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

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**PROPOSED ACTION ON
REGULATIONS**

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TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **April 17, 2008**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **April 17, 2008**, following the Public Meeting in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **April 17, 2008**, following the Public Hearing in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders, General Industry Safety Orders, and Petroleum Safety Orders—Refining Transportation and Handling of the California Code of Regulations, as indicated below, at its Public Hearing on **April 17, 2008**.

- TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1710(k)(2)
Permanent Flooring—Skeleton Steel Construction in Tiered Buildings

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 109
Section 5168

PETROLEUM SAFETY ORDERS—REFINING TRANSPORTATION AND HANDLING

Chapter 4, Subchapter 15, Article 5
Section 6775

Static Electricity

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 29
Section 1710(k)(2)

Permanent Flooring—Skeleton Steel Construction in Tiered Buildings

Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written comments and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standard may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt this proposed rulemaking action pursuant to Labor Code Section 142.3, which permits the Board to follow certain procedures when adopting standards that are substantially the same as federal standards addressing occupational safety and health issues.

The United States Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated a standard addressing the subject of this rulemaking. The federal rule is set forth as 29 Code of Federal Regulations Section 1976.754(b)(2). That federal standard provided the basis for the current Section 1710(k)(2) of the Construction Safety Orders (CSO). The current proposal addresses two portions of the federal rule that are not duplicated in Section 1710(k)(2).

A Form 9 dated July 29, 2007, from the Division of Occupational Safety and Health noted that an exception found in the federal standard is not present in Section 1710(k)(2). Review of Section 1710(k)(2) in light of that Form 9 disclosed that the words "whichever is greater," found in the federal standard, also are not present in Section 1710(k)(2). This proposal seeks to augment Section 1710(k)(2) by adding the missing wording.

With the changes made in accordance with this proposal, the proposed standard is substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on 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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard 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.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board 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 as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 109
Section 5168

PETROLEUM SAFETY ORDERS—REFINING TRANSPORTATION AND HANDLING

Chapter 4, Subchapter 15, Article 5
Section 6775

Static Electricity

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is based upon an Occupational Safety and Health Appeals Board (OSHAB) Decision After Reconsideration (DAR), Docket 00–R4D2–1108 and 1109 in the Matter of Pacific Resource Recovery, dated April 28, 2004, and tank cleaning standards contained in Chapter 8.12 of the National Fire Protection Association (NFPA) 77, Recommended Practice on Static Electricity, 2007 edition.

The DAR describes an incident in which an employee was using a high pressure water washing sprayer to clean flammable sludge from the interior of a tanker truck with a squeegee when an explosion occurred from within the tank blowing the employee off the top of the truck and killing him. The Division of Occupational Safety and Health determined that both the squeegee and the power spray nozzle of the water washer were potential sources of ignition.

General Industry Safety Orders (GISO) Section 5420 requires tanks and vessels that last contained flammable materials be purged of vapors and assessed for residual flammability. No work involving potential sources of ignition in or in contact with the vessel may be performed until flammability testing indicates it is safe to work. Section 5168 addresses the components of air, steam and inert gas cleaning systems used to clean and purge flammable residues from tanks or vessels and requires that they be bonded to the tank. The DAR establishes the employer did not comply with this requirement because it was believed that the water-based washing system used at the time of the accident was not subject to the requirements of Section 5168 which lists

steam but not water. The OSHAB reasoned that water cleaning systems are subject to the requirements of Section 5168 which addresses steam since water is the vaporized state of steam. Water is not specifically mentioned in the standard. Board staff believes that Section 5168 should be amended to include water consistent with the OSHAB DAR.

Board staff notes that the NFPA 77–2007 standard addresses static electricity control in relation to various tank cleaning methods in Chapter 8.12. Section 5168 addresses air, inert gas and steam but does not address water, nor does it address grit used in grit blasting as potential sources of static electricity. Board staff proposes to include water and grit in Section 5168(b) and Section 6775(c) of the Petroleum Safety Orders (PSO), which are currently identical. In addition, Board staff proposes to amend Section 5168 to add a new subsection based on NFPA 77 language that would address static electricity control for steam cleaning and to reference Section 5168 in Section 6775(c).

Board staff believes these proposed amendments will clarify to the employer consistent with the NFPA 77–2007, that 1) Section 5168 applies to water cleaning operations and grit blasting, 2) the components of various cleaning systems as specified are to be grounded as well as bonded and, 3) that prior to beginning cleaning operations on tanks and vessels, the requirements of Section 5420 are to be complied with. The proposal would also update Section 5168 with respect to static electricity control for steam cleaning which can create very large charge densities according to the NFPA 77 standard and increase the potential for static electricity.

This proposed rulemaking action contains non-substantive, editorial revisions. These non-substantive revisions are not discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Section 5168. Static Electricity.

This Section addresses operations that have the potential to create static electrical charges (such operations as: use of oxidizers, cleaning operations, and purging). This section also addresses bonding and grounding methods and devices used to control static discharge.

Amendments are proposed to add the terms “water” and “grit” in subsection (b) as cleaning media and specify that the components of the systems that use air, water, grit and steam are to be grounded as well as bonded as currently required. Subsection (b) is amended further by proposed language that reminds the reader that Section 5420 requirements for purging and testing tanks or vessels for residual levels of solvent that could ignite in

the presence of an ignition source are to be complied with prior to commencing work.

The proposed amendments will clarify to the employer that water and grit cleaning systems are static electricity risks to the extent that the components of each system must be grounded and bonded and that the employer must remove residual solvent vapors in tanks and vessels to effectively guard against a fire and/or explosion triggered by static electricity discharge which could result in serious employee injury or death.

A new subsection (e) based on the NFPA 77–2007 standard is proposed to address static electricity control methods for steam cleaning. The proposal would require the employer to ground conductive steam cleaning components and ground and bond the conductive components of the tank or vessel to prevent the static charge from reaching an atmosphere capable of supporting combustion and explosion.

Section 6775. Static Electricity.

This section specifies requirements designed to reduce and control the propagation of static electrical discharge and addresses grounding and bonding methods, strength requirements for ground and bonding conductors, use of flexible conductors, attachment of grounding and bonding clamps and clips and the design of static bonding installations.

Subsection (c) contains language that is identical to that contained in GISO Section 5168(b) addressing the control of static discharge for equipment and various cleaning systems involving the use of steam, air, and inert gas.

Amendments are proposed to add the terms “water” and “grit” in subsection (c) as cleaning media to specify that the components of the systems that use air, water, grit and steam are to be grounded as well as bonded. Subsection (c) is amended further by proposed language that reminds the reader that the requirements for purging and testing tanks or vessels contained in Sections 5420 and 5168 are to be complied with prior to the start of work.

The proposed amendments will clarify to the employer that water and grit cleaning systems are static electricity risks to the extent that the components of each system must be grounded and bonded and that the employer must remove residual solvent vapors in tanks and vessels to effectively guard against a fire and/or explosion triggered by static electricity discharge which could result in serious employee injury or death.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on 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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require lo-

cal agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these standards 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.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board 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 as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than April 11, 2008. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on April 17, 2008, will not be considered by

the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 9. DEPARTMENT OF REHABILITATION

**TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES
DIVISION 3. DEPARTMENT OF REHABILITATION**

CHAPTER 6. BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

**NOTICE OF PROPOSED RULEMAKING
Publication Date: February 29, 2008**

The Department of Rehabilitation, hereinafter Department, proposes to delete Section 7219, amend Sections 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220, 7221, 7224, 7225, 7226, 7226.1, 7226.2, 7227, 7227.1, and 7227.2, and adopt Sections 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4,

7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, and 7220.7 of Title 9 of the California Code of Regulations, as described below after considering all comments, objections, and recommendations regarding the proposal.

PUBLIC HEARING

The Department will hold a public hearing starting at 9:00 a.m. on April 29, 2008, at the Department of Rehabilitation, 721 Capitol Mall, Sacramento, California 95814. The hearing will be held in Conference Room 242 on the second floor. The hearing location is wheelchair accessible. Any person who is deaf or hearing impaired and requires an interpreter at the hearing, or individuals with disabilities who need any other special assistance, should contact Juanita Loyola, Regulations Analyst, at (916) 558-5833 or jloyola@dor.ca.gov at least two weeks in advance of the date of the hearing.

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing shall be adjourned immediately following receipt of testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed rulemaking action to the Department. The written comment period closes at 5:00 p.m. on April 29, 2008. The Department will consider only comments received at the Department by that date and time. Submit comments to:

Juanita Loyola, Regulations Analyst
Department of Rehabilitation
Office of Legal Affairs and Regulations
721 Capitol Mall
Sacramento, CA 95814-4702
Voice: (916) 558-5833
Fax: (916) 558-5826
TTY: (916) 558-5807
Email: jloyola@dor.ca.gov

AUTHORITY AND REFERENCE

Authority: 20 United States Code section 107b(5); 34 Code of Federal Regulations part 395.4; and Welfare and Institutions Code sections 19006, 19016, 19632, and 19639.

Reference: 20 United States Code sections 107, 107a(a)(5), (b) and (e), 107b(3) and (6), 107b-1(3),

107d-1(a); 34 Code of Federal Regulations parts 361.5(b)(5), 395.1(i) and (o), 395.2, 395.3(a)(4), (7), and (11)(ii), 395.5, 395.7, 395.9, 395.13, 395.14(b), 395.16, 395.34 and 395.35; Government Code sections 6250 et seq., 6706, and 12926; Health and Safety Code sections 113700 through 114180 and 114259.4; Labor Code, chapter 1 (commencing with section 1171) of part 4 of division 2 and sections 5401, 6408, and 6409.1; and Welfare and Institutions Code sections 19011, 19013.5(b), 19625, 19626, 19629, 19631, 19632, 19635, and 19638(b).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department administers the Business Enterprises Program for the Blind, hereinafter BEP, in accordance with Welfare and Institutions Code section 19625 et seq. and the federal Randolph-Sheppard Act (20 U.S.C. 107 et seq.). The purpose of the program is to “provide blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting.” The BEP provides legally blind, United States citizens who are 18 years or older and eligible for vocational rehabilitation services with opportunities to be trained in the operation of cafeterias, dry/wet facilities, food concession vehicles or cart services, snack bar facilities, and vending machine facilities. Upon successful completion of the training program, eligible persons are licensed to operate vending facilities on federal, state, and other property in California.

Welfare and Institutions Code sections 19006, 19016, 19632, and 19639, title 20 United States Code section 107b(5), and title 34 Code of Federal Regulations part 395.4 authorize the Department to adopt regulations consistent with the Randolph-Sheppard Act to govern the BEP. The current regulations for the BEP are found in California Code of Regulations, title 9, sections 7210 through 7227.2. The current regulations define terms specific to the program and establish eligibility requirements and procedures for training, announcing the availability of vending facilities, application, selection and placement of vendors in permanent or interim vending facilities, licensing, disciplinary action, standards for the establishment and operation of vending facilities and collection of vending machine income. The current regulations also include sections regarding the state committee of blind vendors, or California Vendors Policy Committee and the appeal processes available to vendors and licensees in the program.

In order to ensure a strong and effective program, the BEP, with the participation of the California Vendors Policy Committee, reviewed the existing regulations

and determined that regulatory revisions are warranted. The Department intends to accomplish this comprehensive regulatory revision through a number of rulemaking packages, with this being the second package. The Department proposes to adopt the proposed regulations described herein after considering all comments, objections, and recommendations regarding the proposal. The Department will also submit the regulations to the federal Rehabilitation Services Administration for approval in accordance with title 34 Code of Federal Regulations part 395.3(a)(11)(iii) prior to implementing the regulations.

The proposed rulemaking amends California Code of Regulations, title 9, sections 7213 through 7227.2 as described below.

Section 7213 would repeal the existing requirements and establish new requirements for issuance of a vendor license and the timeframe in which the BEP is to issue a license to a qualified individual. Proposed Section 7213(c) would require licensees and vendors to provide the BEP Manager with a current mailing address and notify the BEP Manager in writing of any changes of address within 30 calendar days of said change. Under this provision it would be the responsibility of the licensee or vendor to ensure that the BEP Manager has his or her current mailing address.

Section 7213.1 would establish the procedures for terminating or suspending a licensee’s or vendor’s license. This amendment would repeal the current language and add new language that would establish proper service of a notice to suspend or terminate a licensee’s or vendor’s license, the information required to be included in a notice to suspend or terminate, effective dates of a suspension or termination, and procedures if an appeal of a suspension or termination is filed.

Section 7213.2 would repeal existing language and establish the procedures for terminating or suspending a vendor’s operating agreement, including proper service of a notice to suspend or terminate an operating agreement, the information required in a notice to suspend or terminate, effective date of a suspension or termination, and procedures if an appeal of a suspension or termination is filed. The amendment would also provide that the suspension or termination of an operating agreement would not require, but may provide good cause for taking action against a vendor’s license.

Section 7213.3 would identify the grounds or good cause for suspending or terminating a license or operating agreement as: failure to meet eligibility requirements of the program or operate the vending facility in accordance with applicable federal and state law and regulations or the permit or operating agreement; abandonment of a vending facility; willfully or maliciously destroying or failing to exercise the necessary care for equipment furnished by the program or contracting

agency; and vendor conduct that interferes with the operation of the vending facility. This proposed section would provide the specific examples of conduct that interferes with the operation of a vending facility.

Section 7213.4 would identify the grounds or good cause and procedures for a contracting agency to disapprove or withdraw the approval of a vendor operating a vending facility on the property of the contracting agency. The proposed section would prohibit the Department from initiating or encouraging a contracting agency to request removal of a vendor. However, under this section, a contracting agency that is dissatisfied with a vendor would be able to notify the BEP in writing of its disapproval or withdrawal of approval of the vendor. Within three working days of receipt of the notice, the BEP Manager would be required to determine whether the contracting agency has provided good cause. If good cause exists, the BEP Manager would be required to notify the vendor in accordance with the procedures established therein, including notice of the vendor's right to an administrative review and evidentiary hearing. The vendor would have 15 working days to correct the deficiencies identified in the notice, during which time the BEP would make reasonable efforts to assist the vendor in correcting the deficiencies. If the vendor fails to correct the deficiencies within the 15 working days, the Director of the Department would notify the vendor in writing that the facility must be vacated immediately. The proposed section would also provide that if a vendor requests an administrative review or evidentiary hearing the facility could be placed into interim operation until a final decision is rendered. The proposed section would also establish the procedures for liquidating existing stock in the vending facility. This section would also specifically state that disapproval or withdrawal of approval is not the equivalent of a suspension or termination of a vendor's license but may provide grounds to suspend or terminate a vendor's license. The disapproval or withdrawal of approval would not require a vendor to vacate his or her other vending facility sites on property of other contracting agencies.

Section 7213.5 would establish that to remain eligible to apply for a BEP vending facility a licensee who has not operated a BEP vending facility in more than two years would need to fulfill specific requirements to ensure that the licensee maintains his or her qualifications to operate a BEP vending facility. If a licensee has not operated a BEP vending facility during the previous two to four years, the licensee must either complete the Vendor Training Program or score at least 70 percent on an exam administered by the BEP Training Instructor, which is equivalent to the Vendor Training Program midterm exam. A licensee who has not operated a vend-

ing facility during the previous four years would be required to complete the Vendor Training Program.

Section 7213.6 would provide the grounds upon which the BEP Manager could reinstate a license of a former licensee or vendor. Under this section, if a former licensee or vendor requests reinstatement within two years of resigning his or her license, the BEP Manager would be permitted to reinstate the license if the former licensee or vendor meets the eligibility requirements for participation in the program, possesses the necessary certifications required by Health and Safety Code section 113700 through 114180, and is current on payment of money owed to the program and filing all monthly operating reports. If it has been between two to four years since a former licensee or vendor resigned his or her license or last operated a BEP vending facility and requested reinstatement, the BEP may reinstate the license if the former licensee or vendor completes the BEP Training Program or passes a proficiency exam with a score of 70 percent or better. If a former licensee or vendor requests reinstatement after four years from the date of resignation or last date of operating a BEP vending facility, the former licensee or vendor must complete all components of the BEP Training Program before the BEP Manager would be permitted to reinstate the license. This section would also provide the right to an administrative review or evidentiary hearing for those former licensees and vendors who are denied reinstatement.

Section 7214 would provide the procedures for announcing the availability of vending facilities. At least 10 calendar days before the application deadline, the announcement would be posted on the Department's website, recorded on a telephone based information system, and provided to the California Vendors Policy Committee. Upon request, the announcement would also be made available in alternative modes of communication to the extent possible and consistent with federal and state law. This proposed section would also require the announcement to include the projected income of the vending facility and whether the vending facility is a primary or secondary site or may be combined or consolidated with other sites.

Section 7214.1 would establish the eligibility requirements and procedures for applying to operate a vending facility. This section would permit applications to be delivered by mail, electronic mail, facsimile, or personal delivery and require that application be postmarked or date stamped by the Department on or before the final filing date listed in the announcement. A vendor would be required to have operated his or her current vending facility for at least 183 calendar days prior to the final filing date, except as provided therein. The grounds for immediate disqualification of an applica-

tion would also be provided in this section and include the failure of the applicant to submit all information required on the application by the final filing date, appear at the designated date and time of the interview, and pass any criminal or other background check required by a contracting agency. This section would also disqualify any licensee or vendor who owes money to the BEP, including delinquent set-aside fees, reimbursement of workers' compensation or liability insurance, and penalties.

Section 7214.2 would require each qualified applicant to submit a resume and business plan as part of the interview process for each vending facility that he or she is applying to operate and identify the information required to be included in the resume and business plan.

Section 7214.3 would establish the Selection Committee for Vending Facilities, which would be responsible for selecting an applicant to operate a vending facility. The proposed section would also permit reasonable time for a contracting agency to independently confirm information provided by applicants and conduct necessary criminal or substance abuse background checks.

Section 7214.4 would establish the procedures for interviewing, scoring, and selecting applicants to operate available vending facilities and the consequences to an applicant who does not appear at a scheduled interview.

Section 7214.6 would establish the procedure for management interviews to select a vendor, rather than the Selection Committee for Vending Facilities, when there are fewer than three applicants.

Section 7214.8 would require a vendor, who is currently operating a vending facility, to resign from that vending facility prior to or concurrently with accepting the offer to operate a different vending facility. A vendor is prohibited from operating two vending facilities concurrently, not including interim facilities. A vendor who resigns from a vending facility to operate a different facility may return to his or her former vending facility, if the program has not issued an announcement for that vending facility. If a vendor fails to submit his or her resignation prior to or concurrently with an executed operating agreement for a different facility, he or she shall be disqualified as the selected vendor.

Section 7215 would authorize the program to place a vending facility into interim operation if the program manager determines that it is in the best interests of the program to do so. By definition the term of an interim vending facility is a maximum of six months. This term may be renewed, but only for as long as it takes the program to select a licensee or vendor to operate the facility on a permanent basis. The BEP shall provide the California Vendors Policy Committee with at least 15 calendar days notice prior to renewing an interim vending facility. During the term of the interim operating agreement, the program shall determine to announce

the facility as a single site or combine or consolidate it with other vending facilities, issue the announcement, and select a licensee or vendor to operate the facility on a permanent basis.

Section 7215.1 would provide the procedures for announcing an available interim vending facility and selecting a licensee or vendor to operate the interim vending facility. At least five working days before the application deadline, the announcement would be posted on the Department's website, recorded on a telephone based information system, and provided to the California Vendors Policy Committee. Upon request, the announcement would also be made available in alternative modes of communication to the extent possible and consistent with federal and state law. An interested licensee or vendor shall submit a DR 462, Vending Facility Application (Rev. 07/07), by the deadline stated in the announcement. Based on the qualifications specified in the proposed subdivision (c), the program shall make every effort to refer at least three candidates to the contracting agency for interviews and selection. If the contacting agency does not wish to participate in the selection process, the program manager shall select the interim operator based on the qualifications in proposed subdivision (c).

Sections 7213 through 7213.6 set forth procedures for the licensing of blind persons, including: suspension or termination of a licensee's or vendor's license; suspension or termination of a vendor's operating agreement; good cause for suspension or termination of a license or operating agreement; disapproval or withdrawal of approval of a vendor by the contracting agency; expiration of a licensee's or vendor's license; and reinstatement of a licensee's or vendor's license.

Sections 7214 through 7214.8 would establish procedures for: announcing the availability of vending facilities; application requirements and the application process; resume and business plan; selection committee for vending facilities; selection interviews of applicants; other methods of selection (management interviews); and vendor resignation from a vending facility to accept a different vending facility.

Sections 7215 through 7215.1 of these proposed regulations would establish the procedures for placing a vending facility into interim operation and selection of a licensee or vendor to operate an interim vending facility.

Section 7216 of the proposed regulations would identify the factors that the Department shall consider in determining whether a vending facility site or location is feasible and the procedures once a determination is made as to the feasibility of a site or location.

Sections 7216.1 and 7216.2 would establish the considerations and procedures for combining and consoli-

dating vending facilities sites or locations into a single vending facility and closure of a vending facility.

Section 7218 would identify when a vendor must obtain prior approval to purchase his or her own equipment for use in his or her vending facility, permit the program to charge the vendor when the program maintains, repairs or replaces vendor owned equipment, and provide the BEP with the first option to purchase vendor owned equipment. The proposed amendment would also specifically authorize the BEP to take possession of vendor owned equipment when the vendor has unpaid financial obligations owed to the program.

Current Section 7219, regarding initial stock and loans for initial stock, would be deleted in its entirety. Language currently found in Section 7219(a) regarding initial stock provided as vocational rehabilitation services consistent with current Section 7149(p) would be relocated to proposed Section 7220.5.

Section 7220 would review the requirements for operating a vending facility, including, but not limited to, filing reports, maintaining documentation to support monthly operating reports, paying financial obligations to the program, including set aside fees, and managing a vending facility.

Section 7220.3 would authorize the Department to place a vendor on probation under specific circumstances, allowing a vendor to take action to correct deficiencies identified by the Department.

Section 7220.5 would provide that an individual who is selected to operate his or her first vending facility in the program may be provided with initial stock or merchandise as part of the vocational rehabilitation services provided by the Department.

Section 7220.7 would establish procedures for when a vendor becomes incapacitated or dies, implementing Welfare and Institutions Code section 19641.

Section 7221 would establish the procedures regarding monthly operating reports and financial obligations owed to the BEP, including the formula for calculating the set aside fees a vendor must pay, date upon which monthly operating reports and financial obligations are due to the BEP, and penalties assessed for failure to submit monthly operating reports and financial obligations by the due date. The proposed amendment to Section 7221(c)(1) would increase the penalty for failure to file a monthly operating report and pay the required fees by the due date from 10 percent of the set aside owed or \$25, whichever is greater, to 15 percent of the set aside owed or \$75, whichever is greater. The penalty would be assessed for the failure to file the monthly operating report and pay the required fees by the due date and for each following month in which the vendor fails to file the report and pay the fees. This section also authorizes the BEP to determine the set aside fee based on the most reliable information available when a vendor is more than one month late in filing his or her monthly operat-

ing report, which is consistent with current regulations. This section would also require the BEP staff to review each monthly operating report, including specific areas of the report, to determine whether it is acceptable or must be rejected and returned to the vendor with a written deficiency notice. The Department shall also compile reports of financial averages, which shall be available to program participants and other interested persons.

Section 7224 allows a vendor who employs one or more disabled persons in his or her vending facility to claim a deduction from the set aside charges, which is consistent with current regulations. This section would be amended to reference Section 7220(p) of the regulations, which addresses operations of a vending facility and includes this deduction to set aside fees.

Section 7225 provides for the collection and distribution of vending machine commissions on federal and state property consistent with the federal law and regulation and state law. The substantive amendments to this section are: add language requiring the BEP to pay commissions to a vendor within 30 days of receiving such commissions from a private contractor who has vending machines located on the same property as the vendor's vending facility; add language exempting vending machines operated by local community college districts and the University of California; delete language exempting vending machines operated in the Department of Corrections penal facilities, Department of Health hospitals, Department of Parks and Recreation concessions, state funded colleges, and state National Guard facilities; and delete language which states that the vending machine income not subject to disbursement to a vendor shall be used for the establishment and maintenance of vendor benefit programs as determined by the majority of vendors, as federal law and regulation and state law currently addresses this area.

Sections 7226, 7226.1, and 7226.2 establish general provisions for elections and specific procedures for general and special elections for the state committee of blind vendors, known as the California Vendors Policy Committee or CVPC. The substantive amendments to these sections are: delete prohibition against a CVPC delegate serving more than two consecutive terms; add that the election coordinator is appointed by the Director and identify the duties of the election coordinator; replace requirement that a nominee must receive a plurality of the vote with a nominee must receive the most votes; and authorize the election coordinator to establish the deadlines for submitting renominations and ballots in the event of a tie.

Section 7227 establishes the general provisions for administrative review and full evidentiary hearing procedures. The substantive amendments to this section are: delete requirement that the Department shall provide training to the CVPC on the preparation and sub-

mission of requests for administrative review and full evidentiary hearings; add authority for CVPC to contract for professional services for training on the preparation and submission of requests for administrative review and full evidentiary hearings; and add language which requires the BEP to provide upon the request of a vendor or licensee a reader or other communication services, to the extent possible, at an administrative review or full evidentiary hearing.

Section 7227.1 establishes the procedures for administrative review, which the current regulations refer to as the informal administrative review process. The substantive amendment to this section is streamlining the current review process by establishing a two-step process, requiring the BEP Manager to review the complaint and issue a proposed decision to the Deputy Director who will issue a final decision regarding the complaint. Currently, Section 7227.1 requires the Supervising Business Enterprises Consultant to review the complaint and issue a proposed decision to the BEP Manager, who then reviews the complaint and adopts or modifies the proposed decision and submits it to the Deputy Director for review and a final decision.

Section 7227.2 establishes the procedures for a full evidentiary hearing. The substantive amendments to this section are: add that the full evidentiary hearing process is an appropriate appeal process for termination and suspension of license or vendor operating agreement and probation; add probation to the types of actions in which the date of the action shall be deemed to be two days after the date of mailing for the purposes of calculating the timeframe in which a licensee or vendor must file a request for a full evidentiary hearing; add Legal Affairs as the office to which the request for a full evidentiary hearing is to be filed rather than specifying an individual; and expand the circumstances which constitute good cause for a continuance to the death of a family member of any party and the illness of any party rather than limiting to the death of a family member or illness of the licensee or vendor or authorized representative. Section 7227.2 is also amended to streamline the process when the parties to a full evidentiary hearing reach a settlement agreement before the close of the record. Currently, the settlement agreement must be submitted to the hearing officer who shall issue a proposed decision in conformity therewith, which shall be submitted to the Director for a final decision. The proposed amendment will permit the settlement agreement to be submitted directly to the Director for a final decision.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

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

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

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

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Business Reporting Requirement: None.

Affect small businesses: The vending facility businesses that are part of the Business Enterprises Program for the Blind are considered "small business" as defined in Government Code section 11342.610. These food service businesses are independently owned and operated, not dominant in the food service field, and have gross annual receipts fewer than two million dollars (\$2,000,000). Currently, 133 licensed vendors operate 168 Business Enterprises Program for the Blind vending facilities in California, consisting of 350 sites.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Juanita Loyola, Regulations Analyst
Department of Rehabilitation
721 Capitol Mall
Sacramento, California 95814-4702
Voice: (916) 558-5833
Fax: (916) 558-5826
TTY: (916) 558-5807
Email: jloyola@dor.ca.gov

The backup contact person for these inquiries is:

Joely Walker
Department of Rehabilitation
721 Capitol Mall
Sacramento, California 95814-4702
Voice: (916) 558-5825
Fax: (916) 558-5826
TTY: (916) 558-5807
Email: jwalker@dor.ca.gov

Questions on the substance of the proposed regulations may be directed to either Juanita Loyola, or the designated backup contact, Joely Walker.

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 Juanita Loyola at the address above. Upon request, the Department will also provide copies of the regulation proposal in large print, Braille, audiotape, 3.5" diskette, compact disk, or transmit copies of the regulation proposal electronically.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, Proposed Text of Regulations, forms incorporated by reference in the proposed text, and Initial Statement of Reasons. Copies may be obtained by contacting Juanita Loyola at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text with the changes clearly indicated available to the public for at

least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Juanita Loyola at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Juanita Loyola at the address above or on the Department's website at <http://www.dor.ca.gov>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the proposed text of the regulations in underline and strikeout, and the forms incorporated by reference in the proposed text of the regulations can be accessed through the Department's website at <http://www.dor.ca.gov>.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsections (b)(5), (b)(12.5), (b)(18.5)(B), (b)(43.5), (b)(59.5), (b)(68), (b)(118)(B), (b)(124), (b)(129)(B), (b)(156), (b)(168.5), (b)(186)(B), (b)(198)(E), and (b)(212)(A) of Section 7.50, Title 14, California Code of Regulations, relating to Central Valley Chinook Salmon Sport Fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan

(FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off the coasts of Washington, Oregon, and California.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility of ocean water closures off California and PFMC recommendations for additional salmon fishery closures in inland waters due to projected low Central Valley (CV) fall Chinook salmon abundance. The CV consists of the Sacramento and San Joaquin River systems.

The reasons for the low 2007 CV fall Chinook salmon returns are not clear at this time, but negative ocean conditions are a possible factor which has also affected west coast salmon stocks from British Columbia to Oregon. The 2008 CV abundance will be published in the PFMC *Preseason Report I Stock Abundance Analysis for 2008 Ocean Salmon Fisheries* which will be available in late February.

Further Commission action affecting the CV salmon sport fishery will take place after the PFMC meets to discuss 2008 salmon fisheries. On March 14, 2008, the PFMC will develop the ocean salmon fisheries regulatory options for public review and the final PFMC regulation recommendations will be made on April 11, 2008.

Proposed Regulations

The Department is proposing bag limit reductions for the CV salmon fisheries in response to any federal action in the ocean. For public notice purposes, the Department is proposing the following range of bag limits from present regulations as shown in the following paragraphs.

1. American River, subsection 7.50(b)(5)
 - a. Subsections (A) through (D) — bag limit range of 0 to 3.
 - b. Subsection (E) — bag limit range of 0 to 2.
2. Auburn Ravine Creek, subsection 7.50(b)(12.5) — bag limit range of 0 to 2.
3. Bear River, subsection 7.50(b)(18.5)(B) — bag limit range of 0 to 2.
4. Coon Creek, subsection 7.50(b)(43.5) — bag limit range of 0 to 2.
5. Dry Creek, subsection 7.50(b)(59.5) — bag limit range of 0 to 2.
6. Feather River, subsections 7.50(b)(68)
 - a. Subsection (C) — bag limit range of 0 to 3 from January 1 to last day of February and July 16 to September 30.
 - b. Subsection (C) — bag limit range of 0 to 1 from March 1 through July 15.

- c. Subsection (D) — bag limit range of 0 to 1 from March 1 through July 15.
 - d. Subsection (D) — bag limit range of 0 to 3 from July 16 through the last day in February.
 - e. Subsection (E) — bag limit range of 0 to 3 from July 16 through the last day in February.
7. Merced River, subsection 7.50(b)(118)(B) — bag limit range of 0 to 1.
8. Mokelumne River, subsection 7.50(b)(124)(A) and (B) — bag limit range of 0 to 3.
9. Napa River, subsection 7.50(b)(129)(B) — bag limit range of 0 to 1.
10. Sacramento River, subsection 7.50(b)(156)
 - a. Subsection (H) — bag limit range of 0 to 2 from August 1 through January 14.
 - b. Subsection (J) — bag limit range of 0 to 2 from July 16 to January 1.
11. San Joaquin River, subsection 7.50(b)(168.5)
 - a. Subsection (A) — bag limit range of 0 to 1
 - b. Subsections (B) and (C) — bag limit range of 0 to 1 from January 1 to October 31.
12. Stanislaus River, subsection 7.50(b)(186)(B) — bag limit range of 0 to 1.
13. Tuolumne River, subsection 7.50(b)(198)(E) — bag limit range of 0 to 1.
14. Yuba River, subsection 7.50(b)(212)(A) — bag limit range of 0 to 2 from January 1 to February 28 and August 1 through October 15.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Best Western Stockton Inn, Fremont Room, 4219 East Waterloo Road, Stockton, California, on Friday, March 7, 2008 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at UC Davis, Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay California, on Friday, April 11, 2008 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Fish and Game Commission Conference Room, 1416 Ninth Street, Room 1320, Sacramento, California, on Tuesday, April 15, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 4, 2008 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m.

on April 14, 2008. All comments must be received no later than April 15, 2008 at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Neil Manji, Branch Chief, Fisheries Branch, (916) 327–8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

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

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California 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 Sacramento Convention Center, 1400 J Street Sacramento, California, at **9:05 a.m.**, on **April 25, 2008**. 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 **April 14, 2008** 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 2018 and 2220 of the Business and Professions Code, and to implement, interpret or make specific Sections 2228, 2229 and 2234 of said Code, as well as Sections 11400.20, 11425.50(e) of the Government Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Amend 16 CCR Section 1361.

Government Code Section 11425.50(e) provides that a penalty in an administrative disciplinary action may not be based on a guideline unless the guideline has been adopted as a regulation. The board has adopted the “Manual of Disciplinary Guidelines and Model Disciplinary Orders,” which has been revised over the years, the current version of which is the 9th Edition/2003. This manual sets forth proposed penalties for various violations of the Medical Practice Act.

This proposal would amend the board’s regulation section 1361 to incorporate by reference the “Manual of Disciplinary Guidelines and Model Disciplinary Orders” (10th Edition/2008).

Two changes in the law necessitate changes to the 2003 version of the Manual of Disciplinary Guidelines and Model Disciplinary Orders:

1. The manual refers to the Division of Medical Quality, which ceased to exist on January 1, 2008. AB 253 (Eng, Chapter 678, Statutes of 2007) abolished the two divisions of the board. This bill instead provided for the board as a whole to handle the responsibilities of the divisions. This proposal would conform the regulation to this change in law.
2. The manual refers to the board’s Diversion Program. Business & Professions Code section 2358 sunsets the Diversion Program effective July 1, 2008. This proposal would delete all references to the Diversion Program and modify the term regarding biological fluid testing.

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 Section 17561 Requires Reimbursement: None

Business Impact:

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

AND

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

There are no costs associated with the proposed regulatory action. The proposed action only relates to the legal elimination of the Division of Medical Quality and the Board’s Diversion Program.

Impact on Jobs/New Businesses:

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

This proposed regulation only reflects the current law, which eliminates the Diversion Program and the Division of Medical Quality. The proposed regulation does require physicians with substance abuse history to pay for biological fluid testing, however, under the current regulations, physicians are ordered into the Diversion Program, and must currently pay for their laboratory services. For that reason, this proposed regulation has no more impact than the current regulation. The alternative to requiring physicians to pay for their own biological fluid testing would either be: 1) Revoke the physician's license, eliminating the need for biological fluid testing to ensure public safety, or; 2) the Medical Board to pay for the testing, requiring an increase in licensing fees for all physicians to pay for the few offending physicians on probation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses.

The proposed regulations reflect two changes in law: 1) the elimination of the Division of Medical Quality as the entity hearing disciplinary cases, replacing them with the full Board (AB 253, Eng, Chap. 678, Stats 2007), and; 2) the elimination of the Diversion Program by B&P Code Section 2358.

The new edition of the *Manual of Disciplinary Guidelines and Model Disciplinary Orders*, incorporated by reference, replace "Division" with "Board" and changes probationary conditions for those with substance abuse violations from referral to the Diversion Program, replacing it with biological fluid testing at an approved laboratory service. Previously, physicians in the Diversion Program paid for their laboratory services, and therefore, there is no anticipated increase in cost than under the existing regulation.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either 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 regulation.

The proposed regulation requires physicians with substance abuse history to pay for biological fluid testing, however, under the current regulations, physicians are ordered into the Diversion Program, and must pay for their laboratory services. For that reason, this proposed regulation has no more impact than the current regulation. There are two reasonable alternatives to re-

quiring physicians to pay for their own biological fluid testing: 1) revoke the physician's license, eliminating the need for biological fluid testing to ensure public safety, or; 2) the Medical Board pays for the tests, requiring an increase in licensing fees for all physicians to pay for the few offending physicians on probation.

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 Medical Board of California 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 Medical Board of California at 1426 Howe Avenue, Suite 92, Sacramento, California 95825.

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

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

Name: Janie Cordray
Address: Medical Board of California
1426 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke
 Address: Medical Board of California
 1426 Howe Avenue, Suite 92
 Sacramento, CA 95825
 Telephone No.: (916) 263-2389
 Fax No.: (916) 263-2387
 E-Mail Address: regulations@mbc.ca.gov

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

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California 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 Sacramento Convention Center, 1400 J Street, Sacramento, CA 95814, at 9:00 a.m., on April 25, 2008. 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 April 14, 2008 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 125.3, 2018, 2168.4 and 2436 of the Business and Professions Code, and to implement, interpret or make specific Sections 2125.3, 2168.4, 2435, and 2435.2 of said Code, the Medical Board of California is considering changes to Article 15 of Chapter 1 of Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1351.5 and Section 1352:	Reduction in Initial License Fee and Renewal Fee to Offset Elimination of Diversion Program
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Business and Professions Code Sections 2340 et seq., which authorize the Board's Diversion Program, be-

come inoperative July 1, 2008. Section 2435.2 of the B & P Code states that the Board shall reduce license and renewal fees if the Diversion Program is eliminated. Therefore, pursuant to the requirements of the latter section, the board is proposing to amend sections 1351.5 and 1352 to reduce the initial license fee and biennial renewal fee from \$805 to \$783.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor savings. Only those agencies which employ physicians and surgeons and pay for the license or renewal fees will be impacted; it would be a reduction of \$22.00 per physician every two years.

Nondiscretionary Costs/Savings to Local Agencies: Minor savings. Again, only those agencies which employ physicians and surgeons and pay for the license or renewal fees will be impacted; it would be a reduction of \$22.00 per physician every two years.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: Minor savings. The board has determined that the proposed regulatory action would have minimal economic impact on California businesses and individuals since the fee reduction will be \$22.00 per physician every two years.

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: 1) The Medical Board's "Budget Summary" (1/18/08), which documents the expiring Diversion Program as - \$1,213,000. 2) The Medical Board's "Workload and Revenue Stats" (8/29/07), which documents 2,000 initial licenses annually, and 53,500 annual license renewals.

Impact on Jobs/New Businesses:

The Medical 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 Medical Board estimates the potential cost impact of the proposed regulations on directly affected

private persons or entities to be a reduction of about \$22.00 every two years.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Minor savings. The board has determined that the proposed regulation would affect small business because a few physicians and surgeons would meet the definition of a small business. The impact would be a reduction of \$22.00 per licensee every two years.

CONSIDERATION OF ALTERNATIVES

The Medical Board must determine that no reasonable alternative considered by it 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 Medical 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 person designated in this Notice under Contact Person or by accessing the website listed below.

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 designated in this Notice under Contact Person or by accessing the website listed 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 person designated in this Notice under Contact Person or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the substance of the proposed rulemaking may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1434 Howe Avenue, Suite 92
Sacramento, CA 95825
Tel No.: (916) 263-2368
Fax No.: (916) 263-2387
e-mail: kschunke@medbd.ca.gov

The backup contact person is :

Name: Linda Whitney
Address: Medical Board of California
1434 Howe Avenue, Suite 92
Sacramento, CA 95825
Tel No.: (916) 263-2389
Fax No.: (916) 263-2387
e-mail: lwhitney@medbd.ca.gov

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

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control 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 Hilton Ontario Airport, 700 North Haven Avenue, Ontario, CA, at 9:00 a.m. on April 18, 2008. 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 Structural Pest Control Board at its office no later than 5:00 p.m. on April 17, 2008 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control 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 section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 8560, 8562, 8564, 8593 and 8593.1 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

1. Amend 1937 Qualification of Applicant.

Business and Professions Code Section 8564 states that an applicant for a branch 2 and/or 3 Field Representative license must submit proof satisfactory to the board that he or she has had training and experience in the practice of pesticide application and pesticide hazards and safety practices. Business and Professions Code Section 8565.5 states that an applicant for a branch 2 and/or 3 Operator's license shall demonstrate to the board that he or she has passed satisfactorily board-approved courses in the area of pesticides. The proposed amendment would require that branch 2 and/or 3 Field Representative and Operator applicants gain training and experience in structural Integrated Pest Management as part of their pre-licensing requirements.

2. Amend 1950 Continuing Education Requirements.

Business and Professions Code Section 8593 states that each operator and field representative license must submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of continuing education courses in pest control approved by the board or equivalent activity approved by the board. Business and Professions Code Section 8593.1 states that each applicator that applies for renewal of an applicator license must submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board. The proposed amendment would require that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of the license renewal requirements.

3. Amend 1950.5 Hour Value System.

Business and Professions Code Sections 8593 and 8593.1 require that licensees complete continuing education in developments in the field of pest control and pesticide application and use. The proposed amendment would establish an hour value for board approved Integrated Pest Management courses.

4. Repeal 1953(f)(3)(D) Approval of Activities.

The proposed amendment would repeal the subsection that requires continuing education course providers to provide course evaluation forms to students.

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 Section 17561 Requires Reimbursement: None

Business Impact:

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

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

The Structural Pest Control 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

Section 1937 will have no effect on small businesses because the proposal is requiring pest control companies to provide training and experience in Integrated Pest Management to its prospective licensees, a practice that branch 2 and 3 companies should already be providing.

Section 1950 will have no effect on small businesses because the proposal is requiring branch 2 and/or 3 licensees to gain hours in Integrated Pest Management.

Section 1950.5 will have no effect on small businesses because the proposal is adding a defined hour value for courses that cover Integrated Pest Management.

Section 1953 will have no effect on small businesses because the proposed amendment repeals the requirement of continuing education providers from providing course evaluation cards to their students.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control 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 Structural Pest Control 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 Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

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 that 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.

CONTACT PERSON

The Structural Pest Control Board is moving its office in March. Prior to March 20, any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 1418 Howe Avenue, Suite 18 Sacramento, CA 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: 1418 Howe Avenue, Suite 18 Sacramento, CA 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

Subsequent to March 20, any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 2005 Evergreen Street, Suite 1500 Sacramento, CA 95815
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF MENTAL HEALTH

DMH INFORMATION NOTICE NO.: 08-

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTHBOARDS

SUBJECT: REVISED FISCAL YEAR 2007-08 MAXIMUM RATE LIMITS FOR SHORT-DOYLE/MEDI-CAL SERVICES

This letter transmits the Revised Fiscal Year (FY) 2007-08 maximum reimbursement rates for Short-Doyle/Medi-Cal (SD/MC) services as required by Welfare & Institutions Code (W&IC) Section 5720(a) and (b). These Statewide Maximum Allowances (SMA) will apply to all SD/MC eligible services by service function, for the time period of July 1, 2007 through June 30, 2008.

The enclosed FY 2007-08 SMA rate schedule reflects Revised maximum reimbursement rates pursuant to the provisions of Assembly Bill X3 3, which amends the Budget Act of 2007. The revised rates reflect the

elimination of the Home Health Market Basket Cost of Living Adjustment (COLA) for eligible services rendered March 1, 2008 through June 30, 2008.

For the period July 1, 2007 through February 29, 2008, the SMA rate for reimbursement reflects the annual inflation indicated in the Home Health Agency Market Basket Index for Outpatient Services.

The annual inflation indicated in the Consumer Price Index for the Inpatient Services will remain as reflected on the enclosed rate schedule for the time period July 1, 2007 through June 30, 2008. There are no changes to the SMA rate for Hospital Administrative Day services.

This letter and rate schedule will be available on the DMH website. If you have any questions or need additional information, please contact Marilyn Liddicoat, Chief, Cost Reporting/Financial Support, at (916) 651-6368.

Sincerely,

/s/
STEPHEN W. MAYBERG, Ph.D.
Director

Enclosure

ENCLOSURE

REVISED

**FISCAL YEAR 2007-08
SHORT-DOYLE/MEDI-CAL
MAXIMUM REIMBURSEMENT RATES
July 1, 2007 through June 30, 2008**

SERVICE FUNCTION	MODE OF SERVICE CODE		SERVICE FUNCTION CODE	TIME BASE	SHORT-DOYLE/ MEDI-CAL MAXIMUM ALLOWANCE	REVISED
	CR/DC	SD/MC				SHORT-DOYLE/ MEDI-CAL MAXIMUM ALLOWANCE
	Code	Claiming Code				7/1/07 - 2/29/08
A. 24-HOUR SERVICES	05					
Hospital Inpatient		07, 08, 09	10-18	Client Day	\$1,035.57	\$1,035.57
Hospital Administrative Day		07, 08, 09	19	Client Day	7/1/07 - 7/31/07 \$310.68 8/1/07 - 6/30/08 \$318.19	7/1/07 - 7/31/07 \$310.68 8/1/07 - 6/30/08 \$318.19
Psychiatric Health Facility (PHF)		05	20-29	Client Day	\$555.20	\$540.08
Adult Crisis Residential		05	40-49	Client Day	\$313.08	\$304.55
Adult Residential		05	65-79	Client Day	\$152.71	\$148.55
B. DAY SERVICES	10	12, 18				
Crisis Stabilization						
Emergency Room			20-24	Client Hour	\$97.19	\$94.54
Urgent Care			25-29	Client Hour	\$97.19	\$94.54
Day Treatment Intensive						
Half Day			81-84	Client 1/2 Day	\$148.17	\$144.13
Full Day			85-89	Client Full Day	\$208.10	\$202.43
Day Rehabilitation						
Half Day			91-94	Client 1/2 Day	\$86.43	\$84.08
Full Day			95-99	Client Full Day	\$134.91	\$131.24
C. OUTPATIENT SERVICES	15	12, 18				
Case Management, Brokerage			01-09	Staff Minute	\$2.08	\$2.02
Mental Health Services			10-19	Staff Minute	\$2.68	\$2.61
			30-59	Staff Minute	\$2.68	\$2.61
Medication Support			60-69	Staff Minute	\$4.96	\$4.82
Crisis Intervention			70-79	Staff Minute	\$3.99	\$3.88

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its February 7, 2008, meeting in San Diego, accepted for consideration the petition submitted by The Bay Institute, Center for Biological Diversity, and Natural Resources Defense Council to list longfin smelt (*Spirinchus thaleichthys*) as an endangered species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species for listing as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 7, 2008, Commission meeting, are on file and available for public review from John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

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

On August 15, 2007, the Office of Administrative Law (OAL) received a petition challenging Coalinga State Hospital Administrative Directive 626 as an underground regulation. OAL accepted the petition for consideration on November 2, 2007.

On February 6, 2008, the Department of Mental Health certified pursuant to California Code of Regulations, title 1, section 280, that it would not issue, use, enforce, or attempt to enforce Coalinga State Hospital Ad-

ministrative Directive 626; therefore, pursuant to section 280 OAL must suspend all action on this petition.

DEPARTMENT OF MENTAL HEALTH

CERTIFICATION PURSUANT TO 1 CCR 280

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

1. The Department received a copy of a petition filed with California Office of Administrative Law by James Hydrick, on or about August 15, 2007. A copy of the petition is attached hereto as Exhibit A.
2. The Department will not issue, use, enforce, or attempt to enforce the alleged underground regulation, Coalinga State Hospital Administrative Directive No. 626.
3. A copy of this certification was sent to the petitioner by certified mail, and a copy of the receipt is attached hereto as Exhibit B.

_____/s/_____
Cynthia A. Radavsky,
Deputy Director
Long Term Care Services
California Department of Mental Health

DATED 2-6-08

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2008-0104-01
AIR RESOURCES BOARD
AAQS for Nitrogen Dioxide

This regulatory action modifies the ambient air quality standard (AAQS) for nitrogen dioxide. The old 1-hour standard was 0.25 parts per million (ppm). The newly approved 1-hour standard is 0.18 ppm, not to be exceeded. The Board also adopted an annual average standard for nitrogen dioxide at 0.030 ppm, not to be exceeded. The Board retained the existing monitoring method (chemiluminescence Federal Reference Meth-

od) for these standards, and incorporated by reference all federally approved methods (i.e., samplers) for nitrogen dioxide as “California Approved Samplers.” This will result in no change in air monitoring equipment practices, but will align state monitoring requirements with federal requirements.

Title 17
 California Code of Regulations
 AMEND: 70100.1, 70200
 Filed 02/19/2008
 Effective 03/20/2008
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-0116-04
BOARD OF ACCOUNTANCY
 Practice Privilege Safe Harbor, Citation and Fine

This rulemaking action extends the sunset date of the practice privilege safe harbor from 2007 to 2010 for accountants licensed in other states who wish to practice in California. The action allows the Board of Accountancy to issue citations, which may include fines, to accountants who are on probation and who violate terms of their probation. The action raises the maximum assessable fine for accountancy rules violations from \$2,500 to \$5,000 and also deletes all monetary fine ranges for accountancy rules violations and replaces them with a single range of from \$100 to \$5,000.

Title 16
 California Code of Regulations
 AMEND: 30, 95, 95.2, 95.6
 Filed 02/15/2008
 Effective 03/16/2008
 Agency Contact:
 Melody L. Friberg (916) 561-1792

File# 2008-0116-05
BOARD OF BEHAVIORAL SCIENCES
 Continuing Education Requirements

This rulemaking increases the number of hours of continuing education which may be earned through self-study courses. The amendment to Title 14, section 1887.2 increases the number of hours permitted from six to nine for initial licensees before a licensee’s first license renewal. The amendment to Title 14 section 1887.3 increases the number of hours permitted from twelve to eighteen for subsequent license renewal periods.

Title 16
 California Code of Regulations
 AMEND: 1887.2, 1887.3
 Filed 02/19/2008
 Effective 03/20/2008
 Agency Contact:
 Cassandra Kearney (916) 574-7836

File# 2007-1228-01
DEPARTMENT OF MENTAL HEALTH
 Mental Health Services Act (2)

California voters approved Proposition 63 during the November 2004 General Election. Proposition 63, now known as the Mental Health Services Act (the Act), became effective on January 1, 2005. The Act is intended to expand mental health services to children/youth, adults and older adults who have severe mental illnesses/severe mental disorders and whose service needs are not being met through other funding sources. The Act seeks to establish prevention and early intervention programs as well as to develop innovative programs. Through imposition of a 1% tax on personal income in excess of \$1 million, the Act provides the opportunity for the Department of Mental Health (DMH) to provide increased funding, personnel and other resources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

On December 30, 2005, the Department of Mental Health (DMH) submitted to the Office of Administrative Law (OAL), and the same day OAL filed with the Secretary of State (SOS), an emergency regulatory action which implemented Proposition 63, the Mental Health Services Act. Section 5898 of the Welfare and Institutions Code provides that such regulations, if adopted in 2005, are deemed an emergency, exempt from the review of OAL, and shall remain in effect as emergency regulations for no more than one year. On January 13, 2006, DMH submitted an amendment to these emergency regulations, by way of a new subsection (b) to section 3400, which was approved by OAL and filed with the SOS on January 23, 2006 and subsequently readopted twice. The public hearing on these regulations was conducted on June 5, 2006. On December 29, 2006, DMH replaced those emergency regulations expiring on December 30, 2006 with more extensive emergency regulations that were developed during the rulemaking proceeding. The changes were so extensive that DMH went back out to another 45 day notice and the subsequent public hearing was held on April 16, 2007.

These emergency regulations were readopted on May 1, 2007 and on August 23, 2007. This filing is a certificate of compliance for these emergency regulations.

Title 9

California Code of Regulations

ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.225, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

Filed 02/13/2008

Effective 02/13/2008

Agency Contact: Susan R. Ichiho (916) 654-1393

File# 2007-1231-03

DEPARTMENT OF PUBLIC HEALTH

Digital Radiography

This action specifies the type and amount of training a limited permit X-Ray technician must obtain in order to obtain authorization to perform digital radiography.

Title 17

California Code of Regulations

ADOPT: 30410, 30410.2 AMEND: 30421, 30424, 30445, 30447

Filed 02/14/2008

Effective 03/15/2008

Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2008-0213-01

DEPARTMENT OF PUBLIC HEALTH

Update to List of Reportable Diseases and Conditions

This is a modification of the list of diseases and conditions for which health care providers are required to report to the Department. Modification of this list is filed with the Secretary of State by the Department and submitted to OAL for publication in title 17 of the CCR pursuant to Health and Safety Code section 120130.

Title 17

California Code of Regulations

AMEND: 2500, 2502

Filed 02/13/2008

Effective 02/13/2008

Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2008-0109-01

DEPARTMENT OF REAL ESTATE

Subdivision "As Is" Regulations

This rulemaking requires a new form to be provided to buyers of an existing subdivision interest by the subdivider-seller of the subdivision interest which discloses material information regarding the condition of the unit and other information.

Title 10

California Code of Regulations

ADOPT: 2790.8, 2790.9

Filed 02/14/2008

Effective 03/15/2008

Agency Contact: David B. Seals (916) 227-0789

File# 2008-0205-01

DEPARTMENT OF TRANSPORTATION

Code of Conflict of Interest Amendment

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 21

California Code of Regulations

AMEND: 1575

Filed 02/15/2008

Effective 03/16/2008

Agency Contact: Navtej Bassi (916) 654-2630

File# 2008-0103-01

FISH AND GAME COMMISSION

Sausal Creek Sport Fishing

In this regulatory action, the Fish and Game Commission amends a regulation pertaining to bodies of water with special fishing regulations to provide that Sausal Creek (in Alameda County) and tributaries are closed to all fishing all year.

Title 14

California Code of Regulations

AMEND: 7.50

Filed 02/19/2008

Effective 03/20/2008

Agency Contact: Jon F. Fischer (916) 653-6184

File# 2008-0102-02

FISH AND GAME COMMISSION

Automated License Data System-License Buyer Surcharge

This rulemaking action adds a three percent surcharge to the cost of a fishing or hunting license, tag, permit, reservation, etc., that is purchased through the Automated License Data System (ALDS). The ALDS system is currently in the system-design and piloting

stages and will allow for, among other advantages, point-of-sale printing of licenses at all licensing agent locations and at the Department of Fish and Game and will allow for licensing via telephone and the internet. The surcharge is necessary to finance the ALDS without impacting the Fish and Game Preservation Fund and the activities funded under it.

Title 14
 California Code of Regulations
 ADOPT: 704
 Filed 02/13/2008
 Effective 03/14/2008
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2008-0108-02
OFFICE OF EMERGENCY SERVICES
 T 9, Div. 2, Ch. 4, Article 4, Section 2729.2 and Appendices A I, II, III & B I, II, III

This change without regulatory effect conforms three Office of Emergency Services hazardous materials reporting forms and instructions in title 19 with counterpart forms in title 27, which were changed in December of 2007 by the California Environmental Protection Agency. The forms are used in administration of the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (hereafter "Unified Program"). Forms and instructions must be the same in the Unified Program so that regulated entities use the same forms and follow the same instructions no matter which code they consult or which agency website they use to download forms and instructions from. This action also amends one title 19 regulation which makes reference to the now superseded forms.

Title 19
 California Code of Regulations
 AMEND: Division 2, Chapter 4, Article 4, Section 2729.2 and Appendix A I, II, III and Appendix B I, II, III
 Filed 02/20/2008
 Agency Contact: Brian A. Abeel (916) 845-8510

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN SEPTEMBER 19, 2007 TO
 FEBRUARY 20, 2008**

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

01/29/08 AMEND: 1, 6, 90, and Appendix A (Std. Form 400)

Title 2

01/07/08 AMEND: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81, 1859.106

01/07/08 AMEND: 18531.61

01/03/08 ADOPT: 547.69, 547.70, 547.71
 AMEND: 547.69 renumbered as 547.72, 547.70 renumbered as 547.74, 547.71 renumbered as 547.73

12/26/07 AMEND: div. 8, ch. 54, sec. 54300

12/19/07 ADOPT: 18413

12/18/07 ADOPT: 1859.324.1, 1859.330
 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329

12/17/07 AMEND: 58700

12/17/07 AMEND: 18351

12/13/07 ADOPT: 18531.2

12/13/07 AMEND: 18530.4

12/13/07 AMEND: 18421.2

12/06/07 AMEND: 649, 649.1 (Renumbered to 649.15), 649.1.1 (Renumbered to 649.16), 649.2 (Renumbered to 649.12), 649.3 (Renumbered to 649.24), 649.7 (Renumbered to 649.35), 649.8 (Renumbered to 649.36), 649.9 (Renumbered to 649.7), 649.10 (Renumbered to 649.22), 649.11 (Renumbered to 649.8), 649.12 (Renumbered to 649.9), 649.13 (Renumbered to 649.23), 649.14 (Renumbered to 649.27), 649.15 (Renumbered to 649.11), 649.16 (Renumbered to 649.30), 649.17 (Renumbered to 649.31), 649.18 (Renumbered to 649.26), 649.20, 649.21, 649.22 (Renumbered to 649.10), 649.71 (Renumbered to 649.25), 649.72 (Renumbered to 649.4), 650.1 (Renumbered to 649.6), 651.1 (Renumbered to 649.1), 651.2 (Renumbered to 649.14), 651.3 (Renumbered to 649.13), 651.4 (Renumbered to 649.34), 651.5 (Renumbered to 649.5), 652.1 (Renumbered to 649.39), 652.2

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(Renumbered to 649.40),	653.1	01/25/08	ADOPT: 6445, 6445.5, 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1, 6452, 6452.1, 6452.2, 6452.3(a), 6452.3(b), 6452.3(c), 6452.3(d), 6452.3(e), 6452.3(f), 6452.4, 6536(a), 6536(b)(1-3), 6536(b)(4)
(Renumbered to 649.41),	653.2		
(Renumbered to 649.2),	653.3		
(Renumbered to 649.37),	653.5		
(Renumbered to 649.38),	653.6		
(Renumbered to 649.61),	654.1		
(Renumbered to 649.3),	654.2		
(Renumbered to 649.43),	654.3	01/24/08	AMEND: 1391, 1391.1
(Renumbered to 649.46),	654.4	01/22/08	AMEND: 3591.6
(Renumbered to 649.44),	654.5	01/22/08	AMEND: 3591.6
(Renumbered to 649.45),	654.6	01/22/08	AMEND: 3591.2(a)
(Renumbered to 649.47),	655.1	01/22/08	AMEND: 3591.5(a)
(Renumbered to 649.51),	656.1	01/18/08	AMEND: 3423(b)
(Renumbered to 649.52),	656.2	01/18/08	ADOPT: 3152
(Renumbered to 649.54),	656.3	01/11/08	AMEND: 3406(b)
(Renumbered to 649.55),	656.4	01/10/08	AMEND: 3433(b)
(Renumbered to 649.53),	656.5	01/07/08	AMEND: 1180.3.1
(Renumbered to 649.56),	656.6	12/26/07	AMEND: 3433(b)
(Renumbered to 649.50),	656.7	12/26/07	AMEND: 3963
(Renumbered to 649.58),	656.8	12/21/07	AMEND: 3434(b)
(Renumbered to 649.57),	657.1	12/20/07	ADOPT: 606
(Renumbered to 649.59),	657.2	12/19/07	AMEND: 3700(c)
(Renumbered to 649.60),	657.3	12/19/07	AMEND: 3433(b)
(Renumbered to 649.62)		12/10/07	AMEND: 3406(b)
		12/06/07	AMEND: 3589
10/31/07	ADOPT: 18200	12/03/07	AMEND: 3434(b)
10/30/07	AMEND: 1138.10, 1138.30, 1138.72, 1138.90	11/29/07	AMEND: 3434(b)
10/17/07	ADOPT: 2970	11/29/07	AMEND: 3591.2
10/15/07	ADOPT: 2291, 2292, 2293, 2294, 2295, 2296	11/27/07	AMEND: 3406(b)
10/09/07	AMEND: 1896.98, 1896.99.100, 1896.99.120	11/27/07	AMEND: 3433(b)
10/03/07	ADOPT: 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.163.3, 1859.167 REPEAL: 1859.167.1	11/21/07	AMEND: 3433(b)
10/01/07	ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2	11/16/07	AMEND: 3417(b)
09/24/07	ADOPT: 18420.5	11/15/07	AMEND: 3434
09/24/07	ADOPT: 18361 AMEND: 18360, 18361.7	11/14/07	AMEND: 3589
09/20/07	ADOPT: 18466	11/14/07	AMEND: 3591.20
09/20/07	REPEAL: 18530.9	11/09/07	AMEND: 3434(b)
		11/06/07	AMEND: 3406(b)
		11/01/07	AMEND: 1380.19, 1437.12
		10/29/07	AMEND: 3433(b)
		10/29/07	AMEND: 3406(b)
		10/25/07	AMEND: 3591.20 (a & b)
		10/15/07	AMEND: 3406(b)
		10/03/07	AMEND: 3433(b)
		09/28/07	AMEND: 3434(b)
		09/25/07	AMEND: 3591.2(a)
		09/24/07	ADOPT: 3591.20
		09/19/07	AMEND: 3700(c)
Title 3			
02/11/08	AMEND: 3434(b)		
02/08/08	AMEND: 3591.20		
02/04/08	AMEND: 3434(b)		
01/29/08	AMEND: 3700(c)		
01/28/08	AMEND: 3433(b)		
01/28/08	AMEND: 4500		
		Title 4	
		01/22/08	AMEND: 8070, 8072, 8073

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01/10/08 AMEND: 1632
 12/26/07 AMEND: 12002, 12122, 12202,
 12203.2, 12222
 11/21/07 ADOPT: 12347
 11/09/07 AMEND: 1371
 10/25/07 ADOPT: 1747, 1748
 10/24/07 AMEND: 1486
 09/20/07 AMEND: 1844

Title 5

12/20/07 ADOPT: 1202 AMEND: 1200, 1204,
 1204.5, 1205, 1207, 1207.1, 1207.2,
 1207.5, 1209, 1210, 1211, 1211.5, 1215,
 1215.5, 1216, 1217, 1218, 1219, 1225
 11/19/07 ADOPT: 11981.3, 11984.5, 11984.6,
 11985, 11985.5, 11985.6 AMEND:
 11981 (renumber to 11980), 11982
 (renumber to 11981), 11985 (renumber
 11981.5), 11980 (renumber to 11982),
 11986 (renumber to 11982.5), 11983,
 11983.5, 11984
 11/05/07 ADOPT: 18134
 10/29/07 ADOPT: 24010, 24011, 24012, 24013
 10/24/07 ADOPT: 11996, 11996.1, 11996.2,
 11996.3, 11996.4, 11996.5, 11996.6,
 11996.7, 11996.8, 11996.9, 11996.10,
 11996.11
 10/02/07 AMEND: 80001
 10/01/07 AMEND: 43726
 09/24/07 ADOPT: 17604.1, 17605.1, 17624,
 17630.1, 17638, 17639, 17643, 17644,
 17650 AMEND : 17600, 17601, 17602,
 17603, 17604, 17605, 17606, 17607,
 17608, 17609, 17625, 17626, 17627,
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12/31/07 AMEND: 3650
 12/28/07 AMEND: 1604.24
 12/11/07 ADOPT: 9767.16, 9813.1, 9813.2
 AMEND: 9767.1, 9810, 9811, 9812,
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 12/10/07 ADOPT: 13800
 12/04/07 AMEND: 3214, Figure E-1 of 3231,
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 11/29/07 ADOPT: 33485 AMEND: 32135, 32166,
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11/26/07 ADOPT: 392.4 AMEND: 347, 350.1,
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 11/05/07 AMEND: 4324
 10/31/07 AMEND: 1704
 10/30/07 AMEND: 1532.2, 5203, 5206, 8359
 10/23/07 ADOPT: 3324
 10/10/07 ADOPT: 5349, 5350, 5351, 5352, 5353,
 5354, 5355.1 AMEND: 5355, 5356,
 5357, 5358
 10/10/07 AMEND: 4884
 10/09/07 AMEND: 2320.2
 10/03/07 ADOPT: 3458.1

Title 9

02/13/08 ADOPT: 3100, 3200.010, 3200.020,
 3200.030, 3200.040, 3200.050,
 3200.060, 3200.070, 3200.080,
 3200.090, 3200.100, 3200.110,
 3200.120, 3200.130, 3200.140,
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 3520, 3530, 3530.10, 3530.20, 3530.30,
 3530.40, 3540, 3610, 3615, 3620,
 3620.05, 3620.10, 3630, 3640, 3650
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 3200.050, 3200.060, 3200.070,
 3200.080, 3200.090, 3200.100,
 3200.110, 3200.120, 3200.130,
 3200.140, 3200.150, 3200.160, 3310,
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 12/10/07 AMEND: 13035
 12/06/07 AMEND: 9100

Title 10

02/14/08 ADOPT: 2790.8, 2790.9
 02/11/08 AMEND: 5101
 01/14/08 ADOPT: 2844 AMEND: 2840, 2842
 01/08/08 ADOPT: 2240.5 AMEND: 2240, 2240.1,
 2240.2, 2240.3, 2240.4
 12/27/07 ADOPT: 1436, 1950.314.8
 12/19/07 AMEND: 2698.82(b), 2698.84, 2698.87,
 2698.89.1
 11/30/07 AMEND: 2699.6611
 11/30/07 ADOPT: 2699.6603, 2699.6604
 AMEND: 2699.6603 (renumbered to
 2699.6602), 2699.6605, 2699.6607,
 2699.6608, 2699.6611, 2699.6625
 11/15/07 AMEND: 2498.6
 11/07/07 AMEND: 1409, 1422, 1423

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11/02/07 AMEND: 2498.6
 10/31/07 AMEND: 2318.6, 2353.1
 10/10/07 AMEND: 2498.6
 10/10/07 AMEND: 2218.63(b)
 10/09/07 AMEND: 5.2001
 09/19/07 ADOPT: 2538.1, 2538.2, 2538.3, 2538.4,
 2538.5, 2538.6, 2538.7, 2538.8

Title 11

01/16/08 REPEAL: 1305
 12/19/07 ADOPT: 2021
 12/11/07 AMEND: 300
 12/10/07 AMEND: 1005, 1007, 1008
 10/15/07 AMEND: 1053, 1054, 1055, 1058, 1070
 09/28/07 AMEND: 51.19

Title 13

02/08/08 AMEND: 621, 691, 693, 699
 02/01/08 ADOPT: 1300, 1400, 1401, 1402, 1403,
 1404, 1405 REPEAL: 1300, 1301, 1302,
 1303, 1304, 1304.1, 1305, 1310, 1311,
 1312, 1313, 1314, 1315, 1320, 1321,
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 1353, 1354, 1355, 1356, 1360, 1361,
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 1416, 1417, 1418, 1420, 1421, 1422,
 1423, 1424, 1425 and Article 15 text.
 12/10/07 AMEND: 553.70
 12/05/07 ADOPT: 2166, 2166.1, 2167, 2168,
 2169, 2170, 2171, 2172, 2172.1, 2172.2,
 2172.3, 2172.4, 2172.5, 2172.6, 2172.7,
 2172.8, 2172.9, 2173, 2174 AMEND:
 1956.8, 1958, 1961, 1976, 1978, 2111,
 2122, 2136, 2141, Incorporated Test
 Procedures
 11/09/07 AMEND: 1968.2, 1968.5, 2035, 2037,
 2038
 11/08/07 AMEND: 423.00
 10/23/07 AMEND: 156.00
 10/22/07 AMEND: 1090
 10/17/07 AMEND: 811, 813
 10/16/07 AMEND: 425.01
 10/15/07 AMEND: 2023.1, 2023.3, 2023.4
 10/12/07 AMEND: 1201, 1212, 1212.5, 1213,
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Title 14

02/19/08 AMEND: 7.50

02/13/08 ADOPT: 704
 02/11/08 ADOPT: 787.0, 787.1, 787.2, 787.3,
 787.4, 787.5, 787.6, 787.7, 787.8, 787.9
 01/29/08 ADOPT: 25202, 25203, 25204, 25205,
 25206, 25207, 25208, 25209, 25210,
 25211
 01/28/08 ADOPT: 17987, 17987.1, 17987.2,
 17987.3, 17987.4, 17987.5
 01/17/08 AMEND: 890
 01/10/08 AMEND: 1670
 01/08/08 AMEND: 251.3
 01/04/08 ADOPT: 11970 AMEND: 11900
 12/28/07 AMEND: 1280
 12/27/07 AMEND: 2.25, 2.30, 5.75, 5.86, 5.93,
 5.95, 6.37, 7.50, 8.00, 670.5
 12/26/07 ADOPT: 2990, 2995, 2997 AMEND:
 2125, 2518
 12/26/07 AMEND: 2.00
 12/17/07 AMEND: 17210.2, 17210.4, 17855.2,
 17862, 17867
 12/17/07 AMEND: 632
 12/14/07 ADOPT: 700.4, 700.5 AMEND: 1.74,
 29.15, 116, 300, 551, 705
 11/29/07 ADOPT: 916.9.1, 936.9.1, 916.9.2,
 936.9.2, 916.11.1, 936.11.1, 923.9.1,
 943.9.1, 923.9.2, 943.9.2 AMEND:
 859.1, 916.9, 936.9, 956.9, 923.9, 943.9,
 963.9
 11/29/07 AMEND: 895.1, 1052, 1052.1, 1052.4
 11/29/07 ADOPT: 1093, 1093.1, 1093.2, 1093.3,
 1093.4, 1093.6 AMEND: 895, 895.1,
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 11/28/07 AMEND: 163, 164
 11/13/07 AMEND: 1038(i)
 11/07/07 AMEND: 550, 551, 552
 11/05/07 AMEND: 825.05
 10/25/07 AMEND: 502
 10/24/07 AMEND: 895.1, 898, 914.8, 916, 916.2,
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 10/16/07 ADOPT: 1.46, 28.38, 28.41, 28.42
 AMEND: 1.17, 1.59, 27.60, 27.90, 28.59,
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 10/12/07 AMEND: 815.05
 10/09/07 AMEND: 29.85
 09/19/07 AMEND: 502, 509

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10/17/07 Title 14: 18050, 18051, 18060, 18070,
 18072, 18075, 18077, 18078, 18081,
 18104.4, 18105.4, 18105.6, 18209,
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Title 27: 21563, 21615, 21620, 21650, 21680

11/02/07 ADOPT: 4440, 4442, 4444, 4446, 4448, 4450, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484

Title 15

02/04/08 ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792

10/31/07 AMEND: 1707.2
 10/05/07 AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5
 10/04/07 AMEND: 1399.678
 10/01/07 AMEND: 3394.6
 09/20/07 AMEND: 2649

01/23/08 AMEND: 3190, 3191
 01/17/08 AMEND: 2275
 01/08/08 AMEND: 3282
 12/28/07 ADOPT: 3269.1 AMEND: 3005, 3315, 3341.5
 12/18/07 AMEND: 3052, 3054.1
 12/11/07 AMEND: 176
 11/29/07 AMEND: 2600.1
 11/29/07 AMEND: 2616
 10/22/07 REPEAL: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11
 10/18/07 ADOPT: 3486 AMEND: 3482, 3484, 3485
 10/16/07 AMEND: 3000, 3045.2, 3170.1, 3176, 3177, 3815
 10/09/07 ADOPT: 2536.1
 10/01/07 ADOPT: 3075.4 AMEND: 3000

Title 17

02/19/08 AMEND: 70100.1, 70200
 02/14/08 ADOPT: 30410, 30410.2 AMEND: 30421, 30424, 30445, 30447
 02/13/08 AMEND: 2500, 2502
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