2008-1219-04
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Crane Hoisting — Use of Outriggers, Stabilizers and Other Supports

Occupational Safety and Health Standards Board proposes amending the general industry safety order for crane hoisting in title 8, California Code of Regulations, section 4994. The amendment clarifies standards and criteria for determining the length that crane outriggers should be extended for proper bearing of crane loads to avoid toppling during hoisting operations. The amendment also adds standards and criteria for safe crane load distribution when timbers, cribbing, and structural support members are used, and incorporates by reference the standards provided in the American Society of Mechanical Engineers publication, ASME B30.22-2000, when cranes equipped with stabilizers are used.

Title 8
California Code of Regulations
AMEND: 4994
Filed 01/29/2009
Effective 02/28/2009
Agency Contact: Marley Hart (916) 274-5721

File# 2008-1215-01
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
CA CABG Outcomes Reporting Data Elements

This action amends the required data reporting elements for the California CABG Outcomes Reporting Program (CCORP) mandated by Health and Safety Code section 128745.

Title 22
 California Code of Regulations
 AMEND: 97174
 Filed 01/29/2009
 Effective 02/28/2009
 Agency Contact: Mary Moseley (916) 326-3867

File# 2008-1218-02
STATE WATER RESOURCES CONTROL BOARD
 Revised Conditional Waivers of Waste Discharge Requirements

This action is SWRCB's approval of the San Diego Regional Water Quality Control Board's amendments of the San Diego Regional Basin Plan establishing 9 new types of discharges eligible for waivers of waste discharge requirements. The amendment also reorganizes the 35 types of discharges by "discharge classification."

Title 23
 California Code of Regulations
 AMEND: 3989
 Filed 02/03/2009
 Effective 03/05/2009
 Agency Contact: Nirmal Sandhar (916) 341-5571

File# 2008-1223-05
VETERINARY MEDICAL BOARD
 Limited Term Eligibility Window for Registered Vet Tech Exam

This action prescribes another option for qualifying to take the registered veterinary technician licensing examination that recognizes practical experience as the primary qualifier, with a reduced requirement for education obtained in school, and will be offered through the year 2009 with the intent that it may lead to the registration of a greater number of veterinary technicians.

Title 16
 California Code of Regulations
 ADOPT: 2068.7
 Filed 02/03/2009
 Effective 02/03/2009
 Agency Contact: Linda Kassis (916) 322-0852

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN September 3, 2008 TO
 February 4, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted

by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 1**
 01/20/09 AMEND: 260
 01/20/09 AMEND: Appendix A, Std. Form 400
- Title 2**
 02/02/09 AMEND: 18402, 18450.3
 01/30/09 ADOPT: 18427.5
 01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401
 01/27/09 AMEND: 2294
 01/26/09 AMEND: 1859.104.1
 01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184
 01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128
 01/08/09 ADOPT: 18420.1
 01/08/09 ADOPT: 18944.3 AMEND: 18944.1
 12/30/08 AMEND: 714
 12/29/08 ADOPT: 2298
 12/15/08 AMEND: 17463, 17470, 17519
 12/09/08 ADOPT: 25100
 12/08/08 AMEND: 1700
 11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
 10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943
 10/31/08 ADOPT: 18402.1 AMEND: 18427
 10/22/08 ADOPT: 59600
 10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03
 10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127
 09/04/08 ADOPT: 18530.45
 09/04/08 AMEND: 18946.4
- Title 3**
 02/02/09 AMEND: 3406(b)
 01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)
 01/21/09 ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)
 01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669
 01/14/09 AMEND: 3434(b)
 01/13/09 AMEND: 3434(b)
 01/12/09 AMEND: 3589(a)

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12/30/08 AMEND: 3417(b)
 12/18/08 AMEND: 3417(b)
 12/18/08 AMEND: 3406(b)
 12/16/08 AMEND: 1358(b)
 12/12/08 AMEND: 3434(b)
 12/10/08 AMEND: 3589
 12/04/08 AMEND: 3435(b)
 11/26/08 AMEND: 3406(b)
 11/20/08 ADOPT: 6400
 11/12/08 AMEND: 3591.5(a)
 11/12/08 AMEND: 3434(b)
 11/07/08 AMEND: 3433(b)
 10/30/08 ADOPT: 1430.142 AMEND: 1430.43
 REPEAL: 1430.44.5
 10/29/08 AMEND: 3435(b)
 10/28/08 ADOPT: 3408
 10/22/08 AMEND: 3700(c)
 10/20/08 AMEND: 3433(b)
 10/20/08 AMEND: 3434(b)
 10/17/08 AMEND: 3423(b)
 10/15/08 AMEND: 3433(b)
 10/14/08 AMEND: 3434(b)
 10/14/08 AMEND: 3423(b)
 10/01/08 AMEND: 3434(b)
 09/24/08 AMEND: 810.1 REPEAL: 810
 09/23/08 AMEND: 3591.20(a)
 09/23/08 AMEND: 3434(b)
 09/18/08 AMEND: 3591.20(a)
 09/17/08 AMEND: 3435(b)
 09/11/08 AMEND: 3591.20(a)
 09/10/08 AMEND: 3434
 09/05/08 ADOPT: 3435
 09/03/08 AMEND: 6452.2

Title 4

01/13/09 ADOPT: 4027, 4027.1, 4027.2, 4027.3,
 4027.4, 4027.5
 12/29/08 AMEND: 12482
 11/24/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
 8102.4, 8102.5, 8102.6, 8102.7, 8102.8,
 8102.9, 8102.10, 8102.11, 8102.12,
 8102.13, 8102.14, 8102.15 AMEND:
 8090, 8091, 8092, 8093, 8094, 8095,
 8096, 8097, 8098, 8099, 8100, 8101
 11/17/08 AMEND: 1505
 10/30/08 AMEND: 1606
 10/16/08 ADOPT: 12047, 12048, 12050, 12348
 AMEND: 12002
 10/03/08 ADOPT: 12008 AMEND: 12122,
 12200.14, 12200.20, 12202, 12203A,
 12203.2, 12205.1, 12218.13, 12220.14,
 12220.20, 12220.20A, 12222, 12237,
 12301, 12342, 12343, 12344, 12345
 09/29/08 AMEND: 1843.2

Title 5

02/04/09 ADOPT: 9800, 9810, 9820, 9830
 01/20/09 ADOPT: 9517.1
 01/05/09 AMEND: 80004
 12/09/08 ADOPT: 18131.1 AMEND: 18131
 11/06/08 AMEND: 42723
 10/17/08 ADOPT: 100000, 100001, 100002,
 100003, 100004, 100005, 100006,
 100007, 100008, 100009, 100010,
 100011, 100012, 100013, 100014,
 100015
 10/14/08 ADOPT: 42729
 09/10/08 AMEND: 41000
 09/09/08 ADOPT: 19828.3, 19837.2 AMEND:
 19816, 19816.1, 19828.2, 19837.1,
 19846

Title 8

01/29/09 AMEND: 4994
 01/28/09 AMEND: 4999
 01/20/09 AMEND: Appendix B following
 sections 1529, 5208, 8358
 01/15/09 AMEND: 2500.7
 01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5,
 41.5, 41.6, 41.7, 63, 120, 121, 122, 123,
 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14,
 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5,
 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40,
 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4,
 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57,
 60, 61, 62, 65, 100, 102, 103, 104, 105,
 106, 107, 108, 109, 110, 111, 112, 113,
 116, 117, 118, 119, 150, 151, 152, 153,
 154, 155, 156, 157, 158, 159 REPEAL:
 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75,
 76, 76.5, 77, 101, 114, 115
 12/22/08 ADOPT: 16404, 16430, 16435.5
 AMEND: 16421, 16422, 16423, 16424,
 16425, 16426, 16427, 16428, 16429,
 16431, 16432, 16434, 16435, 16436,
 16437, 16439
 12/02/08 AMEND: 2940.6, Appendix C
 12/01/08 AMEND: 5198(f)(2)(A)
 11/19/08 AMEND: 1658(p)
 11/17/08 ADOPT: 10116, 10116.1, 10116.2,
 10116.3, 10116.5, 10116.6, 10116.7,
 10116.8 AMEND: 10123.1 renumbered
 to 10116.4, 10001 renumbered to
 10116.9, 10002 renumbered to 10117,
 10003 renumbered to 10118, 10004
 renumbered to 10119, 10005 renumbered
 to 10120, 10123, 10127, 10127.1, 10128,
 10133.13, 10133.14, 10133.16,
 10133.22, 10133.53, 10133.54,

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	10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50	01/12/09 AMEND: 2498.5 12/31/08 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
11/17/08	ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250	12/02/08 AMEND: 2652.1 11/12/08 AMEND: 2498.4.9 11/12/08 AMEND: 2498.4.9 11/07/08 AMEND: 2498.5 11/03/08 AMEND: 2498.5 09/22/08 AMEND: 2699.6500, 2699.6803, 2699.6805 09/15/08 AMEND: 2699.6619, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6711, 2699.6713, 2699.6715, 2699.6717, 2699.6721, 2699.6723, 2699.6725 09/11/08 AMEND: 2330.1
11/17/08	ADOPT: 10150.1, 10150.2, 10150.3, 10150.4, 10151, 10151.1, 10166.1 AMEND: 10150, 10160, 10160.1, 10160.5, 10161, 10161.1, 10162, 10164, 10165, 10166, 10167 REPEAL: 10168	Title 11 02/03/09 ADOPT: 64.7 01/28/09 AMEND: 51.19 12/31/08 AMEND: 1005(d) 12/02/08 AMEND: 1005, 1007, 1008 11/07/08 AMEND: 1005, 1081 10/27/08 AMEND: 1005, 1007, 1008, 1052 10/16/08 AMEND: 1081 10/14/08 AMEND: 1005 10/02/08 AMEND: 1003, 9040, 9041, 9073(b) 10/02/08 AMEND: 1081 09/23/08 ADOPT: 44.3
11/17/08	ADOPT: 10397, 10403, 10409, 10508, 10550, 10593, 10603, 10629, 10770.5, 10770.6, 10782, 10785, 10844, 10845 AMEND: 10301, 10302, 10324, 10346, 10400, 10410, 10411, 10412, 10450, 10500, 10505, 10507, 10510, 10541, 10561, 10589, 10608, 10616, 10626, 10750, 10751, 10753, 10754, 10755, 10770, 10779, 10840, 10842, 10843, 10846, 10848, 10850, 10860, 10865, 10866, 10946, 10950, 10953 REPEAL: 10306, 10308, 10347, 10390, 10391, 10392, 10395, 10396, 10414, 10415, 10416, 10417, 10514, 10520, 10548, 10555, 10563, 10590, 10591, 10592, 10610, 10630, 10758, 10762, 10771, 10867, 10890, 10952, 10955, 10957, 10995, 10996	Title 12 01/27/09 AMEND: 501 01/12/09 AMEND: 503
11/12/08	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611	Title 13 01/20/09 AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710 12/22/08 AMEND: 553.70 12/05/08 AMEND: 110.04 12/01/08 AMEND: 1956.8 11/24/08 ADOPT: 2027
11/06/08	AMEND: 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980	11/03/08 AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
10/01/08	AMEND: 3412, 3413, 3414, 3416	10/20/08 ADOPT: 346.00, 346.02, 346.04, 346.06, 346.08, 346.10, 346.12, 346.14, 346.16
09/23/08	AMEND: 5155	10/07/08 AMEND: 935
09/22/08	ADOPT: 1530.1	10/02/08 AMEND: 423.00
09/17/08	AMEND: 1512	10/02/08 AMEND: 15.00, 15.03 09/08/08 AMEND: 2449
Title 9		Title 13, 17 12/03/08 AMEND: 2299.3, 93118.3 10/20/08 ADOPT: 2299.5, 93118.5
01/07/09	AMEND: 7400	Title 14
11/18/08	ADOPT: 9550	01/28/09 AMEND: 701 01/13/09 AMEND: 300
Title 10		
01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809	
01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301	

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12/31/08 AMEND: 957 REPEAL: 957.11, 957.12

12/29/08 AMEND: 243, 245 REPEAL: 241

12/17/08 ADOPT: 1032 AMEND: 895, 895.1, 929.1, 949.1, 969.1, 1032.7, 1032.9, 1037.3, 1054.5, 1055.3, 1056.3, 1090.1, 1090.2, 1090.4, 1090.6, 1090.17, 1092.03, 1092.04, 1092.06, 1092.18, 1104.3 REPEAL: 1032

12/11/08 AMEND: Division 5, Appendix M

12/10/08 ADOPT: 120.1, 120.2 AMEND: 120, 120.3 REPEAL: 120.01

11/26/08 AMEND: 1257

11/24/08 AMEND: 749.3

11/13/08 ADOPT: 18660.40

11/07/08 AMEND: 895.1, 919.9, 939.9

11/07/08 AMEND: 1038(i)

11/07/08 AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963

10/30/08 AMEND: 29.85

10/23/08 AMEND: 163, 164

10/22/08 AMEND: 1052.4

10/21/08 AMEND: 15387 Appendix C

10/09/08 AMEND: 791, 791.7, 795

09/22/08 AMEND: 4900 REPEAL: 4901, 4902, 4903, 4904

09/15/08 AMEND: 502

09/11/08 AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F

09/09/08 ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6

09/04/08 AMEND: 670.2

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

12/19/08 REPEAL: 4826, 4985

12/16/08 ADOPT: 3099

12/15/08 ADOPT: 3334 AMEND: 3000

12/11/08 AMEND: 3323

12/09/08 AMEND: 3000, 3001, 3041.3, 3075.3, 3294.5, 3356, 3369.5, 3370, 3376.1, 3382, 3383, 3393, 3401, 3402, 3405, 3406, 3407, 3408, 3410, 3411, 3414, 3430, 3432, 3433

11/26/08 ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792

10/30/08 AMEND: 3000, 3375, 3376.1, 3379

10/28/08 ADOPT: 3999.7

10/23/08 ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461

10/15/08 ADOPT: 3999.6

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02/03/09 ADOPT: 2068.7

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12/30/08 AMEND: 1387

12/18/08 AMEND: 3340.28, 3340.29

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12/11/08 AMEND: 1336

12/09/08 AMEND: 1399.25 REPEAL: 1399.26

11/24/08 AMEND: 1419, 1419.1, 1419.3

10/30/08 AMEND: 1399.571

10/17/08 ADOPT: 1399.610, 1399.612 AMEND: 1399.502

10/07/08 AMEND: 832.47

10/02/08 AMEND: 3351.2

09/29/08 AMEND: 2522, 2524, 2579, 2579.10 REPEAL: 2522.5, 2579.1

09/22/08 AMEND: 4154, 4155

09/19/08 AMEND: 11.5, 12, 12.5, 37, 87.1

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02/03/09	ADOPT: 100701		
01/29/09	ADOPT: 33060 AMEND: 33007, 33010, 33020, 33025, 33030, 33040		
01/28/09	AMEND: 950.2		
01/28/09	ADOPT: 1832.5		
12/30/08	AMEND: 30195.1		
12/26/08	ADOPT: 100501		
12/02/08	ADOPT: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95125, 95130, 95131, 95132, 95133		
10/30/08	AMEND: 100407, 100408		
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09/18/08	ADOPT: 94800, 94801, 94802, 94803, 94804, 94805, 94806, 94807, 94808, 94809, 94810	01/28/09	AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42716, 42717, 42718, 42719, 42720
09/05/08	ADOPT: 98100 REPEAL: 96100	REPEAL: 42800, 42801	
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01/02/09	AMEND: 1702.5		
12/01/08	AMEND: 1602.5		
11/14/08	AMEND: 1591, 1602		
09/24/08	AMEND: 1574		
09/24/08	AMEND: 1599		
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11/14/08	AMEND: 2900, 2910, 2915, 2920, 2930, 2940, 2945, 2950, 2955, 2960, 2965, 2966, 2970, 2980		
09/24/08	AMEND: 560		
09/24/08	AMEND: 906.3		
Title 21			
11/26/08	AMEND: 6633.2		
Title 22			
02/04/09	ADOPT: 66260.201, 66260.202, 66273.7, 66273.33.5, 66273.41, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77 AMEND: 66260.10, 66260.23, 66261.4, 66261.9, 66261.50, appendix X of chapter 11, 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2 REPEAL: 6 6273.7.1, 66273.7.2, 66273.7.3, 66273.7.4,	01/26/09	AMEND: 51313.6, 51320, 51476, 51510, 51510.1, 51510.2, 51510.3, 51511, 51513, 51520 REPEAL: 51513.5, 51520.1, 51520.2, 59998
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		01/15/09	AMEND: 101115
		01/06/09	AMEND: 66270.60, 67450.30
		12/09/08	AMEND: 51521
		12/09/08	AMEND: 100031, 100032, 100033, 100034, 100035, 100036, 100037,

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11/20/08 AMEND: 3254(i)-2
11/13/08 ADOPT: 97234, 97267 AMEND: 97215,
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10/29/08 AMEND: 64413.1, 64414, 64431,
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01/07/09 ADOPT: 3939.34
01/05/09 ADOPT: 3006
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11/06/08 AMEND: 2200, 2200.4, 2200.5, 2200.6
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12/05/08 ADOPT: 7150, 7151, 7152, 7153, 7154,
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10/08/08 AMEND: 4000, 4002, 4004, 4010, 4017,
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01/05/09 AMEND: 27000
12/02/08 AMEND: 25805(b)
09/05/08 AMEND: 25601

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12/26/08 ADOPT: 31-003, 31-502 AMEND:
31-002
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