



# California Regulatory Notice Register

REGISTER 2009, NO. 31-Z

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JULY 31, 2009

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. BUREAU OF STATE AUDITS**

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 2. DIVISION 10: CALIFORNIA CODE  
OF REGULATIONS  
ADOPT SECTIONS 60800–60828, 60830–60836  
and 60840–60855  
REGARDING THE VOTERS FIRST ACT**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Bureau of State Audits (bureau) is proposing to adopt the following sections in Title 2, Division 10 of the California Code of Regulations: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, and 60855.

A public hearing has been scheduled for Monday, September 14, 2009. The hearing will be held beginning at 10 a.m. at the Secretary of State’s Office, Multi-Purpose Room, located at 1500 11<sup>th</sup> Street, Sacramento, CA 95814. Paid parking is available at this location.

Notice is also given that any interested person or his or her duly authorized representative, may submit written comments relevant to the proposed regulations to:

Daniel Claypool  
Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

All written comments must be received by the bureau no later than 5:00 p.m. on September 14, 2009, the final day of the written comment period, in order for the comments to be considered by the bureau.

Following the written comment period, the bureau may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the bureau adopts the resulting regulations. A request for copies of any modified regulations should be made to the contact person named below. The bureau will accept written comments on any modified regulations for 15 days after the date on which they are first made available to the public.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested in it by section 8546 of the Government Code, and to implement, interpret, or make more specific sections 8252 and 8252.5 of the Government Code and section 2, Article XXI of the California Constitution, the Bureau of State Audits proposes to adopt the regulations identified under the heading Nature of Proceeding above.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**The Voters First Act**

The Voters First Act, approved by the voters in the November 4, 2008 general election as Proposition 11 (the act), requires the State Auditor to initiate an application process for a Citizens Redistricting Commission (commission). The commission, composed of fourteen members, is responsible for redrawing district lines for the Senate, Assembly, and State Board of Equalization based on 2010 census information. To serve as a member of the commission, an applicant must be a registered California voter who has voted in two of the last three statewide general elections and has been continuously registered with the same political party, or no political party, for at least five years immediately prior to selection. Additionally, an applicant cannot have a conflict of interest as defined by the act.

The act requires the State Auditor to select an Applicant Review Panel (panel) that will review the applications of persons wishing to serve on the commission. The State Auditor selects the panel by randomly drawing the names of three auditors from a pool of qualified independent auditors who are licensed by the State Board of Accountancy and have 10 or more years of experience working as an independent auditor.

Under the act, the panel shall evaluate all of the applications submitted, and based on that evaluation, identify a pool of 60 of the most qualified applicants. This pool of 60 applicants must consist of three subpools of 20 applicants each, with one subpool comprised of applicants registered with the state’s largest

political party, another subpool comprised of applicants registered with the state's second largest political party, and a third subpool comprised of applicants not registered with either of the state's two largest political parties. The State Auditor sends a list of the names of the 60 applicants to specified leaders in the Legislature who may strike not more than 8 applicants from each of the subpools. The legislative leaders are then required to return the remaining names to the State Auditor, who randomly draws from the names of applicants not stricken in each of the subpools 3 applicants registered with the largest political party, 3 applicants registered with the second largest political party, and 2 applicants not registered with either of the two largest political parties. These applicants drawn by the State Auditor become the first eight members of the commission, and they select an additional six applicants to serve on the commission from those remaining in the three subpools.

### Proposed Regulations

The act provides few specifics regarding the application process or the work of the panel. To implement the provisions of the act in a way that provides guidance and clarity to potential applicants and to the general public, the bureau proposes a set of regulations to guide the process. As an overview, the proposed regulations will implement provisions of the act related to the following subject areas:

- The creation and operation of the panel.
- The institution of a comprehensive outreach program designed to increase voter awareness of the opportunity to serve on the commission and to increase the likelihood that the pool of applicants will reflect the state's diversity.
- The establishment of an application process including application forms.
- The method for screening applicants to ascertain whether they meet the eligibility requirements for serving on the commission.
- The process for evaluating applicants in order to identify a pool of 60 of the most qualified applicants who will be finalists for selection to the commission.
- The procedure for transmitting a list of the names of the 60 finalists to specified legislative leaders, who may strike up to 24 names from the list.
- The process for randomly drawing eight applicants (3 Democrats, 3 Republicans, and 2 others) to serve as the first eight members of the commission.

### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

### COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

### BUSINESS IMPACT/SMALL BUSINESSES

The bureau has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610 of the Government Code. The determination that this proposal would not affect small businesses is based upon the fact that the proposed regulations implement provisions of the act that address outreach for an application process, the application process itself, and the selection of commission members from those individuals who choose to submit an application. Based on the limited scope of these regulations, the bureau determined that none of the proposed regulations have a significant adverse economic impact on business.

### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The bureau has made an initial determination that this proposed regulatory action 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 IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The bureau 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.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

The bureau held interested persons meetings in five California cities earlier this year.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relating to this proposed action and written comments may be directed to:

Daniel Claypool  
Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 445-0255  
Fax: (916) 323-0913

or

Sharon Brumley  
Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 445-0255  
Fax: (916) 323-0913

INITIAL STATEMENT OF REASONS AND INFORMATION

The bureau has prepared an initial statement of 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 this proposal is based, may be obtained by making a request to the contact person listed above. These documents may also be viewed and downloaded from the bureau's website at [www.bsa.ca.gov](http://www.bsa.ca.gov).

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

All the information upon which the proposed regulations are based is contained in the rulemaking file located at 555 Capitol Mall, Suite 300, Sacramento, CA 95814. The rulemaking file is available for public inspection by making a request to the contact person listed above.

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 listed above.

WEBSITE ACCESS

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

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE: Environmental Protection Agency

A written comment period has been established commencing on **July 31, 2009**, and closing on **September 14, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

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

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



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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than September 14, 2009. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

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

#### EFFECT ON HOUSING COSTS AND BUSINESSES

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

#### AUTHORITY

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

#### REFERENCE

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

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political

Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 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 September 17, 2009,** at 10:00 a.m.  
in Room 358 of the County Administration Center,  
1600 Pacific Highway, San Diego, California 92101.

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 September 17, 2009,** following the Public Meeting,  
in Room 358 of the County Administration Center,  
1600 Pacific Highway, San Diego, California 92101.

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 September 17, 2009,**  
                               following the Public Hearing,  
                               in Room 358 of the County  
                               Administration Center,  
                               1600 Pacific Highway, San  
                               Diego, California 92101.

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 of the California Code of Regulations, as indicated below, at its Public Hearing on **September 17, 2009**.

1. **TITLE 8:**       **CONSTRUCTION SAFETY**  
                               **ORDERS**  
                               Division 1, Chapter 4, Subchapter 4,  
                               Article 7  
                               Section 1549  
                               **Piling Material**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:**       **CONSTRUCTION SAFETY**  
                               **ORDERS**  
                               Division 1, Chapter 4, Subchapter 4,  
                               Article 7  
                               Section 1549  
                               **Piling Material**

**INFORMATIVE DIGEST OF PROPOSED  
 ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking is prompted by the July 16, 2008, decision rendered by the Occupational Safety and Health Appeals Board (OSHA) in its Docket Nos. 06-R4D3-4451 and 4452 regarding Larrabure Framing, Inc. That decision concerned an incident where an employee was seriously injured when approximately 2112 pounds of sheetrock fell from the fourth floor balcony of a building that was being framed. The Division of Occupational Safety and Health cited the employer for violating California Code of Regulations, Title 8, Section 1549(e), but the Administrative Law Judge dismissed the citation, stating that Section 1549(e), by its express terms, applies only to material inside buildings under construction. This rulemaking would add a subsection (h) to Section 1549. This new subsection (h) would concern material that might pose a falling hazard, where the material is in an elevated location, such as a balcony, on the exterior of a building under construction.

**Section 1549. Piling Material.**

This provision of the Construction Safety Orders states several requirements regarding the manner in which material at worksites is to be piled in order to limit injuries that might occur if the material were to fall. Subsection (e) states precautions that are to be taken if such material is inside a building under construction. This proposal would add a new subsection (h) that would provide that material in an elevated location on the exterior of a building under construction shall be positively barricaded, placed or secured in order to prevent the material from falling—the same precautions that must be taken with respect to material that is subject to subsection (e). By requiring that material in potentially dangerous locations on the exterior of buildings under construction be safeguarded in the same manner as material inside such buildings, the proposal will protect employees from the sort of serious injury that was

suffered by the employee whose injury led to the citation in the OSHAB matter.

#### 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 regulation 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 amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation 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 car-

ries 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)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation 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 regulation 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 amendment to this regulation 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 September 11, 2009. 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 September 17, 2009, 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](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals 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 is 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 ALCOHOL AND DRUG PROGRAMS**

**Amend Section 10518 and 10529,  
Repeal Sections 10532 and 10533, and  
Adopt Sections 10700 and 10701,  
Title 9, California Code of Regulations**

**LICENSURE AND CERTIFICATION FEES**

**45-Day Public Notice**

NOTICE IS HEREBY GIVEN that the Department of Alcohol and Drug Programs (ADP) will provide a

45-day public comment period, as required by Government Code (GC) Section 11346.4, to make permanent the subject emergency regulatory changes, which took effect on June 29, 2009.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Department of Alcohol and Drug Programs (ADP) is authorized to license residential alcoholism or drug abuse recovery or treatment facilities pursuant to Chapter 7.5 of the Health and Safety Code (HSC) (commencing with Section 11834.01), as implemented by Chapter 5 (commencing with Section 10500), Title 9 of the California Code of Regulations (CCR). ADP is authorized to certify both residential alcoholism or drug abuse recovery or treatment facilities and outpatient programs pursuant to HSC Chapter 7 (commencing with Section 11830).

Prior to the enactment of Chapter 177 (Senate Bill 84), Statutes of 2007, ADP charged biennial licensure fees to residential for-profit alcoholism or drug abuse recovery or treatment facilities (residential facilities). Residential facilities operating under the auspices of a nonprofit organization or a governmental entity were exempt from paying licensure fees, and ADP did not charge fees for certification. HSC Section 11833.02, added by Chapter 177, requires ADP to charge fees for licensure and certification of all residential facilities and for certification of outpatient programs, regardless of the form of organization or ownership. HSC 11833.04, added by Chapter 177, requires ADP to adopt emergency regulations implementing fees for licensure and certification. As authorized by HSC 11833.04, ADP implemented assessment and collection of licensure and certification fees through ADP Bulletin 07-11 until emergency regulations could be adopted.

On February 18, 2009, ADP complied with the requirements of GC Section 11346.1(a)(2), by mailing out a 5-Day Notice of Emergency Rulemaking, that informed the public of ADP's intention to adopt emergency regulations and provided a public comment period prior to adoption of the emergency regulations. ADP's emergency licensure and certification fee regulations were approved by the Office of Administrative Law, filed with the Secretary of State, and took effect on June 29, 2009. The emergency regulations will remain in effect for 180 days from the date of filing. Prior to the end of that 180-day period, ADP plans to file a certificate of compliance to complete this regulatory action by making the emergency regulations permanent.

This regulatory action amends Sections 10518 and 10529, repeals Sections 10532 and 10533, and adopts Sections 10700 and 10701, Title 9, CCR, to allow ADP to collect licensure and certification fees for residential

facilities and certification fees for outpatient programs. This regulatory action merely codifies in regulation existing policy implemented in 2007 through ADP Bulletin 07-11.

Specifically:

Section 10518 is amended to clarify that “completed application” means an application including fees for licensure.

Section 10529 is amended to correct a cross-reference and to require the licensee to pay a licensing fee in order to re-apply for licensure if he/she has voluntarily relinquished his/her license.

Section 10532 and Section 10533 are repealed because they no longer comply with HSC Section 11833.02.

Section 10700 is adopted to state that the purpose of new Chapter 5.5 (commencing with Section 10700) shall be to implement a process for implementing licensure and/or certification fees for outpatient and residential alcoholism or drug abuse recovery or treatment facilities.

Section 10701 is adopted to specify the amount of licensure and certification fees for residential facilities and certification fees for outpatient programs.

#### STATUTORY AUTHORITY AND REFERENCE CITATIONS

The statutory authority for these regulatory changes is HSC Section 11755.

The statutory references for this regulatory action are HSC Sections 11833.01, 11833.02, 11833.03, 11833.04, 11834.03, 11831.2, and 11831.5.

#### FISCAL IMPACT STATEMENTS

Anticipated costs or savings to federal funding to the state:

None, because no federal funding is involved and this regulatory action merely codifies existing policy into regulation.

Anticipated costs or savings to state agencies:

None, because this regulatory action merely codifies existing policy into regulation.

Anticipated costs or savings to county or local government:

None, because this regulatory action merely codifies existing policy into regulation.

Anticipated fiscal or economic impact on business:

None, because this regulatory action merely codifies existing policy into regulation. Any costs result from the statutory changes to the HSC enacted by Chapter 177 rather than from this regulatory action.

ADP has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Because this regulatory action merely codifies existing policy, this regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Anticipated fiscal or economic impact on small businesses:

This regulatory action will impact small businesses, since most outpatient programs and residential alcoholism or drug abuse recovery or treatment facilities are small businesses. However this regulatory action will not result in any negative impact or cost to small businesses because it merely codifies existing policy in regulation.

Impact on representative private persons or businesses:

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

Mandate on local agencies and school districts:

None. ADP has determined that this rulemaking action will not impose any new mandates on school districts or other local governmental agencies which must be reimbursed by the State pursuant to Government Code Sections 17500 through 17630.

Other non-discretionary costs or savings imposed upon local agencies or school districts:

None.

Impact on housing costs:

ADP does not anticipate that this regulatory action will impact housing costs in any way.

#### WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action during the **45-day written public comment period that begins on the date of this notice and closes at 5 p.m. on September 14, 2009**. Please submit any written comments before that time. ADP cannot accept written comments after the close of the public comment period. Please send written comments directly to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by e-mail at <http://www.mconway@adp.ca.gov>, or by fax at (916) 327-6947.

**SCOPE OF TESTIMONY**

ADP may make additional changes to the text of noticed regulations only if the additional changes are so sufficiently related to the text of the noticed regulation that the public was adequately placed on notice that the additional changes could result from the originally proposed regulatory action. So that ADP may consider your comments, please limit your comments to only the regulatory changes discussed in this notice. Please indicate the number of the section of regulation you would like changed, the specific change requested, and the reason why you would like the section changed. Although ADP may not make any additional changes outside the scope of this notice as part of this regulatory action, ADP will consider any changes outside the scope of this notice in a separate regulatory action.

**PUBLIC HEARING**

ADP has not scheduled a public hearing on the proposed regulatory action, because written comments are given the same consideration as oral testimony. However, ADP will schedule a public hearing for submission of oral testimony if requested to do so. If you want to request a public hearing, please submit your written request for hearing to ADP at the e-mail address or street address shown above no later than 15 days prior to the close of the written comment period specified in this notice.

**CONSIDERATION OF ALTERNATIVES**

Pursuant to GC Section 11346.5(a)(13), ADP must determine that no reasonable alternative considered by ADP or that has otherwise been identified and brought to the attention of ADP would be more effective in carrying out the purpose for which this regulatory action was taken. ADP must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. ADP will consider any alternatives presented during the public comment period.

**ADDITIONAL CHANGES**

ADP will make the full text of any regulation, which is changed or modified from the express terms of this notice, available to any interested persons for at least 15 days prior to the date on which ADP adopts, amends, or repeals the resulting regulation. ADP will mail a copy of any additional changes to any person who submitted written comments during the 45-day public comment period, provided oral testimony at the public hearing (if

one is requested), or requested copies of additional changes. If you do not plan to submit written comments or provide oral testimony regarding the proposed regulatory action, you may request a copy of any additional changes by contacting Mary Conway by phone at (916) 327-4742, or by e-mail at [http://www.mconway@adp.ca.gov](mailto:www.mconway@adp.ca.gov), or by mail at the address shown under the written comment portion of this notice.

**AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS**

If you received this notice by mail or e-mail, the full text of the regulatory changes discussed in this notice and written in plain English; an initial statement of reasons explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based are attached. Those documents are also available on ADP's web site at <http://www.adp.ca.gov>. You may also request a copy by contacting Mary Conway by telephone at (916) 327-4742, by e-mail at [http://www.mconway@adp.ca.gov](mailto:www.mconway@adp.ca.gov), or by mail at the address shown under the written comment portion of this notice.

**PERSON TO CONTACT FOR ADDITIONAL INFORMATION**

If you have questions about the regulatory changes discussed in this notice, please call ADP's contact for this regulation package, Cathy Sorenson, at (916) 322-4251. The back-up contact is Joan Robbins at (916) 324-3084.

**FINAL STATEMENT OF REASONS**

After the close of the 45-day public comment period, ADP will summarize and respond to all public comments in a written final statement of reasons. ADP will post the final statement of reasons on its web site at <http://www.adp.ca.gov>.

**TITLE 18. FRANCHISE TAX BOARD**

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

However, if a public hearing is requested, it will be held at 10:00 a.m., on Monday, September 21, 2009, at 9646 Butterfield Way, Town Center Golden State Room A, Sacramento, California, to consider the adoption of Regulation 24451 under Title 18 of the California Code of Regulations, pertaining to the applicability of federal



regulations related to limitations on certain built-in losses following an ownership change; force and effect of IRS Notice 2008-83, exempting banks from limitation.

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

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

#### WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., September 21, 2009. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

#### AUTHORITY & REFERENCE

Section 19503 of the Revenue and Taxation Code authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001) of the Revenue and Taxation Code. Sections 17024.5, subdivision (d), and 23051.5, subdivision (d), of the Revenue and Taxation Code provide that temporary or final regulations promulgated by the Secretary of the Treasury that relate to provisions of the Internal Revenue Code that have been incorporated into California law shall apply as regulations under Part 10 or Part 11 to the extent they do not conflict with Part 10 or Part 11 or with regulations issued by the Franchise Tax Board. The proposed regulatory action will implement, interpret, and make specific the proposed adoption of section 24451 of the Revenue and Taxation Code.

#### INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The Franchise Tax Board proposes to adopt California Code of Regulations, title 18, section 24451. The proposed regulation will clarify FTB's position regarding the force and effect of IRS Notice 2008-83, relating to banks and net operating and built-in loss limitations following an ownership change.

California law generally follows federal law under Internal Revenue Code (IRC) section 382. In October of 2008, the Treasury Department issued Notice 2008-83,

making IRC section 382 limitations on loss carryovers (including any deduction for a reasonable addition to a reserve for bad debts) in change of ownership circumstances inapplicable to banks. As further discussed in the initial statement of reasons, this federal Notice is inconsistent with the legislative intent behind IRC section 382 and is beyond the scope of Treasury's authority. As a result, FTB is issuing proposed Regulation section 24451 in order to clarify its position that IRS Notice 2008-83 is inapplicable for California purposes as if it had never been issued by the Secretary of the Treasury.

#### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

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

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

Significant effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: The regulation pertains only to banks, as defined under federal tax law, that are in the business of receiving deposits and making loans and discounts, and that are subject by law to supervision and examination by state, territorial, or federal authority having supervision over banking institutions. As a result, the regulation has no impact on small business.

Significant effect on housing costs: None.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no alternative considered by it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burden-

some to affected private persons than the proposed regulatory action. In addition, the proposed regulatory action pertains to banks and therefore does not affect private persons.

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

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

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

#### CHANGE OR MODIFICATION OF ACTIONS

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

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

#### ADDITIONAL COMMENTS

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

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

#### CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise

Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: [colleen.berwick@ftb.ca.gov](mailto:colleen.berwick@ftb.ca.gov). In addition, all questions on the substance of the proposed regulations can be directed to Jenna Mayfield at Telephone (916) 845-7965 or Email [jenna.mayfield@ftb.ca.gov](mailto:jenna.mayfield@ftb.ca.gov) or to Irina Iskander Krasavtseva at Telephone (916) 845-7469 or Email [irina.krasavtseva@ftb.ca.gov](mailto:irina.krasavtseva@ftb.ca.gov). The notice, initial statement of reasons and express terms of the regulation are also available at the Franchise Tax Board's website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

### TITLE 25. CALIFORNIA HOUSING FINANCE AGENCY

#### NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA HOUSING FINANCE AGENCY

[Notice published July 31, 2009]

NOTICE IS HEREBY GIVEN that the California Housing Finance Agency ("Agency") intends to amend its Conflict of Interest Code pursuant to Government Code Sections 87300-87302 and 87306. Pursuant to Government Code Section 87302, the Conflict of Interest Code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

The Agency is amending its Conflict of Interest Code to: (1) modify provisions of the code; (2) revise disclosure categories; (3) include new positions as designated employees; (4) revise the titles of existing positions; and, (5) delete titles of positions that have been reclassified, are not being utilized by the Agency, or are no longer "designated employees."

A written comment period has been established commencing on July 31, 2009 and ending on September 29, 2009. Any interested person may present written comments concerning the proposed amendments to the Conflict of Interest Code no later than September 29, 2009 to Misty Miller, Housing Finance Specialist, Regulations Coordinator, California Housing Finance Agency, 1415 L Street, Suite 500, Sacramento, California 95814; [mmiller@calhfa.ca.gov](mailto:mmiller@calhfa.ca.gov); (916) 445-0178 (direct dial); (916) 322-3151 (fax). No public hearing on the matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.



The Agency has prepared a written explanation of the reasons for the proposed amendments and has available all of the information upon which its proposal is based. Copies of the proposed amendment, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting Misty Miller at the address, email, phone or fax number shown above.

The Agency has determined that the adoption of the proposed amendments will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Agency has determined that no alternative considered by the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE MPP. DEPARTMENT OF SOCIAL SERVICES**

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

ITEM# AB 1808 Homelessness Eligibility Requirements

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

September 16, 2009  
Office Building # 8  
744 P St. Room 105  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 16, 2009.

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

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

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

**CONTACT**

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

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

**CHAPTERS**

Manual of Policies and Procedures (MPP), Division 44 (Standards of Assistance), chapter 44-200 (AU Composition and Need), Section 44-211 (Special Needs in CalWORKs).

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

These proposed regulations amend specific provisions and adopt new language in the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) that regulate Special Needs of the

California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance Program (HAP).

Assembly Bill (AB) 1808, Section 31.1 and 31.2 (Chapter 75, Statutes of 2006) amended the CalWORKs Homeless Assistance Program. Under the new provisions, the total maximum daily rate for the temporary HA is increased from \$40 per day to \$65 per day for families of four or fewer and \$15 per day for each additional family member up to a maximum of \$125 daily. Homelessness criteria are expanded to include families who receive a notice to pay rent or quit. The rent threshold for permanent HA is changed from 80 percent of the maximum aid payment level to 80 percent of the total monthly household income (TMHI). Permanent HA is available to pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the TMHI.

AB 1808 also result in two types of permanent HA payments, one that helps homeless families secure a permanent residence and a new type of permanent HA payment that would prevent eviction. Receipt of either of these two permanent HA payments would constitute an AU's once-in-a-lifetime payment.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: \$1.723 million in funds have been budgeted in the 2008–09 appropriation, no further funds will be needed as cost are now reflected in caseload and expenditure trends.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: \$0.310 million in funds have been budgeted in the 2008–09 appropriation, no further funds will be needed as costs are now reflected in caseload and expenditure trends.
4. Federal Funding to State Agencies: \$15.341 million in funds have been budgeted in the 2008–09 appropriation, no further funds will be needed as costs are now reflected in caseload and expenditure trends.

#### LOCAL MANDATE STATEMENT

The regulations do impose a mandate upon local agencies, but not upon school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code because there is no esti-

mated increase in local costs associated with the implementation of these regulations.

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

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

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

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

#### SMALL BUSINESS IMPACT STATEMENT

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

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

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

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

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

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, 10604, 11209, and

11450(g) of the Welfare and Institutions Code. Subject regulations implement and make specific Section 11450(f)(2)(A)(i), and (B), Welfare and Institutions Code, AB 1808, Section 31.1 and 31.2 (Chapter 75, Statutes of 2006).

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

Contact Person: Sue Tognet (916) 657-2586  
Backup: Sandra Ortega (916) 657-2586

**GENERAL PUBLIC INTEREST**

**BOARD OF EDUCATION**

**Correction to Notice Previously Published on July  
24, 2009 (Register 2009, No. 30-Z)**

The Board of Education published a Notice of Proposed Action in the July 24, 2009 edition of the California Regulatory Notice Register (Register 2009, No. 30-Z, p. 1148) concerning the California High School Exit Examination (CAHSEE).

Due to an inadvertent error, the findings under the "Disclosures Regarding the Proposed Regulation" are incorrect. Below is the complete notice with the corrected disclosure statements. All other aspects of the notice are the same as what was published last week. If you have any questions, please call the agency contact person below.

**NOTICE OF PROPOSED RULEMAKING**

**AMENDMENTS TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 5 REGARDING  
CALIFORNIA HIGH SCHOOL EXIT  
EXAMINATION (CAHSEE)**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at **10:30 a.m. on September 8, 2009**, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. 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 SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) to 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on September 8, 2009**.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.  
Reference: Sections 37252, 37254, 52052, 52504, 56365, 60850, 60851, 60852.4, 60855 and 60900, Education Code; 20 U.S.C. Sections 1232g and 6311; 7 C.F.R. Sections 245.2, 245.3 and 245.6; and 34 C.F.R. Section 99.3.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

*California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 6, for the CAHSEE serves to guide local educational agencies (LEAs) in administering the CAHSEE and reporting of student demographic data to the State.*

*Education Code Section 60850 authorized the CAHSEE to be developed in accordance with SBE-adopted content standards in language arts and mathematics. The CAHSEE was developed based on recommendations of the High School Exit Examination Standards Panel, whose members were appointed by the State Superintendent of Public Instruction and approved by the SBE. Currently, the CAHSEE serves as both a state graduation requirement and is used in calculating the Academic Performance Index for state accountability purposes and Adequate Yearly Progress to meet federal No Child Left Behind requirements.*

The CDE proposes amendments to the *California Code of Regulations, Title 5*, for the CAHSEE in response to changes in the Budget Acts of 2007 and 2008, needs that have arisen during the administration of the CAHSEE, and a need to clarify existing regulatory language. The key purposes of the proposed amendments are as follows:

- Add new definitions for “accommodation,” “modification,” “nonpublic school,” “RFEP,” and “translator.”
- Revise definitions of “scribe,” “test examiner,” and “test proctor” to clarify these terms and ensure security of test materials.
- Revise definition of “school district” to include statewide benefit charters.
- Amend the number of opportunities that grade twelve students may take the CAHSEE to align with changes in the Budget Acts of 2007 and 2008, increasing the number of opportunities grade twelve students can take the CAHSEE from three to five.
- Clarify language to improve the accuracy of data collected in the following areas: eligibility for the National School Lunch Program (NSLP), race and ethnicity, reclassification to fluent English proficient (RFEP), and district and county of residence for students with individualized education programs (IEPs).
- Delete section 1207.2 regarding the collection of data pertaining to exemptions from the CAHSEE requirement in response to the expiration of legislation that allowed exemptions.
- Clarify language regarding the reporting of data to ensure student confidentiality.

- Add translators to the list of personnel required to sign a security affidavit and receive training in administering the CAHSEE to ensure the security of the examination.
- Refine language describing variations, accommodations, and modifications to respond to the needs of students taking the exam and to ensure consistency in the administration of the CAHSEE.

DISCLOSURES REGARDING THE  
PROPOSED REGULATION

*The SBE has made the following initial determinations:*

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

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

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

Cost or savings in federal funding to the state: None

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

Cost impacts on a representative private person or businesses: The SBE 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.

Effect on housing costs: None

Effect on small businesses: The proposed amendments to the regulations do not affect small businesses because the regulations apply only to schools and school districts and not to business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.



**CONTACT PERSONS**

Inquiries concerning the content of this regulation may be directed to:

Bonnie Galloway, Education Programs Consultant  
CAHSEE Office  
California Department of Education  
1430 N Street, Suite 5408  
Sacramento, CA 95814  
Telephone: 916-445-9449  
E-mail: [bgalloway@cde.ca.gov](mailto:bgalloway@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

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

**TEXT OF PROPOSED REGULATION AND  
CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/tr>.

**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 Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

**REASONABLE ACCOMMODATION FOR ANY  
INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request as-

sistance by contacting Bonnie Galloway, Education Programs Consultant, CAHSEE Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-445-9449. It is recommended that assistance be requested at least two weeks prior to the hearing.

**DEPARTMENT OF FISH AND GAME**

**CALIFORNIA DEPARTMENT OF FISH  
AND GAME**

**CONSISTENCY DETERMINATION**

Fish and Game Code Section 2080.1

CESA Tracking No. 2080-2009-009-02

**PROJECT:** Department of Water Resources 2009 Drought Water Bank Program

**LOCATION:** Sacramento Valley in portions of Glenn, Butte, Yuba, Sutter, Colusa, and Yolo Counties

**NOTIFIER:** Lester A. Snow, Director, California Department of Water Resources

**BACKGROUND**

On February 27, 2009, Governor Arnold Schwarzenegger issued a Proclamation of a State of Emergency in response to the third consecutive year of drought in California. A key component of this Proclamation was direction from the Governor to facilitate implementation of water transfers under the 2009 Drought Water Bank Program (Water Bank). The Water Bank, initially instituted under a previous Executive Order and Emergency Proclamation in the fall of 2008, is aimed at alleviating water shortages to users south of the Sacramento-San Joaquin Delta (Delta) through the transfer of water that would normally be available for crop production (primarily rice) from areas north of the Delta. In 2009, water would be made available through the idling of crops in portions of Glenn, Butte, Colusa, Yuba, Sutter and Yolo counties.

To implement the Water Bank, the Department of Water Resources (DWR) will purchase water from willing sellers upstream of the Delta to be conveyed via State Water Project (SWP) or Central Valley Project (CVP) facilities, to water users south of the Delta. Water will be purchased from SWP contractors, CVP contractors and other willing water supply entities. Water acquired by DWR for the Water Bank will then be available for purchase by public and private water suppliers, based on needs criteria developed by DWR. Water Bank water will be allocated by DWR in accordance with priority of need, with health and safety considerations taking precedence. Under critically dry conditions DWR will use the following priorities for allocating water to buyers:



- Health and safety needs, including indoor residential and institutional and emergency uses;
- Preservation of existing high-value assets such as survival of existing permanent crops (trees and vines that have been irrigated during each of the last 3 years); minimum deliveries to existing commercial and industrial customers;
- Deliveries sufficient to meet up to 60 percent of existing normal urban demands; deliveries sufficient to meet up to 25 percent of existing normal agricultural demands.

The 2009 Water Bank would make available up to 370,935 acre-feet of water through crop idling, crop substitution, ground water substitution, and reservoir re-operation. Achieving this goal will result in the idling of up to 55,571 acres of rice land which has the potential to affect giant garter snake (*Thamnophis couchi gigas*) (GGS) through the removal (idling for one year) of an agriculture-based habitat (rice) where this species is known to occur. GGS is listed as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.).

Because the Water Bank has the potential to impact a species listed under ESA, DWR, in cooperation with U.S. Bureau of Reclamation (Bureau), consulted with the U.S. Fish and Wildlife Service (Service) as required by ESA under Section 7 of the ESA. On April 14, 2009, the Service issued a Biological Opinion (Ref. No. 81420-2008-F-1596-1) (BO), which describes the Project, including conservation measures developed to minimize impacts to GGS and its habitat.

On June 8, 2009, the Director of the Department of Fish and Game (DFG) received correspondence from the Director of the Department of Water Resources, requesting a determination pursuant to section 2080.1 of the Fish and Game Code that the BO, including its incidental take statement (ITS), is consistent with CESA. In its request, DWR provided clarification that although the BO analyzes the effect of idling up to 55,571 acres of rice land, the Water Bank Program for 2009 will implement idling on less than 7,000 acres, which is about 2 percent of the 10-year average of rice grown in the Sacramento Valley. However, this consistency determination is based on the language provided in the BO.

#### DETERMINATION

DFG has determined that the BO dated April 14, 2009, including its ITS, is consistent with CESA because the provisions therein meet the conditions set forth in Fish and Game Code section 2081. DFG con-

curs that the idling of rice acreage, as described in the BO for implementing the Water Bank including implementation of all minimization and avoidance measures, is unlikely to result in the take of GGS as defined under CESA. Accordingly, DFG is not authorizing take in this consistency determination and any unanticipated incidental take as a result of the Water Bank is not authorized by DFG. DFG also finds measures identified in the BO and required by the ITS to minimize any potential impacts to the GGS, that implementation of the Water Bank will not jeopardize the continued existence of the species.

Avoidance and minimization measures required in the BO, and agreed to by DWR include, but are not limited to, the following:

#### Summary of Giant Garter Snake Avoidance and Minimization Measures

The following measures will be incorporated into contracts between DWR and the water seller. As part of each contract, DWR will have access to the land to verify how the water transfer is being made available and to verify that the required actions to protect the GGS are being implemented.

1. The water seller will maintain a depth of at least two feet of water in major irrigation and drainage canals to provide movement corridors.
2. Water will not be purchased from a field idled during the two previous years.
3. Water transfer actions will be limited so that no more than 20 percent of rice fields are idled in any one county.
4. Idled parcels will be no more than 320 acres in size.
5. Idled parcels will be distributed across the landscape in a checkerboard pattern (idled parcels will not be adjacent to each other). The 320 acre blocks will not be located on opposite sides of a canal or waterway and will not be immediately adjacent to another idled parcel.
6. Idled parcels will not include lands between refuges that serve as corridors: lands adjacent to Hunters and Logan Creeks between Sacramento and Delevan National Wildlife Refuges (NWRs), the Colusa Basin Drainage canal between Delevan and Colusa NWRs, and Butte Creek between Upper Butte Basin Wildlife Area and Gray Lodge Wildlife Area.
7. Idled parcels will not include lands adjacent to Butte Creek, or the Colusa Basin Drainage Canal, Gilsizer Slough, the land side of the Toe Drain along the Sutter Bypass, Willow Slough and Willow Slough Bypass in Yolo County, and lands in the Natomas Basin.

8. Reclamation and DWR will provide a map(s) to USF&WS showing the parcels of rice land that are idled for the purpose of transferring water to the Water Bank. Although not a requirement of the BO, the DFG requests a copy of any maps that are produced.
9. Sellers will implement GGS best management practices including educating all district personnel to recognize and avoid contact with GGS, cleaning only one side of a conveyance channel per year, providing rock-basking habitat in the system's water prisms, and raising flail mower blades to at least 6 inches above the canal operation and maintenance road surfaces.
10. As part of a Giant Garter Snake Baseline Monitoring and Research Strategy (Monitoring Strategy) for the development of a Giant Garter Snake Conservation Strategy, DWR and the Bureau are proposing research goals to help quantify and evaluate the response of the GGS to rice land idling. The overall goal of the Monitoring Strategy is to develop actions that will contribute to the recovery of giant garter snake population in the Sacramento Valley.

As part of their participation in the Water Bank, DWR has prepared a Giant Garter Snake Baseline Monitoring and Research Strategy. It is the goal of this Monitoring Strategy to provide significant contributions toward the development of a Giant Garter Snake Conservation Strategy for the Sacramento Valley. The Monitoring Strategy has been reviewed and authorized by State and federal agencies and GGS experts. Monitoring and research will be the primary tools to gather information on giant garter snake distribution, life history, and ecology. Monitoring will be designed to assess population structure, distribution, and movement within the Sacramento Valley and determine the existing (baseline) population of study sites and will incorporate the goal of including wet, dry, and normal hydrologic years.

Broad monitoring and research goals include:

1. Developing and implementing a monitoring plan for giant garter snake populations in the Sacramento Valley;
2. Monitoring GGS populations for a minimum of ten years (subject to appropriations) using multiple survey methods (e.g., trapping, hand captures, and mark-recapture);
3. Developing and implementing a radio-telemetry study for a minimum of five years; using radio-telemetry and mark-recapture to study habitat use and selection mortality rates, response to crop idling, and use of rice lands for a minimum of five years; and,

4. Gathering enough data to make recommendations to minimize the effects of crop idling practices on the GGS and making general conservation recommendations to the California Rice Industry Association to update their 1995 publication *Managing Ricelands for Giant Garter Snakes*.

Specific research goals include:

1. Quantifying and evaluating the response (e.g., movement patterns and survival) of giant garter snakes to changes in habitat conditions and landscape cropping patterns;
2. Quantifying and evaluating the response of GGS to crop idling including a specific experimental design to evaluate different block sizes and landscape patterns;
3. Examining the relationship of GGS habitat use in relation to habitat availability and surrounding land use using GIS technologies;
4. Quantifying GGS survival and population fecundity in relation to changing environmental and habitat conditions and identifying variables that may be important correlates of survival and fecundity;
5. Quantifying a minimum size for buffer zones between idled rice fields and suitable habitat; and,
6. Developing recommendations for adaptive management of giant garter snakes in relation to water transfers.

#### REPORTING

DWR shall submit the monthly compliance report required under the BO to DFG's North Central Region Office, Attn: Regional Manager, 1701 Nimbus Road, Rancho Cordova, CA 95670, at the same time it is submitted to the Bureau and the Service. This report shall detail the following:

1. Total acreage affected and the location where the following occurred;
2. Confirmation that acreage fallowed conformed to the checkerboard pattern;
3. Confirmation that buffer zones have been complied with;
4. Confirmation that water levels are being maintained in ditches around affected fields;
5. An explanation of failure to meet such measures, if any; and,
6. Any other pertinent information

DWR shall carry out Water Bank activities as described in the BO, and comply with the minimization measures, and other conditions described in the BO and ITS. However, if the Service amends or replaces the BO, this consistency determination shall have no force

or effect. Any activity that may result in take of listed species under CESA will require compliance with CESA.

## DEPARTMENT OF FISH AND GAME

Department of Fish and Game —  
Public Interest Notice  
For Publication July 31, 2009  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES

Presence/Absence Surveys for Limestone Salamander

The Department of Fish and Game (“Department”) received a proposal in July 2009 from Michael L. Sutton, requesting authorization to conduct presence/absence surveys for the limestone salamander (*Hydromantes brunus*), a Fully Protected amphibian, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to search for a protected species of amphibian. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

With cooperation from the Bureau of Land Management (BLM), Folsom Field Office, Mr. Sutton is planning to survey for limestone salamanders in Merced and Mariposa Counties. If the limestone salamander is encountered at any sites, Mr. Sutton would note the number of individuals, the developmental stage, and the sex of the individuals based on external physical characteristics. No marking or tissue sampling would be conducted on the individuals. The survey technique would involve carefully searching under surface objects, such as rocks and logs, to locate limestone salamanders. The techniques that Mr. Sutton is proposing are commonplace in field biology, and no adverse effects on individuals or populations are anticipated. Data obtained from these surveys will be used to assess the effects of the Telegraph Fire (Summer 2008) on limestone salamander populations and to further the goals outlined in the BLM’s Management Plan for the Limestone Salamander.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) or other special permit that would authorize the applicant to carry out the proposed activities. Additional locations and/or methods may be authorized by the Department for future projects.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected amphibians after 30 days notice has

been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibians, it would issue the authorization on or after August 31, 2009, for an initial term of two years. Contact: Wildlife Branch, Nongame Wildlife Program, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Betsy Bolster.

## DEPARTMENT OF HEALTH CARE SERVICES

### NOTICE OF GENERAL PUBLIC INTEREST

#### PROPOSED RATE CHANGES FOR LONG TERM CARE PROVIDERS EFFECTIVE AUGUST 1, 2009

This notice is to provide information of public interest with respect to a proposal to maintain Medi-Cal rates in effect March 1, 2009, for the classes of providers identified below. The proposed legislation would continue the level of reimbursement in effect for 2009–10, and each year thereafter, at the rates applicable to those classes of providers for the 2008–09 rate year. The proposed legislation would apply to the following classes of providers:

- Nursing Facilities — Level A (NF–A)
- Intermediate Care Facilities for the Developmentally Disabled (including Habilitative and Nursing)
- Skilled Nursing Facilities that are Distinct Parts of General Acute Care Hospitals
- Rural Swing Bed Facilities
- Subacute Care Units, that are, or are parts of, Distinct Parts of General Acute Care Hospitals
- Pediatric Subacute Care Units that are, or are part of, Distinct Parts of General Acute Care Hospitals
- Freestanding pediatric subacute care units
- Adult Day Health Care Centers

The proposed legislation would, in effect, “freeze” Medi-Cal reimbursement rates, and is subject to any pending judicial determination regarding the level of the rates in effect for the 2008–09 rate year, made by any state, federal or appellate court that is final and is not further appealed.

### PUBLIC REVIEW AND COMMENTS

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice is

available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing, to

Ms. Sandy Yien, Chief  
Long Term Care Reimbursement Unit  
Medi-Cal Benefits, Waiver Analysis, and Rates Division  
Department of Health Care Services, MS 4612,  
P.O. Box 997413,  
Sacramento, CA 95899-7413

Written comments concerning the proposal may be mailed to Ms. Yien at the above address and must be received on or before September 15, 2009.

**DEPARTMENT OF HEALTH CARE SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**RATE METHODOLOGY CHANGES FOR FREESTANDING SKILLED NURSING FACILITIES AND FREESTANDING ADULT SUBACUTE FACILITIES**

The California legislature is considering several proposals that would reduce reimbursement paid to Free Standing Skilled Nursing Facilities Level B (FS/NF-Bs) and Free Standing Subacute Nursing Facilities Level B (FSSA/NF-Bs). Additionally, the Legislature is also considering increasing the amount of the Quality Assurance Fee (QAF) to be paid by facilities beginning August 1, 2009.

Welfare and Institutions Code section 14126.033, subdivision (a)(2)(D), currently provides for a maximum annual increase in the weighted average Medi-Cal reimbursement rate of no more than 5 percent of the weighted average Medi-Cal reimbursement rate for the prior fiscal year. The proposed legislation would continue the level of reimbursement in effect for 2008-09 for rate years 2009-10 and 2010-11. Alternatively, the legislation would allow an annual increase of up to 2.5 percent in the weighted average Medi-Cal reimbursement rate for rate years 2009-10 and 2010-11.

Health and Safety Code section 1324.20, subdivision (c)(1), exempts Medicare revenue from calculating the QAF. Under the proposed legislation, Medicare revenue received for routine and ancillary services and Medicare revenue received for services provided to residents under a Medicare managed care plan, would be subject to the QAF. The inclusion of Medicare revenue would be effective for rate years 2009-10 and 2010-11.

Health and Safety Code section 1324.20, subdivision(a), identifies Continuing Care Retirement Communities (including Multi-Level Retirement Communities), as exempt from paying the QAF. Proposed legislation would eliminate this exemption and would require the facilities to pay the QAF and their revenues would be subject to the QAF. The inclusion of Continuing Care Retirement Communities (including Multi-Level Retirement Communities) revenues would be in effect for rate years 2009-10 and 2010-11,

**PUBLIC REVIEW AND COMMENTS**

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code and Health and Safety Code to make the changes described in this notice is available for public review at local county welfare offices throughout the State. A copy of the detailed description may also be requested, in writing, from:

**Mr. John McCraw, Chief**  
**Long Term Care System Development Unit**  
**Medi-Cal Benefits, Waiver Analysis, and Rates Division, MS 4612**  
**Department of Health Care Services**  
**P.O. Box 997413**  
**Sacramento, CA 95899-7413**

Written comments concerning the proposal may be mailed to Mr. McCraw at the above address and must be received on or before September 15, 2009.

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**California Environmental Protection Agency**  
**Office of Environmental Health**  
**Hazard Assessment**  
**Notice to Interested Parties**

**July 31, 2009**

**ANNOUNCEMENT OF RESCHEDULED PUBLIC WORKSHOP**

**Proposed Public Health Goal for Trihalomethanes in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is hereby announcing a rescheduling of the public workshop and extension of the comment period on the proposed Public Health Goal (PHG) for trihalomethanes in drinking water. The draft PHG



document is currently posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) and OEHHA is soliciting comments on it from all interested parties. The public workshop had been scheduled on a Friday which has now been declared a furlough day for the office. The public workshop is therefore rescheduled for August 13, 2009 at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 12, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

Written comments must be received at the OEHHA address below by 5:00 p.m. on August 13, 2009, to be considered during this document revision period. The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHG, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for another 30-day comment period. After any subsequent revisions, the final document will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622–3170 or the address below.

Michael Baes ([mbaes@oehha.ca.gov](mailto:mbaes@oehha.ca.gov))  
 Pesticide and Environmental Toxicology Branch  
 Office of Environmental Health Hazard Assessment  
 California Environmental Protection Agency  
 1515 Clay St., 16<sup>th</sup> floor  
 Oakland, California, 94612

Attention: PHG Project

<sup>1</sup> Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup> Health and Safety Code section 116365(c)

<sup>3</sup> Health and Safety Code section 116365(a) and (b)

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2009–0605–01  
 AIR RESOURCES BOARD  
 Spark–Ignition Marine Engine Regulations

In this rulemaking action, Air Resources Board (Board) made amendments to the California emissions regulations and test procedures that apply to spark–ignition marine engines and boats to provide greater compliance flexibility to the regulated industry, as specified, for meeting California’s emissions standards, and to provide greater alignment with related federal requirements recently adopted by the United States Environmental Protection Agency. The proposed action affects title 13 sections in the California Code of Regulations, amends two incorporated by reference Board test procedures (“California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark–Ignition Marine Engines” and “Procedures for Exemption of Add–On and Modified Parts for Off–Road Categories”), and incorporates by reference applicable test procedures and standards in Society of Automotive Engineers (SAE) publications and the newly adopted Code of Federal Regulations.

Title 13  
 California Code of Regulations  
 AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448  
 Filed 07/17/2009  
 Effective 08/16/2009  
 Agency Contact: Trini Balcazar (916) 445–9564

File# 2009–0616–03  
 CALIFORNIA HORSE RACING BOARD  
 Trifecta/Superfecta

The purpose of this rulemaking is to amend sections 1979 and 1979.1 of Title 4 of the California Code of Regulations. Section 1979 involves Trifectas and this amendment reduces the number of wagering interests



required from six to four. Section 1979.1 is the Superfectas and the number of wagering interests required is being reduced from eight to six. These amendments are designed to make California more competitive and in line with other states when it comes to Trifecta and Superfecta betting.

Title 4  
California Code of Regulations  
AMEND: 1979, 1979.1  
Filed 07/21/2009  
Effective 08/20/2009  
Agency Contact: Harold Coburn (916) 263-6397

File# 2009-0616-02  
CALIFORNIA HORSE RACING BOARD  
Rebates on Wagers

The purpose of this rulemaking is to repeal section 1950.1 of Title 4 of the California Code of Regulations. This section prohibits racing associations or simulcast organizations from entering into any agreements with off-track betting facilities that agree to refund or rebate any considerations based on the face amount of any wagers. This is being repealed to remove the prohibition on offering rebates. Rebates and reward programs have become ubiquitous so the enforcement of this regulation is impossible and also puts California racetracks and simulcast operators at a disadvantage.

Title 4  
California Code of Regulations  
REPEAL: 1950.1  
Filed 07/21/2009  
Effective 08/20/2009  
Agency Contact: Harold Coburn (916) 263-6397

File# 2009-0721-03  
CALIFORNIA STATE UNIVERSITY  
Furloughs

This adoption by The California State University provides for a potential furlough program for non-represented employees in the event of a major debilitating event that significantly impacts the operations of the California State University or a financial crisis. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 43200  
Filed 07/21/2009  
Effective 07/21/2009  
Agency Contact:  
Cassandra M. Andrews (562) 951-4500

File# 2009-0721-05  
CALIFORNIA STATE UNIVERSITY  
Reduction in Pay

This adoption by The California State University provides for the potential reduction in pay for non-represented employees in the event of a major debilitating event that significantly impacts the operations of the California State University or a financial crisis. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 43220  
Filed 07/21/2009  
Effective 07/21/2009  
Agency Contact:  
Cassandra M. Andrews (562) 951-4500

File# 2009-0721-04  
CALIFORNIA STATE UNIVERSITY  
Holidays

This amendment of section 42920 to add a subsection (e) by The California State University provides for the Chancellor to have discretion as to what holidays are paid or unpaid for non-represented, Management Personnel Plan and Executive employees. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
AMEND: 42920  
Filed 07/21/2009  
Effective 07/21/2009  
Agency Contact:  
Cassandra M. Andrews (562) 951-4500

File# 2009-0721-06  
CALIFORNIA STATE UNIVERSITY  
Conferral of Degree Upon Completion of Degree Requirements

This adoption by The California State University allows the president of each campus to preclude a student from enrolling in any additional state-supported courses when the student has met all conditions for a degree but hasn't taken the steps to get the degree. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40411  
Filed 07/21/2009  
Effective 07/21/2009  
Agency Contact:  
Cassandra M. Andrews (562) 951-4500

File# 2009-0716-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action removes a portion, approximately 105 square miles, of the El Cajon area of San Diego County from the area currently under quarantine (approximately 198 square miles) for the Mediterranean fruit fly.

Title 3  
 California Code of Regulations  
 AMEND: 3406(b)  
 Filed 07/22/2009  
 Effective 07/22/2009  
 Agency Contact:  
 Stephen S. Brown (916) 654-1017

File# 2009-0716-03  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Light Brown Apple Moth Eradication Area

This is an emergency regulatory action designating the county of San Luis Obispo as an additional "eradication area" with respect to the light brown apple moth (*Epiphyas postvittana*) due to the detection of the pest in the county and according to the established protocol.

Title 3  
 California Code of Regulations  
 AMEND: 3591.20(a)  
 Filed 07/20/2009  
 Effective 07/20/2009  
 Agency Contact:  
 Stephen S. Brown (916) 654-1017

File# 2009-0716-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Oriental Fruit Fly Eradication Area

The Department of Food and Agriculture (Department) amends section 3591.2(a) of Title 3 of the California Code of Regulations to establish Placer County as an eradication area for the pest *Batrocera dorsalis* (Oriental fruit fly). Amending section 3591.2(a) provides authority for the Department to perform control and eradication activities against the Oriental fruit fly in Placer County to prevent the spread of the fly to non-infested areas thereby protecting California's agricultural industry.

Title 3  
 California Code of Regulations  
 AMEND: 3591.2(a)  
 Filed 07/21/2009  
 Effective 07/21/2009  
 Agency Contact:  
 Stephen S. Brown (916) 654-1017

File# 2009-0720-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 White Striped Fruit Fly

This rulemaking action adds section 3591.23 to Title 3 of the California Code of Regulations and, thereby, establishes Los Angeles County as an eradication area for the White Striped Fruit Fly. The adopted regulation further identifies the host plants, fruits, and soils of the White Striped Fruit Fly and specifies the means and methods authorized for the eradication and control of this pest.

Title 3  
 California Code of Regulations  
 ADOPT: 3591.23  
 Filed 07/22/2009  
 Effective 07/22/2009  
 Agency Contact:  
 Stephen S. Brown (916) 654-1017

File# 2009-0611-02  
 DEPARTMENT OF HEALTH CARE SERVICES  
 Reimbursement for Pathology Services

This filing amends section 51529 of title 22 of the California Code of Regulations to conform with changes necessitated by Welfare and Institutions Code sections 14105.22 and 14105.05(a) and is submitted pursuant to section 100 of title 1 of the California Code of Regulations.

Title 22  
 California Code of Regulations  
 AMEND: 51529  
 Filed 07/22/2009  
 Agency Contact: Ben Carranco (916) 440-7766

File# 2009-0608-04  
 DEPARTMENT OF TOXIC SUBSTANCES  
 CONTROL

CLEAN Loan Programs Regulations

This change without regulatory effect amends nine sections and an Appendix to the Article containing these sections in Title 22 of the California Code of Regulations to conform these provisions to subsequent statutory changes and also to correct punctuation and update various references.

Title 22  
 California Code of Regulations  
 AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47  
 Filed 07/20/2009  
 Agency Contact: Laura Hayashi (916) 322-6409

File# 2009-0608-01  
**STRUCTURAL PEST CONTROL BOARD**  
 False & Misleading Advertising

This regulatory action is the resubmittal of previously disapproved OAL file number 2008-0911-01S. This regulatory action amends section 1999.5 of Title 16 of the California Code of Regulations (“CCR”) relating to restrictions on false or misleading advertising concerning structural pest control pesticides, products, services, or practices by clarifying the circumstances under which claims of environmentally superior structural pest control operations may be legitimately made.

Title 16  
 California Code of Regulations  
 AMEND: 1999.5  
 Filed 07/17/2009  
 Effective 08/16/2009  
 Agency Contact: Ryan Vaughn (916) 561-8730

File# 2009-0609-01  
**VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**  
 Legislative Per Diem Rate

The purpose of this submission is to adopt a regulation that would automatically set the per diem reimbursement rate for members of the State Legislature to be not less than that set by the GSA for federal employees traveling to Sacramento. The Victim Compensation and Government Claims Board (“Board”) has authority to set the per diem reimbursement rate at no less than the federal reimbursement rate for employees. The rate changes will be automatic, i.e. “The rate set forth in the Federal Travel Regulation section 301-11, and all subsequent Federal Travel Regulation Per Diem Bulletins” until changed by the Board.

This matter is exempt from OAL review pursuant to Government Code section 11340.9(g).

Title 2  
 California Code of Regulations  
 ADOPT: 721  
 Filed 07/20/2009  
 Effective 07/20/2009  
 Agency Contact:  
 Kevin D. Kwong (916) 491-3742

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN February 18, 2009 TO  
 July 22, 2009**

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

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

**Title 2**

- 07/20/09 ADOPT: 721
- 07/07/09 AMEND: 18450.4
- 07/06/09 AMEND: 18940.2
- 06/15/09 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3
- 06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25, 649.29, 649.32, 649.33, 649.48 AMEND: 647.4, 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12, 649.13, 649.15, 649.16, 649.22, 649.24, 649.26, 649.27, 649.28, 649.30, 649.31, 649.35, 649.36, 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 REPEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23, 649.25
- 06/09/09 ADOPT: 18405
- 06/01/09 ADOPT: 250.1
- 05/21/09 AMEND: 18705.1
- 05/14/09 ADOPT: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007, 21008, 21009
- 05/08/09 ADOPT: 18410 AMEND: 18402
- 04/30/09 AMEND: 1859.129, 1859.197
- 04/28/09 AMEND: div. 8, ch. 111, section 59560
- 04/22/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
- 03/05/09 AMEND: 18704

**Title 3**

- 07/22/09 ADOPT: 3591.23
- 07/22/09 AMEND: 3406(b)
- 07/21/09 AMEND: 3591.2(a)
- 07/20/09 AMEND: 3591.20(a)
- 07/13/09 AMEND: 625
- 07/07/09 AMEND: 3435
- 07/02/09 AMEND: 3423(b)
- 06/30/09 AMEND: 3434(b)
- 06/22/09 AMEND: 3434(b)
- 06/19/09 AMEND: 3591.20(a)
- 06/15/09 AMEND: 3406(b)
- 06/15/09 AMEND: 3434(b)
- 06/01/09 AMEND: 3406(b)
- 06/01/09 ADOPT: 3408
- 05/26/09 AMEND: 3434(b)
- 05/20/09 AMEND: 3434(b)
- 05/20/09 AMEND: 3434(b)
- 05/13/09 AMEND: 6800
- 05/04/09 AMEND: 3434(b)

04/27/09 AMEND: 3434(b)  
 04/20/09 AMEND: 6452.2  
 03/30/09 AMEND: 3434(b)  
 03/25/09 AMEND: 6860  
 03/23/09 AMEND: 3423(b)  
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237  
 03/18/09 AMEND: 3435(b)  
 03/10/09 AMEND: 3434  
 03/05/09 AMEND: 3591.20(a)  
 03/04/09 AMEND: 3435  
 02/27/09 AMEND: 3434(b)  
 02/26/09 AMEND: 850  
 02/19/09 AMEND: 3434(b)

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07/21/09 AMEND: 1979, 1979.1  
 07/21/09 REPEAL: 1950.1  
 06/25/09 ADOPT: 12486  
 06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078  
 06/04/09 AMEND: 106  
 05/18/09 ADOPT: 12488, 12508, 12510, 12511, 12514 AMEND: 12480, 12486  
 05/18/09 ADOPT: 12482  
 05/12/09 AMEND: 406  
 05/12/09 ADOPT: 12591  
 04/24/09 ADOPT: 12480, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504 AMEND: 12482  
 04/24/09 AMEND: 12482  
 03/23/09 AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190  
 03/11/09 AMEND: 1865  
 03/10/09 ADOPT: 12388, 12410  
 03/05/09 ADOPT: 2066

03/05/09 ADOPT: 1504.5 AMEND: 1481, 1486  
 03/04/09 AMEND: 2073  
 02/23/09 ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10

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07/21/09 ADOPT: 43200  
 07/21/09 ADOPT: 43220  
 07/21/09 AMEND: 42920  
 07/21/09 ADOPT: 40411  
 07/09/09 AMEND: 18100  
 07/03/09 ADOPT: 80027.1, 80048.7 AMEND: 80027  
 06/29/09 ADOPT: 19821.5, 19825.1, 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846  
 05/28/09 AMEND: 9521  
 05/11/09 AMEND: 80023, 80024.4, 80024.5, 80024.6, 80025.5, 80026, 80026.1, 80026.6, 80034.5 REPEAL: 80024.3, 80026.4, 80042, 80042.5, 80569  
 05/11/09 AMEND: 24002, 24003, 24005  
 05/07/09 ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099  
 04/30/09 ADOPT: 26000  
 03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070  
 03/05/09 AMEND: 80225

**Title 8**

07/06/09 ADOPT: 5199  
 07/06/09 ADOPT: 5199.1  
 06/22/09 AMEND: 230.1  
 06/18/09 ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23  
 05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107  
 05/01/09 AMEND: 4530  
 04/20/09 AMEND: 10100.2, 10101.1, 10103.2, 10104, 10105, 10106.1, 10106.5, 10107.1, 10108, 10109, 10111.1, 10111.2, 10112, 10113.4, 10113.5, 10114.2, 10115, 10115.1, 10115.2



04/06/09 ADOPT: 227, 314, 389 AMEND: 281, 303, 323, 368, 523

04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742

03/04/09 AMEND: 3248

03/02/09 ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7

03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600

02/25/09 REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22

02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354

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06/29/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533

06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212

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07/14/09 ADOPT: 2359.8

07/09/09 AMEND: 2797

07/06/09 AMEND: 250.30

06/24/09 AMEND: 2498.4.9

06/24/09 AMEND: 2498.4.9

06/24/09 AMEND: 2498.4.9

06/24/09 AMEND: 2498.4.9

06/01/09 ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10

06/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10

06/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10

05/29/09 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

05/12/09 AMEND: 2716.1, 2790.1.5, 2810.5

05/01/09 AMEND: 2699.6603

03/27/09 AMEND: 2498.6 (Exhibit C)

03/25/09 AMEND: 2661.3, 2661.4, 2662.1

03/23/09 AMEND: 2498.6

02/26/09 AMEND: 2699.6805

02/23/09 AMEND: 2318.6, 2353.1

02/23/09 AMEND: 2498.6

02/19/09 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119

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05/21/09 AMEND: 1005, 1007, 1008

04/17/09 AMEND: 30.1

04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018

04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002

03/30/09 ADOPT: 30.15

03/03/09 AMEND: 9070, 9077

02/18/09 REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327

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02/26/09 ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809

**Title 13**

07/17/09 AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448

06/29/09 AMEND: 2702, 2704  
 06/16/09 AMEND: 1239  
 06/04/09 ADOPT: 2340, 2341, 2342, 2343, 2344, 2345  
 05/22/09 ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72  
 03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2  
 03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4  
 02/26/09 ADOPT: 29.00

**Title 13, 17**

05/29/09 ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118

**Title 14**

07/14/09 AMEND: 124  
 07/13/09 AMEND: 163  
 06/23/09 AMEND: 3959(b)(4)  
 06/23/09 ADOPT: 4351.1 AMEND: 4351  
 06/16/09 AMEND: 753.5  
 06/15/09 AMEND: 27.80  
 06/12/09 AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708  
 06/02/09 AMEND: 7.50(b)(91.1)  
 05/26/09 AMEND: 7.00, 7.50  
 05/21/09 AMEND: 7.50(b)(178)  
 05/15/09 AMEND: 790, 818.02, 827.02  
 05/14/09 ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3  
 05/13/09 AMEND: 25201  
 05/07/09 AMEND: 25201  
 05/04/09 AMEND: 670.5  
 04/27/09 ADOPT: 749.5  
 04/08/09 AMEND: 2245, 2320  
 03/18/09 AMEND: 632  
 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009  
 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730  
 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58  
 03/02/09 AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972  
 02/25/09 AMEND: 1038, 1052  
 02/23/09 ADOPT: 749.4

**Title 15**

06/17/09 ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740  
 06/17/09 ADOPT: 3099  
 05/12/09 AMEND: 3000, 3190, 3375, 3376.1, 3379  
 05/04/09 AMEND: 3335(d)(3)  
 04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, 1059, 1063, 1066, 1082, 1101, 1105, 1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272  
 04/02/09 ADOPT: 3334 AMEND: 3000

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07/17/09 AMEND: 1999.5  
 06/26/09 ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623  
 06/26/09 AMEND: 426.51  
 06/16/09 AMEND: 1524  
 06/12/09 AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068  
 06/03/09 AMEND: 1888  
 06/02/09 AMEND: 1419, 1419.1, 1419.3  
 05/20/09 ADOPT: 1815 AMEND: 1886.40  
 04/28/09 AMEND: 1524  
 04/27/09 AMEND: 1760  
 04/03/09 AMEND: 3830  
 03/24/09 ADOPT: 1398.12  
 03/20/09 AMEND: 1937, 1950, 1950.5, 1953  
 03/11/09 AMEND: 1715, 1784, Form 17M-13, Form 17M-14, Form 17M-26  
 03/04/09 AMEND: 4181  
 03/04/09 AMEND: 1351.5, 1352  
 03/04/09 ADOPT: 389  
 03/04/09 AMEND: 998  
 03/04/09 AMEND: 950.2  
 03/03/09 AMEND: 305 REPEAL: 306.1

**Title 17**

06/18/09 AMEND: 94508, 94509, 94510, 94512, 94513, 94515  
 04/24/09 AMEND: 30100, 30346.1, 30373  
 03/11/09 AMEND: 93119

**Title 18**

06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534, 1535  
 05/21/09 AMEND: 25114  
 05/12/09 AMEND: 1502  
 04/29/09 AMEND: 1591  
 04/06/09 ADOPT: 25113 AMEND: 25111  
 03/19/09 AMEND: 23701, 23772

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03/11/09 AMEND: 1506, 1524  
03/11/09 AMEND: 1705

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07/10/09 AMEND: 1601, 1602, 1604, 1605.3, 1606  
07/10/09 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608  
06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2  
06/04/09 AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6, 3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2, 14.3, 14.6, 15.2, 17.3, 17.4, 18.1  
04/22/09 ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108

**Title 21**

06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711  
05/14/09 AMEND: 1554, 1556

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07/22/09 AMEND: 51529  
07/20/09 AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47  
07/13/09 AMEND: 66273.3, 66273.39  
06/17/09 AMEND: 926-3, 926-4, 926-5  
05/21/09 AMEND: 2601-1  
04/21/09 AMEND: 51543

03/12/09 AMEND: 51517  
03/03/09 ADOPT: 63000.48, 63051, 63052  
AMEND: 63000.16, 63000.25, 63000.43, 63000.46, 63000.66, 63000.68, 63000.77, 63010, 63011, 63013, 63020, 63021, 63029, 63030, 63040, 63050, 63055 REPEAL: 63051

**Title 23**

07/09/09 ADOPT: 3959.3  
06/25/09 ADOPT: 3989.8  
06/16/09 ADOPT: 3939.36  
06/01/09 ADOPT: 2631.2  
05/14/09 ADOPT: 2920  
02/19/09 ADOPT: 3939.35

**Title 25**

05/22/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216  
05/20/09 AMEND: 8217  
05/13/09 ADOPT: 6932 REPEAL: 6932  
05/07/09 ADOPT: 6932 REPEAL: 6932

**Title 27**

04/07/09 AMEND: 25705(b)  
02/18/09 AMEND: 20921

**Title MPP**

07/06/09 ADOPT: 31-003, 31-502 AMEND: 31-002  
06/29/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306