



# California Regulatory Notice Register

REGISTER 2009, NO. 26-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 26, 2009

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

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

**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. 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: ALLAN HANCOCK JOINT  
COMMUNITY COLLEGE  
DISTRICT  
NORTH ORANGE COUNTY  
COMMUNITY COLLEGE  
DISTRICT  
OAKDALE JOINT UNIFIED  
SCHOOL DISTRICT  
SANTA MARIA JOINT UNION  
HIGH SCHOOL DISTRICT  
SACRAMENTO-YOLO  
MOSQUITO & VECTOR  
CONTROL DISTRICT

A written comment period has been established commencing on **June 26, 2009**, and closing on **August 10, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **August 10, 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 Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 4. CALIFORNIA GAMBLING  
CONTROL COMMISSION**

**NOTICE OF PROPOSED REGULATORY  
ACTION AND PUBLIC HEARING  
CONCERNING  
MINIMUM INTERNAL CONTROL  
STANDARDS (MICS)  
FOR GAMBLING ESTABLISHMENTS:  
FIRE SAFETY, SECURITY AND SURVEILLANCE.**

CGCC-GCA-2009-06-R

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at 10:00 a.m. on August 11, 2009, at 2399 Gateway Oaks Drive, First Floor Hearing Room, Sacramento, CA 95833-4231.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period, or may be received by the Commission at the above referenced hearing. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on August 11, 2009**. Written comments not submitted at the hearing should be directed to one of the individuals designated in this notice as a contact per-

son. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19801(g), 19811, 19824, 19826(b), 19840, 19841, 19856(c), 19857 and 19924 of the Business and Professions Code; and to implement, interpret or make specific sections 19801, 19823, 19827, 19841, 19856(c), 19857, 19860, 19912, 19920, 19922 and 19924 of the Business and Professions Code, and sections 13143(a) and 13143.5 of the Health and Safety Code; the Commission is proposing to adopt the following changes to Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW

**INTRODUCTION:**

The Commission is the state agency charged with the administration and implementation of the California Gambling Control Act (Act).<sup>1</sup> The Commission is authorized to adopt regulations governing the operation of gambling establishments (cardrooms) in California.<sup>2</sup> Specifically, the Commission is mandated to adopt regulations on the subjects enumerated in Business and Professions Code,<sup>3</sup> section 19841. Regulations concerning the establishment of minimum policies and pro-

<sup>1</sup> Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

<sup>2</sup> Business and Professions Code section 19840.

<sup>3</sup> All statutory references are to the Business and Professions Code, unless otherwise specified.

cedures by owner licensees to exercise effective control over their gambling affairs have been prepared in compliance with section 19840<sup>4</sup> and subdivisions (h) and (o) of section 19841.<sup>5</sup>

In general, the proposed action has been drafted in an attempt to establish uniform procedures and standards to assist the Commission and the Bureau of Gambling Control within the Department of Justice (Bureau) in meeting their oversight responsibilities under the Act, while taking into account the variations in size of gaming operations. More importantly, the proposed action is intended to provide for minimum standards that protect public health and safety and maintain security controls over the gambling premises.<sup>6</sup> These regulations establish a baseline for cardroom operation, by requiring that licensees establish and implement written policies and procedures that meet or exceed the prescribed Minimum Internal Control Standards (MICS), as they relate to the established size category of the individual licensee. Establishing a baseline standard helps to ensure consistency and uniformity.

**SPECIFIC PROPOSAL:**

In September 2007, a joint Commission/Bureau Workgroup was formed to develop MICS regulations for cardrooms. The workgroup has discussed general MICS requirements and researched MICS requirements from other states. Due to the number of subjects and complexity of the MICS requirements, the workgroup segregated the requirements into separate subject areas in order to pursue regulations in phases according to priority. Those subjects and phases, in order of priority, are:

**Phase**

- I. General Terms, Conditions & Definitions; Policies & Procedures; Drop & Drop Collection; Count & Count Room Functions; and Cage Functions
- II. Fire Safety, Security & Surveillance
- III. Gambling Floor Operations & Play of Table Games
- IV. Chips, Cards & Other Gambling Equipment
- V. Personnel & Tips

<sup>4</sup> Section 19840 provides, in pertinent part, that “[t]o the extent appropriate, regulations of the Commission . . . shall take into consideration the operational differences of large and small establishments.”

<sup>5</sup> Subdivision (h) of section 19841 mandates that the Commission’s regulations shall “[p]rescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs. . . .” as specified. Subdivision (o) of section 19841 mandates that the Commission’s regulations shall “[r]estrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling, consistent with the purposes of this chapter.”

<sup>6</sup> Business and Professions Code, sections 19920 and 19924.

VI. Information Technology Systems

VII. Adequate Financing; Player–Dealer Banks, & Jackpots

Multiple phases are being considered simultaneously and are currently in various stages of development. It is intended that each phase will be taken up, formally, in the order listed above.

In December, 2007, the workgroup completed an initial draft proposal for these Phase II MICS (Fire Safety, Security and Surveillance) and scheduled an informal public comment session to solicit comments from the industry on April 10, 2008. All comments were recorded and categorized, and were considered in the further development and refinement of this Phase II proposal. A modified draft proposal was completed and again distributed to interested parties on October 3, 2008. Additional written comments were again solicited, with this second informal comment period ending on October 17, 2008. Further revisions were made to accommodate many of the comments and suggestions received. At a meeting before the Commission on April 22, 2009, it was agreed that additional public comments and recommendations would be considered. As a result, final revisions were made, and these proposed Fire Safety, Security and Surveillance regulations were then formed.

At a meeting on May 20, 2009, the Commission authorized staff to initiate the formal rulemaking process for these proposed regulations.

**EXISTING LAW:**

Within Article 2 of Chapter 7, Section 12370 currently provides specific emergency preparedness and evacuation plan requirements for cardrooms. This section defines the terms “critical incident” and “plan”, and requires cardrooms to develop and implement an emergency preparedness and evacuation plan that addresses specific emergencies, necessary equipment, evacuation charts and employee training. These requirements are outdated and may not be consistent with those of the State Fire Marshal.

**EFFECT OF REGULATORY ACTION:**

This proposed action will make the following changes within Article 2 of Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

1. This proposed regulatory action would amend Section 12370 by simply requiring cardrooms to comply with the emergency planning regulations of the State Fire Marshal (Title 24 CCR, Part 9, Ch. 4 and Title 19, Section 3.09). These amendments would also require cardrooms to submit copies of their *fire safety and evacuation plan* to the Commission upon initial application for a license, biennially upon license renewal, and when specified changes are made to their plan.

Consistent with the existing language of Section 12370, submitted fire safety and evacuation plans must show evidence of approval from a local authority or the State Fire Marshal. Also consistent with existing language, these amendments would constitute an unsuitable method of operation if a cardroom does not implement their plan and conduct emergency evacuation drills and employee training pursuant to their plan.

2. This proposed action would establish new Section 12372, which would require all cardrooms to adopt a *security and surveillance plan*. The required elements of the plan are increased with the relative size of the cardroom by assigning tiers that are based on the cardroom's number of authorized tables. Five specific licensee tiers have been established in a prior rulemaking package<sup>7</sup>. Smaller cardrooms (Tiers I & II) would be required to establish monitoring and control systems that restrict access to sensitive areas, establish security and video surveillance procedures, provide for lighting in and around the cardroom, and establish procedures for protecting patrons and property. In *addition* to these requirements, medium to large size cardrooms (Tiers III–V) would be required to designate security staff, have uniformed security guards, and provide regular training for security and surveillance personnel.

All tiers would be required to submit copies of their security and surveillance plan to the Commission upon initial license application, biennially upon license renewal, and whenever specified revisions are made to their plan. If local authorities provide reviews of these plans, the cardroom is required to provide the results of the review. The Bureau is also required to review the cardroom's plan and identify any deficiencies.

Cardrooms are also required to annually review the elements of the plan with those employees who have duties under the plan.

Finally, Section 12372 would constitute an unsuitable method of operation if a cardroom does not implement the elements of their plan and assess a civil penalty for violations of the section.

This proposed action will also make the following changes within Article 3 of Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

1. This proposed action would establish new Section 12395, which would require cardrooms to adopt

specified security *procedures* that are again increased with the relative size of the cardroom. All cardrooms would be required to restrict access to sensitive areas, provide adequate lighting of all public areas, file incident reports with the Bureau under specified circumstances, and control keys to restricted areas. In *addition*, medium to large size cardrooms (Tiers III–V) would be required to maintain a key control box and have uniformed security outside the cardroom at night. In *addition*, the larger size cardrooms (Tiers IV & V) would be required to have backup generator systems and uniformed security during all hours of operation.

2. This proposed action would also establish new Section 12396, which would require cardrooms to adopt specified surveillance *procedures* that also increase with the relative size of the cardroom. All cardrooms would be required to video record specified critical gambling operation activities, have video equipment that meets specified parameters, maintain video recordings for a specified time, allow the Bureau access to the video recordings, and display signs that alert patrons to the video monitoring. In *addition*, Tiers II through V cardrooms would be required to video record cardroom entrances and exits and dedicate cameras to gambling tables. In *addition*, Tiers III through V cardrooms would be required to video record parking areas. In *addition*, the largest cardrooms (Tier V) would be required to establish a dedicated surveillance room, dedicated surveillance staff, and adhere to specified video equipment and operating parameters.
3. The proposed action will also require licensees to establish and implement the applicable standards specified in Sections 12395 and 12396 by a date certain (approximately six months after the effective date of those regulations).

**FISCAL IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

None.

**NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:**

None.

**MANDATE IMPOSED ON LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:**

None.

**COST TO ANY STATE OR LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SEC-**

<sup>7</sup> See MICS I rulemaking package, subsection (d) of Section 12380.

**TION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:**

None.

**IMPACT ON BUSINESS:**

The Commission has made an initial determination that the adoption of these regulations may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There may be cardrooms that do not already have internal control standards and/or equipment in place that are in compliance with the minimum standards proposed by these regulations.

Based on the size of the cardroom, these proposed regulations will require that cardrooms:

1. Comply with the emergency planning regulations of the State Fire Marshal; and
2. Adopt a security and surveillance plan that includes lighting in and around the cardroom, security monitoring and control systems, video surveillance procedures and systems, have a backup generator system, have uniformed security guards, designate surveillance staff and provide regular training for security and surveillance personnel.

The Commission has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

1. The establishment of differing compliance or timetables that take into account the resources available to businesses;
2. Consolidation or simplification of compliance requirements for businesses;
3. The use of performance standards rather than prescriptive standards; and
4. Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that supports this determination.

**IMPACT ON JOBS/NEW BUSINESSES:**

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

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

The cost impacts that a representative private person or business may incur in reasonable compliance with the proposed action, and that are known to the Commission include:

1. The requirement for a key control box, video surveillance system and backup generator; and
2. The possible need for additional staff to comply with security and surveillance requirements.

**EFFECT ON HOUSING COSTS:**

None.

**EFFECT ON SMALL BUSINESS:**

The Commission has determined that the proposed regulatory action may affect small businesses, if any cardroom qualifies as a small business and does not already have internal control standards in place which satisfy the minimum standards proposed by these regulations.

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

**CONSIDERATION OF ALTERNATIVES**

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

**INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request to the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of

Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

#### CONTACT PERSONS

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

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

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Staff Services Analyst  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, CA 95833-4231  
Telephone: (916) 263-0700  
Fax: (916) 263-0452  
E-mail: Jcalkin@cgcc.ca.gov

#### WEB SITE ACCESS

Materials regarding this proposed action are also found on the Commission's Web site at [www.cgcc.ca.gov](http://www.cgcc.ca.gov).

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1606. COUPLING OF HORSES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1606, Coupling of Horses, to delete subsection 1606(b)(2), which requires thoroughbred horses exempted from coupling requirements under subsection 1606(b) to be trained by a different trainer.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Wednesday, August 19, 2009**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on August 10, 2009**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chr.ca.gov](mailto:haroldc@chr.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19401, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19401, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 states jurisdiction and supervision over meetings in Califor-

nia where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19590 states the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering. Business and Professions Code section 19401 states the intent of this chapter is to allow pari-mutuel wagering on horse races, while: assuring protection of the public; encouraging agriculture and breeding of horses in California; supporting the network of California fairs; providing for maximum expansion of horse racing opportunities in the public interest; providing uniformity of regulation for each type of horse racing.

The Board proposes to amend Rule 1606 to delete subsection 1606(b)(2) which requires that thoroughbred horses be trained by different trainers to qualify for a coupling exemption under subsection 1606(b). The deletion of subsection 1606(b)(2) will result in the exemption from coupling requirements of thoroughbred horses if the thoroughbred horses are owned by different partnerships whose composition are not mirror images, and there is at least one partner who has an ownership interest in each of the partnerships. The thoroughbred horses would no longer have to be trained by different trainers.

In 2006 the Board examined the practice of coupling horses as a single wagering interest when the same person or persons owned them in whole or in part. Coupling became an issue when some within the industry expressed dissatisfaction with the possibility that a fan that wagers on a coupled entry consisting of a favorite and a mediocre horse would be left with a wager on the lesser horse if the favorite were scratched. They also argued that owners do not have as much influence as trainers on horse races, so it did not make sense to couple horses owned by the same owners if horses trained by the same trainer were not coupled. The elimination of coupling was seen as one possible solution to these issues. At a Special Teleconference Meeting on May 15, 2006, the Board determined it would test the hypothesis, so it enacted Rule 1406, Suspension of Rule, and temporarily suspended Rule 1606 at two thoroughbred race meetings. The suspension of Rule 1606 was later extended to include the quarter horse meeting at Los Alamitos Race Track. As a condition of the suspension

of Rule 1606 the Board requested that the racing associations participating in the experiment keep track of the number of times horses were uncoupled, and the effect of uncoupling on the handle. At the end of the temporary suspension the participating racetracks reported their numbers were not sufficient to support a conclusion. Only a few dozen races qualified for the uncoupling experiment (There had to be five or more racing interests in a race before uncoupling could occur). In races where uncoupling did occur, there was a slight increase in handle due to more wagering interests.

In June 2007 Rule 1606 was amended to exempt quarter horse races from the regulation's coupling requirements.

In November 2008 Rule 1606 was amended to allow the uncoupling of two or more thoroughbred horses entered in the same race that are owned by different partnerships whose composition are not mirror images, but where at least one partner has ownership interest in each partnership, and a different trainer trained each horse.

The proposed amendment to Rule 1606 will remove the requirement that a different trainer trains each thoroughbred horse that is uncoupled under the provisions of subsection 1606(b). This will allow the uncoupling of two or more thoroughbred horses entered in the same race that are owned by different partnerships whose composition are not mirror images, but where at least one partner has an ownership interest in each partnership. Under the proposed amendment different trainers, or the same trainer may train the thoroughbred horses. This is in keeping with current practice, as unless the horses fall under the provisions of subsection 1606(b), only ownership interests can trigger coupling. Thoroughbred horses trained by the same trainer, but owned by different (individual) owners, are currently not required to be coupled.

#### DISCLOSURE REGARDING THE PROPOSED 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 that must be reimbursed in accordance with Government Code section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1606 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.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1606 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1606 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chr.ca.gov](mailto:haroldc@chr.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rule-

making process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

#### TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail must be received by the Board of Optometry not later than 5:00 p.m. on August 11, 2009 and sent to the address listed under Contact Person in this Notice.

A hearing in this matter has been scheduled for August 11, 2009 at 10:00 a.m., in the Yosemite Room, at 2420 Del Paso Road, Sacramento, California. All interested parties will be heard at that time.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3010.1, 3010.5, 3024, and 3025 of the Business and Professions Code, and to implement, interpret or make specific Sections 144, 3110, 3055, 3056, and 3059 of said Code and Section 11105 of the Penal Code, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Adopt sections 1525, 1525.1 and 1525.2.

B&P Code section 3025 allows the board to make and promulgate rules and regulations governing procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry.

1525

B&P Code section 3146 provides for the renewal of a license certificate that has not expired, stating that “licenseholder shall apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.”

The proposed regulation would clarify the requirements for the renewal of a license to practice Optometry. Specifically, the regulation would clarify the requirement to disclose the completion of the required continuing education courses, and the requirement to disclose the disciplinary action taken against any license or any conviction that occurred in the prior renewal cycle. The proposed regulation also gives the Board the ability to enforce the disclosure requirements by declaring any incomplete application ineligible for renewal.

1525.1 & 1525.2

Business and Professions Code (BPC) Section 144 requires an applicant to furnish to specified agencies, including the Board of Optometry (Board), a full set of fingerprints for the purpose of conducting criminal history record checks. Additionally, this section allows the Board to obtain and receive criminal history informa-

tion from the Department of Justice (DOJ) and the United States Federal Bureau of Investigation (FBI).

Currently, the Board has no specific authority to take action against a licensee who fails to respond to a request for information regarding criminal history.

The proposed regulation would provide the Board with the authority to take disciplinary action against a licensee who fails to provide requested information relating to a criminal conviction history during the course of a Board investigation.

FISCAL IMPACT ESTIMATES

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

Non-discretionary Cost/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

AND

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

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board to be minor to significant based on their current licensing status and the application, renewal and delinquent fees scheduled to be paid by licensees and non-licensees. Delinquencies are to be paid by licensees.

The current processing fees associated with LiveScan fingerprinting are \$32.00 for DOJ and \$24.00 for FBI, with some LiveScan agencies charging additional fees for “rolling” fingerprints and/or administrative processing. Applicants are responsible to pay all fees associ-

ated with the fingerprint process. The average total cost per individual to meet requirements set forth in the regulation will be \$56.00.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The proposed regulations would have an affect on licensees who are registered with the Board and have not been fingerprinted prior to 1998 when it comes time for them to renew and new licensees who are applying for the first time.

#### CONSIDERATION OF ALTERNATIVES

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

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

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

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written re-

quest to the contact person named below or by accessing the Web-site listed below.

#### CONTACT PERSON

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

Name: Andrea Leiva  
Address: 2420 Del Paso Road,  
Suite 255  
Sacramento, CA 95834  
Telephone Number: (916) 575-7172  
Fax Number: (916) 575-7292  
E-mail Address: [andrea\\_leiva@dca.ca.gov](mailto:andrea_leiva@dca.ca.gov)

The backup contact person is:

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

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

#### TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Citizen Hotel, 926 J Street, Sacramento, CA 95814, at 9:00 a.m., or as soon as practicable thereafter, on August 15, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Thursday, August 13, 2009, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2914(b) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2914 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Existing law requires applicants for licensure as a psychologist to have an earned doctoral degree in psychology from an accredited university in order to qualify for licensure. Business and Professions Code section 2914(g) adds that an applicant holding a doctorate degree in psychology from an unaccredited school that is approved by the California Bureau for Private Postsecondary and Vocational Education (BPPVE) is deemed to meet the educational requirements for licensure if all the following are true: (1) the school was approved by the BPPVE prior to July 1, 1999; (2) the school has not since July 1, 1999, had a new location and; (3) the school is not a franchise institution. Existing law (Business & Professions Code Section 2902(e)) also defines “approved” as it applies to an academic institution as “having ‘approval to operate,’” thus requiring the schools approval to be current.

The Private Postsecondary and Vocational Education Reform Act of 1989 (Act), including the BPPVE, became inoperative on July 1, 2007 and the Act itself was repealed on January 1, 2008. Thus there is no agency tasked with ensuring the on-going approval of unaccredited institutions. SB 45 (Perata, 2007) addressed this issue by extending an educational institution’s previous approval to operate for purposes of qualifying for licensure or examination through January 1, 2009. No further legislation has been enacted to address this issue.

This proposal would define the requirements for a degree from an approved educational institution for the purpose of meeting the qualifications for examination or licensure as a psychologist. The proposed requirements would include:

- the applicant enrolled in a doctoral program in an approved school by December 31, 2008
- the degree is conferred by December 31, 2013
- there is no legislation reenacting the BPPVE or a successor agency that affects the status of the school or the degree conferred.

This proposal would also make other non-substantive grammatical changes.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Linda Kassis
Address: 2005 Evergreen Street, Suite 1400, Sacramento, CA 95815
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: Linda\_Kassis@dca.ca.gov

The backup contact person is:

Name: Jeff Thomas
Address: 2005 Evergreen Street, Suite 1400, Sacramento, CA 95815
Telephone No.: (916) 263-2489
Fax No.: (916) 263-2697
E-Mail Address: jeff\_thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Citizen Hotel, 926 J Street, Sacramento, CA 95814 at 9:00 a.m., or as soon as practicable thereafter, on August 15, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Thursday, August 13, 2009, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2914(b) and 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2914 of said Code, the Board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A person (psychological assistant) other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions. The person is termed a "psychological assistant."

Currently, section 1391.5 allows psychological assistants to provide limited psychological functions under the direction and supervision of a licensed psychologist or board-certified psychiatrist who is employed in the same setting in which the psychological assistant is employed. Registration as a Psychological Assistant is a training category that provides a method by which an unlicensed person can perform limited psychological

functions to accrue the 3000 hours of qualifying supervised professional experience (SPE) that are necessary in order to become licensed as a psychologist.

Existing regulations do not limit the registration period that a psychological assistant can practice under the supervision of an authorized individual. This proposal would amend section 1391.5 to limit the cumulative total of time that a psychological assistant can be registered to practice to a total of six years (72) months, unless registered prior to the implementation of this proposal. Psychological Assistants registered prior to the effective date of this subdivision would be limited to a cumulative total of six years (72 months) from the date of the psychological assistant's next registration. This proposal would also allow the Board, based on a showing of good cause as determined by the Board, to consider reasonable modifications to these specified time limitations as necessary.

#### FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

#### AND

The following studies/relevant data were relied upon in making the above determination:

N/A.

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 2005 Evergreen Street, Suite 1400, Sacramento, California 95815.

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

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

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

#### CONTACT PERSON

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

Name: Linda Kassis  
Address: 2005 Evergreen Street,  
Suite 1400  
Sacramento, CA 95815  
Telephone No.: (916) 263-1617  
Fax No.: (916) 263-2697  
E-Mail Address: Linda\_Kassis@dca.ca.gov

The backup contact person is:

Name: Jeff Thomas  
Address: 2005 Evergreen Street,  
Suite 1400  
Sacramento, CA 95815  
Telephone No.: (916) 263-2489  
Fax No.: (916) 263-2697  
E-Mail Address: jeff\_thomas@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at [www.psychboard.ca.gov](http://www.psychboard.ca.gov).

## **TITLE 16. PHYSICIAN ASSISTANT COMMITTEE**

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room, Suite 1150, Sacramento, California, at 10:30 a.m., on 13 August 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office no later than 5:00 p.m. on 12 August 2009 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 118, 125.9, 148, 700, 701, 702, 703, 704, 3510, 3523, 3524, and 3524.5 of said Code, the Physician Assistant Committee is considering

changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following changes:

1) Adopt Sections 1399.615, 1399.616, 1399.617, 1399.618, and 1399.619

Existing law, Assembly Bill 2482 (Stats 2008, Chapter 76) authorizes the committee to require a licensee to complete continuing medical education (CME) as a condition of license renewal.

This proposal would require continuing medical education as a condition of license renewal and establish a comprehensive continuing medical education scheme, including criteria for complying with the statute, number of hours required, the type of continuing medical education that qualifies, administrative provisions for noncompliance, record keeping requirements, approved course providers, audit and sanctions provisions for noncompliance, and waiver provisions. It would also establish an inactive status allowing licensees to be exempt from renewal or continuing medical education requirements.

2) Amend Section 1399.571

Existing law, Business and Professions Code Section 125.9 and 148 permit the Physician Assistant Committee to establish, by regulation, a citation and fine program. Existing law establish a citation program and list the specific laws and regulations that form a basis for a citation.

This proposal would delete the list of specific laws and regulations for which the committee may issue citations and replace it with general categories for which it may issue that fine. The proposed amendment would provide that the committee issue citations and fines based on violations of the Physician Assistant Practice Act, regulations adopted by the committee, and other statutes or regulations upon which the committee may base a disciplinary action. This change will allow the Physician Assistant Committee to issue a citation and fine for continuing medical education violations, but will also allow the Physician Assistant Committee to adopt future regulations without amending citation and fine regulations.

The regulatory proposal affects physician assistant licensees.

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal

Funding to the State: Some costs are expected regarding auditing provisions, but the Physician Assistant Committee anticipates existing personnel will be able to perform functions.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

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

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

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal may have an impact by creating jobs or new businesses that become, or currently are, providers of continuing medical education.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are costs associated with a licensee completing continuing education courses or obtaining recertification.

Additionally, other known costs to the Physician Assistant Committee include costs associated with the payment of a fine due to the issuance of a citation. Such costs only affect individuals who have received a citation and fine for failure to comply with continuing medical education requirements. Citations include fines that range from \$100 to \$5000.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The Physician Assistant Committee has determined that the proposed regulations would not negatively affect small businesses. The regulatory proposal affects only physician assistants and may create new business for continuing medical education providers.

**CONSIDERATION OF ALTERNATIVES**

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or

would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. It may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: [www.pac.ca.gov](http://www.pac.ca.gov).

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95815 or on the committee's website at: [www.pac.ca.gov](http://www.pac.ca.gov).

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

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

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

**CONTACT PERSON**

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

Name: Glenn Mitchell  
 Address: 2005 Evergreen Street, Suite 1100  
 Sacramento, CA 95815  
 Telephone No.: (916) 561-8783  
 Fax No.: (916) 263-2671  
 E-Mail Address: [gmitchell@mbc.ca.gov](mailto:gmitchell@mbc.ca.gov)

The backup contact person is:

Name: Elberta Portman  
Address: 2005 Evergreen Street, Suite 1100  
Sacramento, CA 95815  
Telephone No.: (916) 561-8782  
Fax No.: (916) 263-2671  
E-Mail Address: eportman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at:

[www.pac.ca.gov](http://www.pac.ca.gov)

## **TITLE 18. BOARD OF EQUALIZATION**

### **Notice of Proposed Regulatory Action**

#### **The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Sections:**

***5237, Board Approval Required for Refunds Over \$50,000; and***

***5266, Appeals Staff Recommendations; Requests for Reconsideration; Requests for Oral Hearings***

#### **NOTICE IS HEREBY GIVEN**

The State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606 and Revenue and Taxation Code sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601 proposes to amend California Code of Regulations, title 18, section (Regulation) 5237, *Board Approval Required for Refunds Over \$50,000*. The proposed amendments to Regulation 5237 will implement, interpret, and make specific Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521, which authorize the Board to grant refunds of specified taxes and fees.

The Board, pursuant to the authority vested in it by Government Code section 15606 and Revenue and Taxation Code sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601 also proposes to amend California Code of Regulations, title 18, section (Regulation) 5266, *Appeals Staff Recommendations; Requests for Reconsideration; Requests for Oral Hearings*. The proposed amendments to Regulation 5266 will implement, interpret, and make specific Revenue

and Taxation Code sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, 60581. These Revenue and Taxation Code sections authorize the Board to grant or deny petitions, refunds, and requests for relief, and cancel previously assessed taxes and fees.

A public hearing on the proposed amendments will be held in Room 121, 450 N Street, Sacramento, California, at 9:30 a.m., or as soon thereafter as the matter may be heard, on August 31, 2009. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the proposed amendments. In addition, if the Board receives written comments prior to the hearing on August 31, 2009, the statements, arguments, and/or contentions contained in those comments will be presented to and considered by the Board before the Board decides whether to adopt the proposed amendments to Regulations 5237 and 5266.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

##### **Current Law**

The Board is a constitutionally established agency comprised of five elected Board Members, which include the Controller and district Board Members elected from each of the Board's four districts. (Cal. Const., art. XIII, § 17.) The Board Members are authorized to hire an Executive Director and other expert and clerical staff to assist the Board Members in exercising the Board's powers and carrying out the Board's duties. (Gov. Code, §§ 15604, 15605.) The Board Members

are also authorized to delegate authority to the Executive Director and other Board staff to exercise powers that are granted to the Board and perform duties imposed upon the Board, unless the delegation is prohibited by law. (Gov. Code, §§ 7, 15604, 15605.)

Revenue and Taxation Code sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, 60581 authorize the Board to grant or deny petitions, refunds, and requests for relief, and cancel previously assessed taxes and fees.

The Board previously delegated authority to staff in the Board's Sales and Use Tax Department and Property and Special Taxes Department to grant or deny refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521, unless the refunds exceeded \$50,000. The Board previously delegated authority to the Executive Director to grant refunds of duplicate or erroneous electronic funds transfers in excess of \$50,000, which are authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521. The Board also previously delegated authority to staff in the Appeals Division of the Board's Legal Department to grant or deny petitions, refunds, and requests for relief (collectively "appeals"), and cancel previously assessed taxes and fees, unless the amounts at issue exceeded \$50,000.

Regulation 5237 prescribes the limits of the Board's prior delegations of authority to the Executive Director and Board staff in the Sales and Use Tax Department

and Property and Special Taxes Department to grant or deny refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521. Regulation 5237, subdivisions (a) and (f), explain that Sales and Use Tax Department and Property and Special Taxes Department staff's decisions to grant or deny refunds in excess of \$50,000 must be submitted to the Board Members for approval. Regulation 5237, subdivision (d), explains that the Executive Director must approve refunds of duplicate or erroneous electronic funds transfers that exceed \$50,000.

Regulation 5266, subdivision (f), prescribes the limits of the Board's prior delegation of authority to Appeals Division staff to grant or deny appeals and cancel previously assessed taxes and fees when authorized by Revenue and Taxation Code sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522, 60581. Regulation 5266, subdivision (f), explains that Appeals Division staff's decisions to grant or deny appeals must be submitted to the Board Members for approval if the amount granted exceeds \$50,000.

### Proposed Amendments

On May 27, 2009, the Board voted to delegate authority to Board staff to grant or deny refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521, unless the refunds exceed \$100,000. The Board also directed Board

staff to amend the Board's regulations to incorporate the new delegation.<sup>1</sup>

The Board expanded the authority delegated to Board staff to grant or deny refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521 because the \$50,000 limit on the Board's prior delegation of authority to Board staff had not been revised to reflect inflation occurring over the last 20 years since the limit was first imposed. The Board also expanded the authority delegated to Board staff so that the Board can process refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521 more quickly and efficiently, and reduce the credit interest paid on such refunds.

The purpose of the proposed amendments to Regulation 5237, subdivisions (a), (d), and (f), is to clarify that the Board has delegated authority to staff in the Sales and Use Tax Department and Property and Special Taxes Department to grant or deny refunds authorized by Revenue and Taxation Code sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221, and 60521, that do not exceed \$100,000, including refunds of duplicate or erroneous electronic funds transfers, without further approval from the Board Members. The purpose of the proposed amendments to Regulation 5266, subdivision (f), is to clarify that the Board has also delegated authority to Appeals Division staff to grant or deny appeals, and cancel previously assessed taxes, where the amount granted does not exceed \$100,000. The proposed amendments to Regulation 5237 and 5266 are necessary to make the regulations consistent with the Board's current delegation of authority to Board staff to grant or deny refunds, decide appeals, and cancel prior assessments.

There are no comparable federal regulations or statutes to Regulation 5237 or 5266 or the proposed amendments to the regulations.

**NO MANDATE ON LOCAL AGENCIES  
AND SCHOOL DISTRICTS**

The Board has determined that Regulations 5237 and 5266 and the proposed amendments to Regulations 5237 and 5266 do not impose a mandate on local agen-

cies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

**NO COST OR SAVINGS TO STATE AGENCIES,  
LOCAL AGENCIES, AND SCHOOL DISTRICTS**

The Board has determined that Regulations 5237 and 5266 and the proposed amendments will result in no direct or indirect cost or savings to any state agency, any costs to local agencies or school districts that are required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

The proposed amendments make Regulations 5237 and 5266 consistent with the Board's May 27, 2009, delegation of authority to Board staff to grant or deny specified refunds of taxes and fees. Therefore, the Board has made an initial determination that the proposed amendments to Regulations 5237 and 5266 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulation may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS  
OR BUSINESSES**

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

**RESULTS OF THE ASSESSMENT REQUIRED BY  
GOVERNMENT CODE SECTION 11346.3,  
SUBDIVISION (b)**

The Board has determined that the adoption of the proposed amendments to Regulations 5237 and 5266 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

**NO SIGNIFICANT EFFECT ON  
HOUSING COSTS**

Adoption of the proposed amendments to Regulations 5237 and 5266 will not have a significant effect on housing costs.

<sup>1</sup> The Board also voted to delegate authority to Board staff to grant or deny refunds of the Private Railroad Car Tax authorized by Revenue and Taxation Code section 11551, unless the refunds exceed \$100,000. However, Regulations 5237 and 5266 are not being amended as a result of the delegation of authority to grant or deny refunds of Private Railroad Car Tax because neither regulation applies to such refunds.

DETERMINATION REGARDING  
ALTERNATIVES

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Bradley M. Heller, Tax, Counsel III (Specialist), by telephone at (916) 322-5989, by e-mail at [Bradley.Heller@boe.ca.gov](mailto:Bradley.Heller@boe.ca.gov), or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:81, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

AVAILABILITY OF INITIAL STATEMENT  
OF REASONS AND TEXT OF  
PROPOSED REGULATION

The Board has prepared an Initial Statement of Reasons and underscore and strikeout versions of Regulations 5237 and 5266 showing the express terms of the proposed amendments. These documents and all information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulations and the Initial Statement of Reasons are also available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

SUBSTANTIALLY RELATED CHANGES  
PURSUANT TO GOVERNMENT CODE  
SECTION 11346.8

The Board may adopt the proposed amendments to Regulations 5237 and 5266 with changes that are non-substantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a suf-

ficiently related change is made, the Board will make the full text of the resulting amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

If the Board adopts the proposed amendments to Regulation 5237 and 5266, the Board will prepare a Final Statement of Reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

**TITLE 19. OFFICE OF THE STATE  
FIRE MARSHAL**

**NOTICE OF PROPOSED RULEMAKING  
OFFICE OF THE STATE FIRE MARSHAL  
California Code of Regulations Title-19**

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, the State Fire Marshal will accept written comments regarding this regulatory action for 45 days beginning June 26, 2009 until 5 p.m. on August 10, 2009.

Please address your comments to:

**OFFICE OF THE STATE FIRE MARSHAL**  
**Attention: Diane Arend, Regulations**  
**Coordinator**  
**P.O. Box 944246**  
**Sacramento, CA 94244-2460**

Written comments may also be faxed to (916) 445-8459 or by e-mail to [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)  
Attention: proposed gasoline containers repeal.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, pursuant to

Government Code Section 11346.5(a)(17), The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

**AUTHORITY & REFERENCE**

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section(s): 13139 with reference to 13139, Health and Safety Code.

**INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW**

**Proposed Title 19 Modified Sections**

The State Fire Marshal proposes to amend and repeal various sections of Title 19 CCR, Chapter 1.5, Sections 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, and 217 to address State Fire Marshal approval and listing of “child-resistant” portable gasoline containers.

The currently adopted State Fire Marshal regulations for approval and listing of “child-resistant” portable gasoline containers contain requirements that have been preempted by Federal Child-Resistant Portable Gasoline Container law and are no longer necessary as state regulations. These proposed regulations will no longer establish the criteria by which Child-Resistant Portable Gasoline Containers will be included into the State Fire Marshal’s listing program.

Pursuant to Health and Safety Code Section 13139, the State Fire Marshal shall approve and list portable gasoline containers, except Section 13139(e) states, “This section shall cease to be applicable if federal fire safety standards for portable gasoline containers that preempt this section are enacted and take effect subsequent to the effective date of this statute and the State Fire Marshal so notifies the Secretary of State.”

The State Fire Marshal utilized the recommendations of an ad hoc committee to analyze and review the proposed portable gasoline container requirements. The ad hoc committee consisted of representatives from the fuel container industry and container manufacturers. With the passage of House Resolution 814 (Children’s Gasoline Burn Prevention Act) of the 110th Congress and the signing of the Children’s Gasoline Burn Prevention Act by President George W. Bush, Health and Safety Code Section 13139 ceases to be applicable. Federal regulations 16CFR1700.14(a) 31 now address portable gasoline containers.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on representative private persons or affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.  
Adoption of these regulations **will not**:
  - a) create or eliminate jobs within California;
  - b) create new businesses or eliminate existing businesses within California; or
  - c) affect the expansion of businesses currently doing business within California.
8. Significant effect on housing costs: **None**

**SMALL BUSINESS EFFECTS**

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The State Fire Marshal amendments to these regulations clarify the requirements for listing of portable gasoline containers for purposes of establishing the criteria by which these items will be included into the State Fire Marshal’s listing program. The proposed regulations do not have an impact on small business in that federal fire safety standards for portable gasoline containers have preempted state regulations thereby eliminating the need for business to comply with duplicate standards. Therefore it is more efficient and cost effective to business.

The express terms of the proposed action are written in plain English and are available from the agency contact person.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Diane Arend  
P.O. Box 944246  
Sacramento, California 94244-2460  
Telephone: (916) 324-9592  
Fax: (916) 445-8459  
E-mail: [diane.arend@fire.ca.gov](mailto:diane.arend@fire.ca.gov)

Alternate Contact:

Francis Mateo  
CDF/Office of the State Fire Marshal  
Fire Engineering Division  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 445-8396  
Fax: (916) 445-8458  
E-mail: [francis.mateo@fire.ca.gov](mailto:francis.mateo@fire.ca.gov)

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of the date this notice is published in the Notice Register the State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the initial statement of reasons upon which the changes are based is available from the contact person as shown.

Copies may be obtained through the contact person at the address or telephone number listed above.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

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

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikethrough, can be accessed through our web-site at <http://osfm.fire.ca.gov> or <http://osfm.fire.ca.gov/codedevelopment/codedevelopment.php>

**TITLE 21. PUBLIC WORKS**

**DIVISION 3. BUSINESS, TRANSPORTATION  
AND HOUSING AGENCY  
CHAPTER 7. PUBLIC INFRASTRUCTURE  
ADVISORY COMMISSION  
(Notice published June 26, 2009)**

**NOTICE OF PROPOSED RULEMAKING**

**TO ALL INTERESTED PERSONS**

The Business Transportation and Housing Agency (Agency) proposes to adopt the proposed regulations described below after considering all comments, objec-

tions and recommendations regarding the proposed action. Following the comment period, the proposal may be adopted substantially as set forth without further notice.

### PUBLIC HEARING

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

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Agency. The written comment period closes at 5:00 p.m. on August 10, 2009. Agency will consider only comments received at the address listed below by that time. Submit comments to:

Business Transportation and Housing Agency  
Attn: Jim Bourgart  
980 9th Street, Suite 2450  
Sacramento, CA 95814-2719

### AUTHORITY AND REFERENCE

The Agency cites Streets and Highway Code section 143 for the Authority to adopt these regulations. These proposed regulations also implement, interpret, and make specific Streets and Highway Code section 143, which establishes the Public Infrastructure Advisory Commission as a unit or auxiliary organization within the Agency.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Agency proposes to adopt Chapter 7. Public Infrastructure Advisory Commission, Articles 1 and 2, Sections 7700-7712, in Title 21, of the California Code of Regulations.

Government Code section 11342.2 authorizes a state agency to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute.

S.B. No. 4 was passed during the Second Extraordinary Session of 2009 to authorize the Business, Transportation and Housing Agency to establish a Public Infrastructure Advisory Commission. The legislation and

the commission that is established is critical in resolving the current economic crisis in California. The proposed emergency regulatory action will establish, define and set up the structure, procedure and conduct of business of the Public Infrastructure Advisory Commission without costly delay.

### DISCLOSURES REGARDING THE PROPOSED ACTION

Agency has made the following initial determinations:

*Mandate on local agencies and school districts:* None

*Cost or savings to any agency:* None

*Cost or savings to any state agency:* None.

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

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

*Costs or savings in federal funding to the State:* None.

*Significant, statewide adverse economic impacts directly affecting business including the ability of California businesses to compete with businesses in other States:* None.

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

*Adoption of these regulations will not:*

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

*Significant effect on housing costs:* None.

### SMALL BUSINESS DETERMINATION

Agency has determined that the proposed regulatory action will not affect small businesses because the regulations only establish the Public Infrastructure Advisory Commission within the Agency, its membership, meeting procedures, Chair and Vice-Chair responsibilities, and ethics requirements.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Agency must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to the attention of Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jim Bourgart, Deputy Secretary for Transportation and Infrastructure  
Business Transportation and Housing Agency  
980 9th Street, Suite 2450  
Sacramento, CA 95814-2719  
Telephone (916) 323-5412

The backup contact person for these inquiries is:

Augustin R. Jimenez, General Counsel  
Business Transportation and Housing Agency  
980 9th Street, Suite 2450  
Sacramento, CA 95814-2719  
Telephone (916) 327-2820

Questions on the substance of the proposed regulations may be directed to either Mr. Bougart or Mr. Jimenez.

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Jim Bourgart or Augustin Jimenez at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Agency will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Jim Bourgart or Augustin Jimenez at the address or phone numbers listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Agency may adopt the proposed regulations

substantially as described in this notice. If Agency 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 Agency adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Jim Bourgart or Augustin Jimenez at the address indicated above. Agency will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Jim Bourgart or Augustin Jimenez at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline can be accessed through our website at [http://www.bth.ca.gov/news\\_pub/regulatory\\_notices.asp](http://www.bth.ca.gov/news_pub/regulatory_notices.asp).

#### TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM #2 Smoking Prohibition in Community Care Licensing Facilities

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 12, 2009, as follows:

August 12, 2009  
Office Building # 8  
744 P St., Room 105  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately

following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 12, 2009.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

Title 22, Division 6, Chapter 4 (Small Family Homes), Section 83074 (Transportation) and Section 83087 (Buildings and Grounds); Chapter 5 (Group Homes), Section 84074 (Transportation) and Section 84087 (Buildings and Grounds); Chapter 5 (Group

Homes), Subchapter 2 (Group Homes for Children Under the Age of Six Years), Section 84274 (Transportation); Chapter 7 (Transitional Housing Placement Program), Section 86074 (Transportation) and Section 86087 (Buildings and Grounds); Chapter 7.3 (Crisis Nurseries), Section 86574 (Transportation), and Chapter 8.8 (Foster Family Homes), Section 89374 (Transportation).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, only two licensed children's residential facility categories, Group Homes that care for children under the age of six years and Crisis Nurseries, prohibit smoking within the facility and on the facility grounds.

A Report of the United States (U.S.) Surgeon General entitled, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" (2006), concluded that "there is no risk-free level of exposure to secondhand smoke." Also, the U.S. Environmental Protection Agency found that each year in the U.S., secondhand smoke exposure is responsible for 150,000 to 300,000 new cases of bronchitis and pneumonia in children aged less than 18 months resulting in 7,500 to 15,000 hospitalizations annually.

Senate Bill 7 (Oropeza) Statutes of 2007 added Health and Safety Code Section 118948 which made it unlawful to smoke a pipe, cigar or cigarette containing tobacco or any other plant material in a motor vehicle whether in motion or at rest in which there is a minor. These proposed regulations will implement this statute and make the nonsmoking requirement mandatory for all children's residential facilities' buildings and grounds.

Therefore, it is the intent of the Department of Social Services, based on its broad authority through Health and Safety Code Sections 1501 and 1530 to promulgate regulations that ensure children in foster care have the right to be accorded safe, healthful and comfortable home accommodations and be free of the risks and toxic exposure of secondhand smoke.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact on State Government.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this prohibits smoking in children's facilities only.

4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS 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.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

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

**SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that the proposed regulations will affect group homes which the state considers small businesses. Children’s residential program regulations will be amended to implement statutes pursuant to the applicable provisions of Senate Bill 7, Chapter 425, Statutes of 2007.

These regulations will not have a significant, statewide adverse economic impact directly affecting small businesses.

**ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

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

**AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1501 and 1530. Subject regulations implement and make specific Health and Safety Code Sections 1501, 1531, and 118948, and “*The Health Consequences of Involuntary Exposure to Tobacco Smoke*”: A Report of the Surgeon General (2006).

**CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Robin Garvey (916) 657-2586  
 Backup: Sandra Ortega (916) 657-2586

**TITLE MPP. DEPARTMENT OF SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)**

**ITEM #1 Title IV-E Foster Care Overpayment Regulations**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 12, 2009, as follows:

August 12, 2009  
 Office Building # 8  
 744 P St. Auditorium  
 Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations.

The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 12, 2009.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Division 11 (Administrative Standards for Eligibility and Assistance), Chapter 11-400 (AFDC — Foster Care Rates), Section 11-425 (Responsibilities of County Welfare Departments); Division 22 (State Hearing and Request for Review), Chapter 22-000 (State Hearing — General), Sections 22-001 (Definitions), 22-003 (Right to a State Hearing), and 22-009 (Time Limit on

Request for a State Hearing); Division 45 (AFDC-FC [Foster Care]), Chapter 45-300 (AFDC-FC Payee, Payment and Delivery), Sections 45-302 (Payment), 45-303 (Payment Delivery), 45-304 (AFDC-FC Overpayments for Foster Family Homes, Relative Homes, Nonrelative Extended Family Members, and Non-Related Legal Guardians — General), 45-305 (AFDC-FC Overpayments for Foster Family Homes, Relative Homes, and Non-Related legal Guardians — Methods of Overpayment Recovery), and 45-306 (Informal Hearing Procedures).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In June 2006, the CDSS was informed that the State was not in compliance with Aid to Families with Dependent Children-Foster Care (AFDC-FC) overpayment recoupment that requires the federal share of overpayments identified through state program audits, county compliance audits, and county overpayment errors be returned immediately once the overpayment has been identified. The past practice at CDSS, based on a federal financial management cost principal of Office of Management and Budget (OMB) Circular A-87, had been to repay the federal share of overpayments upon recoupment from foster care providers. However, the Department of Health and Human Services (DHHS) Region IX advised CDSS that it was out of compliance with the federal Improper Payments Information Act (IPIA) and that it had misinterpreted the federal law. Moreover, DHHS Region IX advised CDSS that it is responsible for crediting the federal government the full amount of the federal share of Title IV-E funds upon identification following the completion of due process, regardless of whether the state or county collects or has the ability to collect overpayments. Therefore, CDSS informed the DHHS Region IX that it would take immediate steps to comply with identifying, tracking, and reporting overpayments and remitting the federal share as required.

In October 2006, CDSS began a series of workgroup meetings with the County Welfare Director's Association (CWDA) and county representatives to address statewide concerns with identifying, tracking, and reporting overpayments, and identify current and potential best practices to prevent and reduce overpayments. Additionally, current state statutes and regulations that prohibit collection of overpayments, information system problems for identifying overpayments, and a need for clarification of policy and oversight for overpayments were identified as issues. Counties were advised to begin tracking identified overpayments regardless of the ability to collect.

Based on the county overpayment lists submitted for specified retroactive periods, CDSS has identified and repaid to date approximately \$12.3 million dollars as the federal share of identified overpayments from county errors, county compliance audits, and state program audits. The DHHS Region IX demanded repayment of any outstanding federal share of overpayments; otherwise, it would begin the formal disallowance process for the federal share of Title IV–E funds prospectively. In response, CDSS made necessary modifications to the county claim form to allow counties to make adjustments for county overpayments beginning with the March 2008 claim month.

Senate Bill (SB) 84 (Chapter 177, Statutes of 2007) contains legislative language that statutorily requires CDSS to collaborate with CWDA to develop and implement processes, procedures, and develop regulations that will ameliorate systemic problems with identifying, tracking, reporting, collecting, and remitting the federal share of Title IV–E foster care and AAP overpayments. The workgroup identified current issues with state statute and regulations that preclude counties from notifying and recovering overpayments; identified possible best practices to reduce or eliminate overpayments; identified issues with due process and appeal rights of providers; identified problems associated with Adoption Assistance Program (AAP) payments, that may occur only every two years when AAP agreements are renegotiated and may affect the timely discovery of an overpayment; defined “uncollectible debt;” and identified the appropriate roles of both counties and the state in recouping overpayments including those identified through state program audits.

Pursuant to SB 84, CDSS is required to repay the federal share of all overpayments identified by counties until such time as CDSS promulgates regulations, or by December 31, 2008, thus, relieving counties of the responsibility to pay back overpayments.

**COST ESTIMATE**

1. **Cost or Savings to State Agencies:** Currently, the State incurs all costs for foster care overpayments but pursuant to Welfare and Institutions Code Section 11466.23, counties will share in the costs resulting in savings to the State. Beginning in July 1, 2009, the State’s estimated annual savings will be \$1.5 million.
2. **Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630:** None.
3. **Nondiscretionary Costs or Savings to Local Agencies:** Under Welfare and Institutions Code Section 11466.23 counties will be required to share in the costs of uncollectable overpayments.

Beginning in July 1, 2009, counties’ estimated annual cost will be \$1.5 million.

4. **Federal Funding to State Agencies:** The estimated annual Federal savings adjustment for incurred overpayments is \$2.6 million.

**LOCAL MANDATE STATEMENT**

These regulations do impose a mandate on local agencies but not on school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California. Any local costs associated with this order can be avoided through local agency compliance with State rules requiring accurate payments to foster care providers.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS 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.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

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

**SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less

burdensome to affected private persons than the proposed action.

**AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554 and SB 84, Chapter 177, Statutes of 2007, Sections 32 and 33. Subject regulations implement and make specific Welfare and Institutions Code Sections 11466.23, 11466.235, and 11466.24.

**CDSS REPRESENTATIVE REGARDING  
RULEMAKING PROCESS OF THE PROPOSED  
REGULATION**

Contact Person: Everardo Vaca (916) 657-2586  
Backup: Sandra Ortega (916) 657-2586

**EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**GENERAL PUBLIC INTEREST**

**CALIFORNIA GAMBLING CONTROL  
COMMISSION**

**NOTICE OF RESCHEDULED PUBLIC  
HEARING AND  
EXTENSION OF THE PUBLIC COMMENT  
PERIOD CONCERNING  
INTERIM APPROVAL OF BINGO  
CARD-MINDING DEVICES**

CGCC-GCA-2008-04-C

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) has rescheduled the public hearing previously set for July 2, 2009, in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* (Z-2009-0505-05, Register 2009, No. 20-Z, 05/15/2009). The new date and location of the public hearing is August 20, 2009, at 1:30 p.m., at 2399 Gateway Oaks Drive, First Floor Hearing Room, Suite 100, Sacramento, CA 95833-4231.

Beginning July 1, 2009, the Remote Caller Bingo Program, which includes the approval of card-minding devices, is required to be self-funded from application

fees. The Commission has not received any applications to conduct remote caller bingo games and does not have funding to cover the expense of this program. As a result, the Commission will hold this program in abeyance until there is sufficient demand and revenue to cover program costs. This hearing is being postponed and rescheduled in order to preserve the Commission's rulemaking options should the program be reactivated in the near future.

**PUBLIC COMMENT PERIOD**

The written comment period has also been extended. Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period, or may be received by the Commission at the above referenced hearing. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on August 20, 2009**. Written comments not submitted at the hearing should be directed to the contact person named below.

**CONTACT PERSON**

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

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

**DEPARTMENT OF HEALTH CARE  
SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**IN-HOME SUPPORTIVE SERVICES  
(IHSS)/PERSONAL CARE SERVICES  
PROGRAM (PCSP) PROVIDER RATE  
REDUCTION**

This notice is to provide information of public interest with respect to the implementation of rate reductions for In-Home Supportive Services (IHSS) providers under the Medi-Cal Personal Care Services Program (PCSP). The reductions are required by Welfare and Institutions Code Section 12306.1(d)(6) (W&I Code § 12306.1(d)(6)), as provided in Senate Bill X3 6 (SB X3 6) (Chapter 13, Statutes of 2009).

SB X3 6, signed into law on February 20, 2009, amended W&I Code § 12306.1 by adding a new subdi-

vision (d)(6) that sets the maximum reimbursement rates for wages and individual health benefits for IHSS/PCSP providers at \$10.10 per hour (up to \$9.50 per hour for wages, plus \$.60 per hour for individual health benefits). As a result, state participation in the wages and individual health benefits for IHSS/PCSP providers will be reduced from the current maximum state participation rate of \$12.10 to \$10.10, effective July 1, 2009.

The PCSP is administered by the California Department of Social Services (CDSS) in conjunction with the counties and designated public authorities or nonprofit consortiums. SB X3 6 authorizes CDSS to implement the change “through all-county letters or similar instructions from the director, pending the adoption of emergency regulations.” CDSS issued “All-County Letter 09-19” on April 2, 2009 regarding this change. A copy of the all-county letter may be accessed on CDSS’s website at the following link:

<http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl/2009/09-19.pdf>

**PUBLIC REVIEW AND COMMENTS**

The California statute (W&I Code § 12306.1(d)(6)) that prescribes the changes described in this notice and CDSS’ All-County Letter 09-19 (referenced above) are available for public review at local county welfare offices throughout the State. A copy of those documents may also be requested, in writing, from:

Ms. Linda Machado, Chief  
Professional Provider Unit  
Department of Health Care Services  
Medi-Cal Benefits, Waiver Analysis,  
and Rates Division  
P.O. Box 997417, MS 4612  
Sacramento, CA 95899-7413

Written comments concerning the proposed changes may be mailed to Ms. Machado at the above address, and must be received on or before August 10, 2009.

**DEPARTMENT OF HEALTH CARE SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**THE DEPARTMENT OF HEALTH CARE SERVICES MAY REDUCE RATES APPLICABLE TO SMALL AND RURAL HOSPITALS WITH THE EXCEPTION OF HOSPITALS CERTIFIED BY MEDICARE AS MEDICAL CRITICAL ACCESS PROVIDERS**

This notice is to provide information of public interest with respect to a possible change in the Medi-Cal

provider payment reductions mandated by Welfare and Institutions (W&I) Code section 14166.245.

It is proposed that the exemptions from the payment reductions set forth in Welfare & Institutions Code section 14166.245, as it was enacted in Assembly Bill 1183 of 2008, be amended. Specifically, the proposal would eliminate the rate reduction exemption for small and rural hospitals, as defined pursuant to Health & Safety Code section 124840, for services on or after July 1, 2009. The proposal would also create a new exemption from the Welfare and Institution Code section 14166.245 rate reductions for hospitals certified by the federal Medicare program as Medical Critical Access Providers.

**PUBLIC REVIEW AND COMMENTS**

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice is available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing, from Ms. Jalyne Callori, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

The Department of Health Care Services is also seeking comment on these proposed rate changes. Written comments concerning the proposal may be mailed to Ms. Callori at the above address and must be received on or before August 10, 2009.

**DEPARTMENT OF HEALTH CARE SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES INTENT TO REVISE THE DEFINITION OF A BILLABLE VISIT AND ALLOWABLE OPTIONAL SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS**

This notice is being given to provide information of public interest with respect to a recent amendment to California law that revises the definition of a “billable visit” and allowable optional services rendered to Medi-Cal beneficiaries by a Federally Qualified Health Center (FQHC) or a Rural Health Clinic (RHC). The revised definition of a “billable visit” and allowable optional services is to be effective July 1, 2009 for applica-

ble FQHCs and RHCs pursuant to newly enacted mandates in section 14131.10 of the Welfare and Institutions code. It is the intent of the California Department of Health Care Services (DHCS) to submit an amendment to California's Medicaid State Plan to revise the definition of a "billable visit" and allowable optional services for an FQHC or a RHC.

REVISION OF A BILLABLE VISIT AND  
ALLOWABLE OPTIONAL SERVICES  
RENDERED BY FQHCs AND RHCs

The amendment to the California State Plan will include language to specify that certain optional services are to be excluded for certain FQHC and RHC patients. As a result, FQHCs and RHCs may need to have their Prospective Payment System reimbursement rate adjusted through a request for a scope-of-service change.

The exclusion of optional services, as provided below, **does not apply** to FQHC and RHC Medi-Cal beneficiaries under the Early and Periodic Screening Diagnosis and Treatment Program and those who are receiving pregnancy-related services.

For purposes of reimbursing FQHCs and RHCs for a billable visit, the definition of a billable visit and allowable optional services has been revised to exclude the services provided by the following physicians:

- A doctor of podiatry;
- A doctor of optometry;
- A chiropractor; and
- A dentist.

In addition to the above, acupuncture, audiology, speech therapy services, optician services including services provided by a fabricating optical laboratory, will be excluded for all Medi-Cal beneficiaries receiving services at an FQHC or RHC except those mentioned above who are exempted.

An FQHC or RHC that currently includes the cost of services that are excluded above, except for those Medi-Cal beneficiaries who are exempted, may need to request a scope-of-service change for a deletion of a service(s) noted above.

PUBLIC REVIEW

The proposed amendments to the California State Plan, which detail the changes discussed above, are available for public review at local county welfare offices throughout the State. In addition, copies of this notice may be requested and written comments may be submitted to:

Janice Spitzer, Chief  
Benefits Analysis Section  
Department of Health Care Services  
1501 Capitol Avenue, MS 4601  
P.O. Box 997417  
Sacramento, CA 95899-7417

DEPARTMENT OF HEALTH CARE  
SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH CARE  
SERVICES MAY PROVIDE  
SUPPLEMENTAL PAYMENTS TO HOSPITALS  
UP TO THE FEDERAL UPPER  
PAYMENT LIMIT

This notice is to provide information of public interest with respect to supplemental payments that are proposed to be made to specified hospitals for hospital inpatient and outpatient services provided to Medi-Cal beneficiaries. This notice also is to provide information with respect to a proposed increase in payments that may be made to Medi-Cal managed care health plans.

The supplemental payments to hospitals would be up to the aggregate upper payment limit for the category of hospitals receiving the payments, and are intended to be retroactive to April 1, 2009. These payments would be made periodically (quarterly or with respect to other time periods) on a lump-sum basis throughout each fiscal year, and would not be paid as individual increases to current reimbursement rates for specific services. The payments to hospitals would supplement, and not supplant, specified existing levels of payments, but would be subject to all applicable federal payment limits.

The increased payments to Medi-Cal managed care health plans also would be made retroactive to April 1, 2009, and would be subject to actuarial and other federal limits.

The proposed additional payments to hospitals and managed care plans are subject to approval by the federal Centers for Medicare & Medicaid Services, and would remain in effect through and including December 31, 2010.

PUBLIC REVIEW AND COMMENTS

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice is available for public review at local county welfare offices throughout the State. A copy of the detailed de-

scription may also be requested, in writing, from Ms. Jalyne Callori, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

The Department of Health Care Services is also seeking comment on these proposed supplemental payments to hospitals and increased payments to Medi-Cal managed health care plans, and the proposed effective date of these payments. Written comments concerning the proposal may be mailed to Ms. Callori at the above address and must be received on or before August 10, 2009.

**STATE BOARD OF GUIDE DOGS FOR THE BLIND**

**Notice of Proposed Regulatory Action**

**Addendum: Time of Public Hearing**

The California Regulatory Notice Register 2009, No. 24-Z, dated June 12, 2009, indicated that the State Board of Guide Dogs for the Blind is proposing a regulation that would amend section 2286 relating to continuing education. The State Board of Guide Dogs for the Blind will conduct a public hearing on this proposed regulation on July 30, 2009, at 3:00 p.m., at 1625 N. Market Boulevard, Suite S-308, Sacramento, California 95834. The original Notice of Proposed Regulatory Action inadvertently failed to specify the time of the regulatory hearing.

Materials regarding this proposal can be found at [www.guidedogboard.ca.gov](http://www.guidedogboard.ca.gov).

For additional information, please contact:

Antonette Sorrick, Executive Officer  
 State Board of Guide Dogs  
 1625 N. Market Blvd., Suite S 202  
 Sacramento, California 95834  
 Telephone No.: (916) 574-7825  
 FAX No.: (916) 574-7829  
 E-mail Address: [antonette\\_sorrick@dca.ca.gov](mailto:antonette_sorrick@dca.ca.gov)

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by

contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0122-01  
**BOARD OF OPTOMETRY**  
 Optometry Fees Increase

This action increases various application, renewal and penalty fees collected by the Board to fund its administration of the optometry licensing program.

Title 16  
 California Code of Regulations  
 AMEND: 1524  
 Filed 06/16/2009  
 Agency Contact: Andrea Leiva (916) 575-7173

File# 2009-0518-01  
**CALIFORNIA HIGHWAY PATROL**  
 CVSA North American Standard Out-of-Service Criteria

Existing section 1239 of title 13 of the California Code of Regulations incorporates by reference Parts I, II, and III of the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria published on January 1, 2004. The intent of this regulation as described in the notice of proposed regulatory action is to adopt uniform criteria for determining whether or not a vehicle and/or driver, inspected by an authorized representative of the CHP, is in such an unsafe condition that they are likely to constitute a hazard on the highway. This regulatory action amends section 1239 to incorporate by reference Parts I, II, III, and IV of the updated Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria published on April 1, 2008.

Title 13  
 California Code of Regulations  
 AMEND: 1239  
 Filed 06/16/2009  
 Effective 07/16/2009  
 Agency Contact: Ron Leimer (916) 445-1865

File# 2009-0508-01  
**DEPARTMENT OF CORRECTIONS AND REHABILITATION**  
 Adult Parole

Department of Corrections and Rehabilitation proposed this action as the beginning of a comprehensive restructuring and updating by the Department's Division of Adult Parole Operations of the subchapter 6 adult parole regulations under title 15, California Code of Regulations, division 3, chapter 1. This action amends, adopts, relocates and renumbers assorted articles and sections for more accurate placement of regu-

latory provisions under subchapter 6, to remove obsolete language and add new language for clarity and consistency with current Department standards over the adult parole process.

Title 15  
California Code of Regulations  
ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502,  
3600, 3610, 3620, 3625, 3630, 3740  
Filed 06/17/2009  
Effective 07/17/2009  
Agency Contact: Randy Marshall (916) 341-7328

File# 2009-0522-05  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Inmate Trust Account Interest

This regulatory action describes the process for California Department of Corrections and Rehabilitation to deposit any accruing interest on inmate funds into an individual inmate trust account and the process for distribution from that account.

Title 15  
California Code of Regulations  
ADOPT: 3099  
Filed 06/17/2009  
Effective 06/17/2009  
Agency Contact: Gail Long (916) 341-7329

File# 2009-0504-01  
DEPARTMENT OF FISH AND GAME  
Collection of CEQA Filing Fees and No Effect Determinations

Department of Fish and Game proposed this action to amend title 14, California Code of Regulations, section 753.5 to remove obsolete language and adopt provisions to conform with amendments to Fish & Game Code sec. 711.4 since enactment of S.B. 1535 (Stats. 2006, ch. 667) and with current Department practice and to make other clarifying revisions.

Title 14  
California Code of Regulations  
AMEND: 753.5  
Filed 06/16/2009  
Effective 07/16/2009  
Agency Contact: Kathleen Perry (916) 651-1280

File# 2009-0514-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Mediterranean Fruit Fly Interior Quarantine

This certificate of compliance makes permanent three prior emergency regulatory actions (OAL file nos. 2009-0211-03E, 2008-1216-02E and 2008-1125-04E) that established a quarantine area for the Mediterranean fruit fly totaling approximately 198 square miles surrounding the El Cajon and Spring Valley areas of San Diego County.

Title 3  
California Code of Regulations  
AMEND: 3406(b)  
Filed 06/15/2009  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2009-0608-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Interior Quarantine

This emergency action expands the contiguous regulated area in the following counties with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*): Alameda, Contra Costa, Monterey, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma by approximately 233 square miles; an additional area of Napa, Solano and Sonoma by approximately 62 square miles; Hollister in San Benito County by approximately 22 square miles and the regulated area of Sebastopol in Sonoma County by approximately 65 square miles. It also establishes a new regulated area of approximately 34 square miles in the Gilroy area of Santa Clara County. This action results in a total of approximately 3,194 square miles under regulation for quarantine for the light brown apple moth (LBAM) within the state of California.

Title 3  
California Code of Regulations  
AMEND: 3434(b)  
Filed 06/15/2009  
Effective 06/15/2009  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2009-0505-01  
EMPLOYMENT DEVELOPMENT DEPARTMENT  
Taxable Value of Meals and Lodging

This rulemaking is the annual revision of the taxable value of: 1) board and lodging provided to employees by employers, 2) meals and quarters provided to officers and crewmen aboard vessels, and 3) meals and quarters provided to fishermen aboard fishing vessels for purposes of the Unemployment Insurance Code.

Title 22  
 California Code of Regulations  
 AMEND: 926-3, 926-4, 926-5  
 Filed 06/17/2009  
 Effective 01/01/2009  
 Agency Contact: Laura Colozzi (916) 654-7712

File# 2009-0526-02  
 FAIR POLITICAL PRACTICES COMMISSION  
 Revolving Door

These regulations define prohibitions on public officials in various areas including: Revolving Door; Permanently Left and Leave of Absence; State Permanent Ban; State One-Year Ban; and Local Officials.

Title 2  
 California Code of Regulations  
 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3  
 Filed 06/15/2009  
 Effective 07/15/2009  
 Agency Contact:  
 Virginia Latteri-Lopez (916) 324-3854

File# 2009-0507-02  
 FISH AND GAME COMMISSION  
 Ocean Salmon Sport Fishing

This action proposes to close all salmon sport fishing and prohibit all methods of targeting salmon, including catch and release, in the Ocean waters for the rest of the 2009 season with an exception (north of Horse Mountain open for 10 days).

Title 14  
 California Code of Regulations  
 AMEND: 27.80  
 Filed 06/15/2009  
 Effective 07/15/2009  
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2009-0507-01  
 FISH AND GAME COMMISSION  
 Mammal Hunting — 2009-2010

This regulatory action adopts the mammal hunting regulations for 2009-2010.

Title 14  
 California Code of Regulations  
 AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708  
 Filed 06/12/2009  
 Effective 07/01/2009  
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2009-0513-03  
 STATE WATER RESOURCES CONTROL BOARD  
 Amendment to the Los Angeles Basin Plan

This action is SWRCB's approval of the Los Angeles Regional Water Quality Control Board's amendments of the Los Angeles Regional Basin Plan. On May 1, 2008, the Los Angeles Regional Water Quality Control Board adopted Resolution R4-2008-007 amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing the Total Maximum Daily Load (TMDL) for trash in the Malibu Creek Watershed. On March 17, 2009, the State Water Resources Control Board approved this amendment under Resolution No. 2009-0029.

Title 23  
 California Code of Regulations  
 ADOPT: 3939.36  
 Filed 06/16/2009  
 Effective 06/16/2009  
 Agency Contact: Nick Martorano (916) 341-5980

File# 2009-0508-04  
 VETERINARY MEDICAL BOARD  
 RVT Eligibility Categories/Internship/Residency Program

This regulatory action revises the date in the regulation indicating a change in the amended publication used by the California Veterinary Medical Association to evaluate internship and residency programs for approval, repeals sections containing out-of-date and unnecessary eligibility categories, and establishes new practical experience requirements candidates for the Registered Veterinary Technician licensing examination must meet before taking the examination.

Title 16  
 California Code of Regulations  
 AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068  
 Filed 06/12/2009  
 Effective 07/12/2009  
 Agency Contact: Amy Edelen (916) 263-2622

File# 2009-0430-02  
 VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD  
 Victim Compensation Program Regulations

This action updates the regulations of the program by which the Victim Compensation and Government Claims Board may provide payments to victims and derivative victims of crimes to help pay for costs incurred as a consequence of a crime.

Title 2  
 California Code of Regulations  
 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25,  
 649.29, 649.32, 649.33, 649.48 AMEND: 647.4,  
 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12,  
 649.13, 649.15, 649.16, 649.22, 649.24, 649.26,  
 649.27, 649.28, 649.30, 649.31, 649.35, 649.36,  
 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 RE-  
 PEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23,  
 649.25  
 Filed 06/12/2009  
 Effective 07/12/2009  
 Agency Contact: Roslyn Mack (916)491-3752

04/22/09 ADOPT: 1859.148.2, 1859.166.2  
 AMEND: 1859.2, 1859.121, 1859.164.2,  
 1859.197  
 03/05/09 AMEND: 18704  
 02/17/09 AMEND: 51.3  
 02/02/09 AMEND: 18402, 18450.3  
 01/30/09 ADOPT: 18427.5  
 01/30/09 ADOPT: 18421.8, 18521.5 AMEND:  
 18401  
 01/27/09 AMEND: 2294  
 01/26/09 AMEND: 1859.104.1  
 01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2,  
 1859.103, 1859.184

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN January 14, 2009 TO  
 June 17, 2009**

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

**Title 1**

01/20/09 AMEND: 260  
 01/20/09 AMEND: Appendix A, Std. Form 400

**Title 2**

06/15/09 ADOPT: 18746.4 AMEND: 18741.1,  
 18746.1, 18746.3  
 06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23,  
 649.25, 649.29, 649.32, 649.33, 649.48  
 AMEND: 647.4, 649, 649.2, 649.4,  
 649.7, 649.8, 649.11, 649.12, 649.13,  
 649.15, 649.16, 649.22, 649.24, 649.26,  
 649.27, 649.28, 649.30, 649.31, 649.35,  
 649.36, 649.50, 649.51, 649.57, 649.58,  
 649.59, 649.62 REPEAL: 649.3, 649.6,  
 649.9, 649.10, 649.14, 649.23, 649.25  
 06/09/09 ADOPT: 18405  
 06/01/09 ADOPT: 250.1  
 05/21/09 AMEND: 18705.1  
 05/14/09 ADOPT: 21000, 21001, 21002, 21003,  
 21004, 21005, 21006, 21007, 21008,  
 21009  
 05/08/09 ADOPT: 18410 AMEND: 18402  
 04/30/09 AMEND: 1859.129, 1859.197  
 04/28/09 AMEND: div. 8, ch. 111, section 59560

**Title 3**

06/15/09 AMEND: 3406(b)  
 06/15/09 AMEND: 3434(b)  
 06/01/09 AMEND: 3406(b)  
 06/01/09 ADOPT: 3408  
 05/26/09 AMEND: 3434(b)  
 05/20/09 AMEND: 3434(b)  
 05/20/09 AMEND: 3434(b)  
 05/13/09 AMEND: 6800  
 05/04/09 AMEND: 3434(b)  
 04/27/09 AMEND: 3434(b)  
 04/20/09 AMEND: 6452.2  
 03/30/09 AMEND: 3434(b)  
 03/25/09 AMEND: 6860  
 03/23/09 AMEND: 3423(b)  
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214,  
 1215, 1216, 1217, 1218, 1219, 1220,  
 1221, 1222.1, 1222.4, 1209, 1209.1,  
 1245.1, 1245.2, 1245.3, 1245.4, 1260.2,  
 1269, 1269.1, 1269.2, 1271 AMEND:  
 1200, 1201, 1202, 1204, 1205, 1206,  
 1207, 1208, 1222, 1223, 1223.1, 1235,  
 1236, 1238, 1239, 1240, 1241, 1242,  
 1243, 1244, 1245, 1245.1, 1245.2,  
 1245.3, 1245.4, 1245.5, 1245.6, 1245.7,  
 1245.8, 1245.9, 1245.10, 1245.11,  
 1245.12, 1245.13, 1245.14, 1245.15,  
 1245.16, 1246, 1247, 1248, 1249, 1250,  
 1251, 1252, 1253, 1254, 1255, 1256,  
 1257, 1258, 1259, 1260, 1260.1, 1261,  
 1262, 1263, 1264, 1265, 1266, 1267,  
 1268, 1269, 1270 REPEAL: 1203, 1210,  
 1211, 1212, 1213, 1214, 1215, 1216,  
 1217, 1218, 1219, 1220, 1221, 1224,  
 1225, 1226, 1227, 1228, 1229, 1230,  
 1231, 1237  
 03/18/09 AMEND: 3435(b)  
 03/10/09 AMEND: 3434  
 03/05/09 AMEND: 3591.20(a)  
 03/04/09 AMEND: 3435  
 02/27/09 AMEND: 3434(b)

02/26/09 AMEND: 850  
 02/19/09 AMEND: 3434(b)  
 02/13/09 AMEND: 3406(b)  
 02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)  
 02/05/09 AMEND: 3434(b)  
 02/02/09 AMEND: 3406(b)  
 01/21/09 ADOPT: 3591.22(a), 3591.22(b),  
 3591.22(c), 3591.22(d)  
 01/21/09 ADOPT: 3591.21(a), 3591.21(b),  
 3591.21(c)  
 01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668,  
 3669  
 01/14/09 AMEND: 3434(b)

**Title 4**

06/04/09 AMEND: 106  
 05/18/09 ADOPT: 12488, 12508, 12510, 12511,  
 12514 AMEND: 12480, 12486  
 05/18/09 ADOPT: 12482  
 05/12/09 AMEND: 406  
 05/12/09 ADOPT: 12591  
 04/24/09 ADOPT: 12480, 12492, 12494, 12496,  
 12498, 12499, 12501, 12502, 12504  
 AMEND: 12482  
 04/24/09 AMEND: 12482  
 03/23/09 AMEND: 10175, 10176, 10177, 10182,  
 10185, 10187, 10188, 10189, 10190  
 03/11/09 AMEND: 1865  
 03/10/09 ADOPT: 12388, 12410  
 03/05/09 ADOPT: 2066  
 03/05/09 ADOPT: 1504.5 AMEND: 1481, 1486  
 03/04/09 AMEND: 2073  
 02/23/09 ADOPT: 8102, 8102.1, 8102.2, 8102.3,  
 8102.5, 8102.6, 8102.7, 8102.8, 8102.9,  
 8102.11, 8102.12, 8102.13, 8102.14,  
 8102.15 AMEND: 8090, 8091, 8092,  
 8093, 8094, 8095, 8096, 8097, 8098,  
 8099, 8100, 8101 REPEAL: 8102.10  
 02/13/09 ADOPT: 12362  
 02/11/09 ADOPT: 8078.1 AMEND: 8070, 8072,  
 8076, 8078

**Title 5**

05/28/09 AMEND: 9521  
 05/11/09 AMEND: 80023, 80024.4, 80024.5,  
 80024.6, 80025.5, 80026, 80026.1,  
 80026.6, 80034.5 REPEAL: 80024.3,  
 80026.4, 80042, 80042.5, 80569  
 05/11/09 AMEND: 24002, 24003, 24005  
 05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,  
 3093, 3094, 3095, 3096, 3096.1, 3096.2,  
 3097, 3098, 3098.1, 3098.2, 3099  
 04/30/09 ADOPT: 26000  
 03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062,  
 3063, 3064, 3065, 3066, 3067, 3068,  
 3069, 3070

03/05/09 AMEND: 80225  
 02/17/09 AMEND: 80413, 80487  
 02/04/09 ADOPT: 9800, 9810, 9820, 9830  
 01/20/09 ADOPT: 9517.1

**Title 8**

05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,  
 3101, 3107  
 05/01/09 AMEND: 4530  
 04/20/09 AMEND: 10100.2, 10101.1, 10103.2,  
 10104, 10105, 10106.1, 10106.5,  
 10107.1, 10108, 10109, 10111.1,  
 10111.2, 10112, 10113.4, 10113.5,  
 10114.2, 10115, 10115.1, 10115.2  
 04/06/09 ADOPT: 227, 314, 389 AMEND: 281,  
 303, 323, 368, 523  
 04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,  
 2738, 2739.0, 2739.4, 2742.0, 2742.1,  
 2742.2, 2742.3, 2745.0, 2745.1, 2749.2,  
 2754.1, 2754.2, 2796, 2799.1, 2799.2,  
 2799.3, 2799.4, 2799.5, 2799.6, 2812.2,  
 2812.3, 2832, 2833.1, 2833.2, 2882.2,  
 2985.0, 2985.1, 2985.2, 2987.0, 2987.1,  
 2989.0, 2989.1 AMEND: 2700, 2706,  
 2707, 2710, 2712, 2714, 2715, 2725,  
 2735, 2739.1, 2743, 2745.2, 2749.1,  
 2753, 2790, 2791, 2792, 2795, 2797,  
 2799.0, 2805, 2810, 2812.1, 2816, 2819,  
 2820, 2833, 2845, 2847, 2863, 2873,  
 2874, 2875, 2880, 2882.1, 2890, 2893,  
 2908, 2910, 2931, 2932, 2933, 2934,  
 2935, 2946, 2974 REPEAL: 2742  
 03/04/09 AMEND: 3248  
 03/02/09 ADOPT: 15475.1, 15475.2, 15475.3,  
 15482, 15482.1, 15482.2, 15483, 15484,  
 15485, 15486, 15486.1, 15487, 15488,  
 15489, 15489.1, 15490, 15490.1, 15491,  
 15496, 15497, 15497.1, 15498, 15499,  
 15499.5 AMEND: 15201, 15203,  
 15203.1, 15203.2, 15203.3, 15203.4,  
 15203.5, 15203.6, 15203.7, 15203.8,  
 15203.9, 15203.10, 15204, 15205,  
 15210, 15210.1, 15210.2, 15210.3,  
 15211, 15211.1, 15211.2, 15215, 15230,  
 15251, 15353, 15360, 15405, 15470,  
 15471, 15472, 15473, 15474, 15475,  
 15476, 15477, 15478, 15479, 15480,  
 15481, 15601.7  
 03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085,  
 5152, 5193, 5207, 5215, 5297, 5299,  
 5302, 5304, 5449, 6402, 6503, 6600  
 02/25/09 REPEAL: 10116.4, 10122, 10122.1,  
 10123, 10123.2, 10123.3, 10124,  
 10124.1, 10125, 10125.1, 10125.2,  
 10125.3, 10126, 10127, 10127.1,

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	10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22	04/17/09 AMEND: 30.1 04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018 04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002 03/30/09 ADOPT: 30.15 03/03/09 AMEND: 9070, 9077 02/18/09 REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327 02/03/09 ADOPT: 64.7 01/28/09 AMEND: 51.19
02/18/09	AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354	
02/13/09	AMEND: 3336, 3650, 3653	
02/09/09	AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583	<b>Title 12</b> 02/26/09 ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809 01/27/09 AMEND: 501
01/29/09	AMEND: 4994	<b>Title 13</b>
01/28/09	AMEND: 4999	06/16/09 AMEND: 1239
01/20/09	AMEND: Appendix B following sections 1529, 5208, 8358	06/04/09 ADOPT: 2340, 2341, 2342, 2343, 2344, 2345 05/22/09 ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72 03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2 03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4 02/26/09 ADOPT: 29.00 02/05/09 ADOPT: 20.05 AMEND: 20.04 02/05/09 AMEND: 25.08 01/20/09 AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710
01/15/09	AMEND: 2500.7	<b>Title 13, 17</b> 05/29/09 ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118
<b>Title 9</b>		<b>Title 14</b>
02/06/09	ADOPT: 4000, 4005	06/16/09 AMEND: 753.5 06/15/09 AMEND: 27.80 06/12/09 AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708 06/02/09 AMEND: 7.50(b)(91.1) 05/26/09 AMEND: 7.00, 7.50 05/21/09 AMEND: 7.50(b)(178) 05/15/09 AMEND: 790, 818.02, 827.02 05/14/09 ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3 05/13/09 AMEND: 25201 05/07/09 AMEND: 25201 05/04/09 AMEND: 670.5 04/27/09 ADOPT: 749.5 04/08/09 AMEND: 2245, 2320
<b>Title 10</b>		
06/01/09	ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10	
06/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	
06/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	
05/29/09	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	
05/12/09	AMEND: 2716.1, 2790.1.5, 2810.5	
05/01/09	AMEND: 2699.6603	
03/27/09	AMEND: 2498.6 (Exhibit C)	
03/25/09	AMEND: 2661.3, 2661.4, 2662.1	
03/23/09	AMEND: 2498.6	
02/26/09	AMEND: 2699.6805	
02/23/09	AMEND: 2318.6, 2353.1	
02/23/09	AMEND: 2498.6	
02/19/09	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119	
02/05/09	ADOPT: 2308.1, 2308.2, 2308.3	
01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809	
01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301	
<b>Title 11</b>		
05/21/09	AMEND: 1005, 1007, 1008	

03/18/09 AMEND: 632  
 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2  
 AMEND: 20000, 20001, 20002, 20003,  
 20004, 20005, 20008, 20009  
 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620,  
 2630, 2660, 2670, 2720, 2730  
 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25,  
 27.30, 27.35, 27.40, 27.45, 27.50, 27.51,  
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 05/04/09 AMEND: 3335(d)(3)  
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 04/28/09 AMEND: 1524  
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