



California Regulatory Notice Register

REGISTER 2009, NO. 42-Z

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OCTOBER 16, 2009

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Commission on Aging

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE: DEPARTMENT OF AGING
COMMISSION ON AGING

A written comment period has been established commencing on **October 16, 2009** and closing on **November 30, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 30, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, 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: DEPARTMENT OF MENTAL HEALTH

A written comment period has been established commencing on **October 16, 2009** and closing on **November 30, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 30, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

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AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

**TITLE 10. CALIFORNIA FILM
COMMISSION**

**BUSINESS, TRANSPORTATION AND
HOUSING AGENCY**

California Film and Television Incentive Program
Title 10, Chapter 7.75, Sections 5500–5507

NOTICE OF PROPOSED RULEMAKING

October 16, 2009

Notice is hereby given that the California Film Commission proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Office proposes to adopt new sections 5500 through 5507 in Title 10 of the California Code of Regulations in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.85 and 23685 relating to a film and television tax incentive program.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until 5:00 p.m. on November 30, 2009. Submit comments to:

Name: Amy Lemisch
Address: California Film Commission,
7080 Hollywood Boulevard,
Hollywood, CA 90028
Email: amy.lemisch@film.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code section 11152, and Revenue and Taxation Code sections 17053.85(e) and

23685(e) and in order to implement, interpret, and make specific Revenue and Taxation Code sections 17085.85 and 23685.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The California Film Commission proposes to adopt new sections 5500, 5501, 5502, 5503, 5504, 5505, 5506, and 5507. The regulations establish a procedure for allocating tax credits to qualified taxpayers in the motion picture industry. This tax credit program shall be named the California Film and Television Tax Credit Program.

Section 5500 provides definitions of terms used in the California Film and Television Tax Credit Program. This section defines the Applicant, California Film Commission, Director, Credit Allocation Letter and Production Budget. These definitions are specific to this tax credit program. This section also defines the following terms used in the statute or regulation that are industry terms: Basic cable, Feature Film, Miniseries, Movie of the Week, Producer, Reality Program, Strip Show, Television Season, and Television Series.

Section 5501 provides for an application process for the allocation of the tax credits. This section will provide for the announcement of a period of time when the production companies can apply for eligible tax credits in each fiscal year. The acceptance of applications will be on a first-come, first-serve basis. A random numbering process will be applied for any applications received at the same time. The applicants will be required to submit a California Film Commission Application Form and to include supporting documents to establish that they are eligible for the tax credits. These documents include a Budget for the Qualified Motion Picture, a Shooting Schedule, Synopsis of the Screenplay, Screenplay, financial plan, relocation statement, if the production is moving from filming out of state, and an Independent Film Declaration, if applicable. Provisions specific to television productions are provided for in the application process. This section shall require a production company to apply at least 30 days before the beginning of production and to commence filming no later than 180 calendar days after the Credit Allocation Letter is issued. If the application is incomplete, applicants shall have three days to submit any information or documents requested by the Director or they lose their position in the queue. This program will also require specific production company staff to attend an orientation meeting with the California Film Commission. This section also provides that any television series that has been approved and issued tax credits, shall be placed at the top of the queue for the following open allocation period in the next fiscal year, for the life of that series.

Section 5502 identifies the eligibility requirements for the California Film and Television Tax Credit Program. This section requires that the applicant plans to produce a qualified motion picture and provides that the qualified motion picture must be consistent with the requirements in the Revenue and Taxation Code. It also specifies that the applicants must plan to film at least 75% of principal photography days wholly in California or incur 75% of the production expenditures within California. This section provides the criteria for a Television Series to qualify as a relocated series. It also specifies that a television pilot does not qualify. This section provides that an independent film that exceeds the maximum budget shall be reclassified as a Feature Film and put back in the queue for any available tax credits. This section also provides that a Movie of the Week and a Mini-Series may also qualify as an independent film, based on the proposed budget. This section specifies that an Animated Production is not a Qualified Motion Picture and is not eligible for this program.

Section 5503 identifies the provisions in the statute for Qualified Expenditures and clarifies that State and Federal income taxes, CPA fees, expenditures for services performed outside of California and expenditures for exhibition of the production are not qualified expenditures.

Section 5504 provides for the procedures in allocating the tax credits. The section clarifies that the statute provides for the percentage of qualified expenditures allowed for both a feature film and an independent film. This section also provides that if the tax credits have been allocated for the fiscal year, any applications still in the queue will remain in the order received, until allocations become available, the applicant withdraws the application or the end of the fiscal year. This section provides that ten million dollars will be reserved specifically for Independent Films each fiscal year.

Section 5505 establishes reporting requirements for a production company during the filming of the qualified motion picture, including submittal of Daily Call Sheets, final productions reports for Principal Photography, a Monthly Status Report on estimated qualified expenditures and a Fiscal Year-End Expenditure Report.

Section 5506 provides for the issuance of the Credit Certificate, which is the document issued to the qualified taxpayer upon completion of the qualified motion picture. This section requires the applicant to submit documents requesting the tax credit certificate and verifying the completion of the project: proof of copyright registration of the screenplay, letter certifying date of completion of post production, list of all cast, crew, and vendors, the total expenditures and budget, employment records, Final Checker or Galley signed by a pro-

duction representative, and a report from an independent, California licensed Certified Public Accountant verifying expenses on the production and in compliance with the Agreed Upon Procedures, dated October 1, 2009, which is also incorporated by reference. This section states that if the application is disapproved, the finding is final and not subject to administrative appeal.

Section 5507 requires the holder of the Credit Certificate to comply with promotional requirements, including an on-screen acknowledgement to CFC, five production stills, and an electronic press kit, if available.

This regulation will incorporate by reference the California Film Commission forms that are required to be submitted during the application and filming process.

The following forms shall be required in the initial application process:

California Film and Television Tax Credit Program Application Form, CFC Form A (rev. 9/1/2009)

Financing Sources Report, CFC Form B (New 6/1/2009)

Independent Film Declaration, CFC Form C (rev. 9/1/2009), if the qualified motion picture meets the criteria for an independent film.

The CFC shall issue a Credit Allocation Letter, CFC Form D (rev. 9/1/2009), which provides the approval of the applicant and identifies the number of tax credits for which the applicant is eligible.

A Monthly Status Report Form, CFC Form I (Rev. 9/1/2009), shall be required to be submitted monthly during principal photography and includes the project status and estimated qualified expenditures changes.

The following forms are required to be submitted upon completion of the production to verify the qualified expenditures:

Expenditure Summary Report, CFC Form F (rev. 9/1/2009)

Employment Diversity Report, CFC Form H (New 6/1/2009)

Request for a Tax Credit Certificate, CFC Form J (New 6/1/2009)

Fiscal Year End Expenditure Report, CFC Form K (Rev. 9/1/2009)

The Tax Credit Certificate, CFC Form M (Rev. 9/1/2009) is the actual tax credit certificate that will be issued by the Director of the CFC and is the document that will be submitted to the Franchise Tax Board or the Board of Equalization.

COST ESTIMATES OF PROPOSED ACTION

The California Film Commission has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

Name: Terri Toohey
 Email: terri.toohey@bth.ca.gov

The backup contact person for these inquiries is:

Name: Nancy Stone
 Phone No.: 323-860-2960

Questions on the substance of the proposed regulations may be directed to:

Name: Amy Lemisch
 Phone No.: 323-860-2960

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the close of the forty-five (45) day public comment period, the Office may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Office may determine that changes to the proposed regulation are appropriate. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. The Office will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above email address. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

EFFECT ON SMALL BUSINESS

The California Film Commission has determined that the proposed regulations will not directly affect small business. The businesses that are complying with these regulations are film production companies and are not small businesses.

**ASSESSMENT REGARDING EFFECT
ON JOBS/BUSINESS**

Adoption of these regulations will (1) facilitate the creation of jobs within California; (2) will facilitate the creation of businesses within California; (3) will facilitate the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

The California Film Commission must determine that no reasonable alternative considered by the Commission 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.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

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

The Office has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the California Film Commission, 7080 Hollywood Boulevard, Suite 900, Hollywood, California during normal business working hours (9 a.m.-5 p.m.). Please contact Amy Lemisch at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Office Contact Person designated in this Notice.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

The Office is required to prepare a Final Statement of Reasons. Once the Office has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Office Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: www.film.ca.gov.

**TITLE 10. DEPARTMENT OF
INSURANCE**

**NOTICE OF PROPOSED
REGULATORY ACTION**

**DATE: October 16, 2009 REGULATION FILE:
REG-2009-00006**

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner (Commissioner) proposes to adopt certain amendments to Title 10, Section 2646.6¹, as set forth below, after considering comments from the public. The Commissioner proposes to amend the regulations to: (1) reduce the frequency of reporting Community Service Statement (CSS) data to the Department of Insurance's Statistical Analysis Division (SAD) from annually to biennially (once every two years); (2) reduce the frequency of the issuance of the Commissioner's Report on Underserved Communities from annually to biennially; and (3) impose penalties on insurers for tardy or inaccurate data reporting.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and time: December 2, 2009 at 10:00 a.m.

¹ All section references hereinafter are to Title 10, California Code of Regulations section 2646.6, unless otherwise stated.

**Location: Ronald Reagan State Building
Hearing Room, First Floor
300 South Spring Street
Los Angeles, CA 90013**

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on December 2, 2009. Please direct all written comments to the following contact person:

Natasha Ray, Senior Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3559

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Ben Gentile, Chief, Statistical Analysis Division
California Department of Insurance
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 346-6316

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, addressed to the contact persons at their addresses listed above, no later than 5:00 p.m. on **December 2, 2009**. Any written materials received after that time will not be considered.

**COMMENTS TRANSMITTED BY E-MAIL
OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided these are sent to the following e-mail address: rayn@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided these are directed to the attention of Natasha Ray and sent to the following facsimile number: (916) 324-1883. **Comments sent to other e-mail addresses or other facsimile numbers**

will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The proposed amendments to the regulations implement, interpret and make specific the provisions of Insurance Code sections 12921 and 12926; *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989), and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Insurance Code sections 12921 and 12926 gives the Department the authority to adopt regulations to enforce the provision of California Insurance Code section 1861.03.

Reference: Sections 679.71, 1861.02, 1861.03, 1861.05 and 11628, Insurance Code.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

These amendments to the regulations are necessary to reduce the continuing, tardy compliance of insurance companies with CCR section 2646.6. Section 2646.6 presently requires insurance companies to report information via the CSS to the SAD annually, by March 1. Section 2646.6 also requires the Commissioner to issue the Commissioner’s Report on Underserved Communities (CRUC) annually as soon as the information is available. Because insurance companies have compliance requirements in all of the states in which they do business, and because many other states penalize late– or non–compliance while California does not, a number of insurance companies have continually provided late, incomplete, and/or inaccurate submissions of data as a result. This situation is further compounded by the scant time and the resources available in SAD to analyze and process annual CSS submissions. As a result, SAD is often unable to issue timely the CRUC.

EFFECT OF PROPOSED ACTION

This rulemaking proposes to modify the reporting frequency of the CSS to the Department of Insurance (Department) from annually (every year) to biennially (once every two years). This rulemaking also proposes assessing penalties and fines for noncompliance (failure to report), late reporting or repeated, inaccurate data reporting by insurance companies.

Imposing penalties and fines will put California’s regulatory requirements on par with the requirements of

other states that assess fines and penalties for late and/or noncompliant reporting and will give insurance companies additional incentives for timely compliance with California’s reporting requirements for the CSS. Modifying the frequency of insurer reporting of the CSS to the Department from annually to biennially will allow the Department to allocate its already overburdened and shrinking resources to provide the most benefit to consumers.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandates on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any 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, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed amendments to the regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers. While the Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on insurance companies, interested persons are invited to submit such proposals to the Commissioner. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.

(iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. (Cal Gov Code section 11346.5(a)(9)).

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state.

In the Commissioner's assessment, this regulatory action will not result in the creation or elimination of businesses or jobs in California. The proposed regulations will not affect the expansion of other businesses doing business in California.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

ALTERNATIVES

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

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will not affect small businesses inasmuch as only insurance companies are responsible for compliance pursuant to the regulation and the proposed amendments will not affect insurance agents or agen-

cies. Insurance companies, which will be affected, are by definition not small businesses, pursuant to Paragraph (b)(2) of Government Code section 11342.610.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The rulemaking file for this proceeding includes a copy of the express terms of the proposed amendments to the regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action. The rulemaking file is available for inspection and copying by appointment at 300 Capitol Mall, Suite 1700, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find at the righthand side of the page the heading 'QUICK LINKS.' The third item in this column under this heading is 'For Insurers'; on the drop-down menu for this item, select 'Legal Information.' When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item in the list of bulleted items near the top of the page: 'Proposed Regulations.' The 'INSURERS: PROPOSED

REGULATIONS' screen will be displayed. Select the only available link: 'Search for Proposed Regulations.' Then, when the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2009-00006" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the Office of Administrative Law's notice file number assigned to the regulations ("Z-2009-1006-02"), or search by keyword ("Community Service Statement"). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Community Service Statement Data Call Penalties & Frequency' link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the amended regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. CALIFORNIA HIGHWAY PATROL

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

13 CCR, CHAPTER 10, SECTION 1800 CONFLICT OF INTEREST CODE FOR THE CALIFORNIA HIGHWAY PATROL (CHP-R-09-16)

The California Highway Patrol (the Department) proposes to amend regulations in Title 13 of the California Code of Regulations relating to the Conflict of Interest Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Appendix to Section 1800, Title 13, California Code of Regulations, lists the positions subject to reporting requirements of the Department's Conflict of Interest Code and defines the disclosure categories. This amendment replaces the Appendix with Appendix A and Appendix B as follows:

1. Appendix A lists designated positions, formatted to coincide with the Department's organization chart. In most cases, specific position titles are used in each respective office/Division. Disclosure categories have been assigned in accordance with Appendix B for each of the designated positions based on the level of decision-making authority or participation in decision-making.
2. Appendix B lists the disclosure categories using the "Model" approved by the Fair Political Practices Commission.

PUBLIC COMMENTS

Any interested person may submit written comments on the proposed action via facsimile at (916) 375-2199 or by writing to:

California Highway Patrol
Human Resources Section
ATTN: Conflict of Interest Coordinator
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until November 30, 2009.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the Department's Human Resources Section (HRS), Conflict of Interest Coordinator, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The Department has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text in strikeout/underscore format. Requests to review or receive copies of this information should be directed to Ms. Julie Baker, Conflict of Interest Coordinator, at the foregoing address or by calling (916) 375-2160. Facsimile requests for information should include the following information: the title of the rulemaking pack-

age, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the Department's Human Resources Section, 860 Stillwater Road, West Sacramento. Interested parties are advised to call (916) 375-2160, for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on the Department's website, www.chp.ca.gov.

QUESTIONS

Any questions concerning the contents of the proposed regulations should be directed to Jonathan S. Rothman, Chief Counsel and Special Counsel to the Commissioner at (916) 843-3050.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the Department may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantial in nature, the full text of the proposed regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) 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 and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action makes only technical, non-substantive or clarifying changes to current law and regulations.

ALTERNATIVES

This regulatory action is being taken pursuant to Vehicle Code Section 2402 and Government Code Section 87300. In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the Department's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Department invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

PLAIN ENGLISH STATEMENT

Preparation of the proposed amendment included consideration of the "Plain English" requirement. Any technical terms that may be unfamiliar to the intended users are defined and explained.

AUTHORITY

This regulatory action is being taken pursuant to Government Code Section 87306.

REFERENCE

This action implements, interprets, or makes specific Government Code Section 87300.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend and adopt Sections 3000, 3268, 3268.1, 3268.2 and 3268.3 in the California Code of Regulations (CCR), Title 15 concerning Use Of Force.

PUBLIC HEARING

Date and Time: December 2, 2009 — 9:00 a.m. to 11:00 a.m.

Place: Office of Training & Professional Development
Pilot Hill Room
10000 Goethe Road — Suite B-1
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, December 2, 2009, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

**Kelly Medina, CCII
Regulation and Policy Management Branch
Telephone (916) 255-5593**

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

**Brian Bevan, Associate Warden (A)
Division of Adult Institutions
Telephone (916) 327-2725**

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is deter-

mined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

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

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

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

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

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends provisions governing the Use Of Force within the California Department of Corrections and Rehabilitation. The California Code of Regulations, Sections 3000, 3268, 3268.1, 3268.2 and 3268.3 are being amended or adopted to provide assistance to CDCR staff in implementing remedial measures required by the federal court in *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

- These regulations are necessary based on the need to ensure that standardized and consistent practices are followed statewide in the definitions, use, reporting, investigation and review of the use of force. In 1993 the *Madrid* court held that: A) correctional staff at Pelican Bay State Prison routinely used unnecessary and excessive force against inmates, B) uses of force were either not reported at all or were reported inaccurately and C) the prison did not have an adequate system for investigating the uses of excessive force. In response, the institution developed and the court approved a Use of Force Remedial Plan.
- These regulations apply the lessons learned and standards practiced at Pelican Bay State Prison on a statewide basis in order to satisfy the federal court.
- The following forms are hereby incorporated by reference:
 - Field Incident Report: Part A — CDCR 1662-A (Rev. 9/09), pages 1-3.
 - Field Incident Report: Part B — Summary Information, CDCR 1662-B (Rev. 9/09).
 - Field Incident Report: Part C — Employee Report, CDCR 1662-C (Rev. 9/09).
 - Field Incident Report: Part C1 — Supplemental Page, CDCR 1662-C1 (Rev. 9/09).
 - Field: Use of Force Incident — Supervisor Review/Critique, CDCR 3010-A (9/09), pages 1-2.
 - Field: Use of Force Incident — Manager Review/Critique, CDCR 3011-A (9/09), pages 1-2.
 - Field: Executive Review of Use of Force Critique and Qualitative Evaluation/Analysis, CDCR 3012-A (9/09), pages 1-2.
 - Field: Supervisory Use of Force Interview Guide, CDCR 3013-A (Rev. 9/09).
 - Field: Supervisory Use of Force Interview Findings Report, CDCR 3014-A (9/09).
 - Field: Executive Review Committee — Use of Force/Misconduct Allegation, CDCR 3034-A (9/09).
 - Field: Executive Review Committee/Further Action Recommendation — Use of Force/Misconduct Allegation, CDCR 3035-A (9/09), pages 1-3.
 - Field: Executive Review Committee Critique and Qualitative Evaluation/Analysis, CDCR 3036-A (9/09), pages 1-2.
 - Crime/Incident Report Part A — Cover Sheet, CDCR 837-A (Rev. 07/05).

- Crime/Incident Report Part A1 — Supplement, CDCR 837-A1 (Rev. 07/05).
- Crime/Incident Report Part B1 — Inmate, CDCR 837-B1 (Rev. 07/05).
- Crime/Incident Report Part B2 — Staff, CDCR 837-B2 (Rev. 07/05).
- Crime/Incident Report Part B3 — Visitor, Other, CDCR 837-B3 (Rev. 07/05).
- Crime/Incident Report Part C — Staff Report, CDCR 837-C (Rev. 07/05).
- Crime/Incident Report Part C1 — Supplement, CDCR 837-C1 (Rev. 07/05).
- Crime/Incident Report Part C2 — Review Notice, CDCR 837-C2 (Rev. 07/05).
- Incident Commander's Review/Critique Use of Force Incidents, CDCR 3010 (Rev. 06/09), two pages.
- Manager's Review — First Level Use of Force Incidents, CDCR 3011 (Rev. 06/09), two pages.
- Manager's Review — Second Level Use of Force Incidents, CDCR 3012 (Rev. 06/09).
- Inmate Interview Guidelines, CDCR 3013 (Rev. 06/09), pages 1-2.
- Report of Findings — Inmate Interview, CDCR 3014 (Rev. 06/09), two pages.
- IERC (Institutional Executive Review Committee) Allegation Review, CDCR 3034 (06/09).
- IERC Use of Force Review & Further Action Recommendation, CDCR 3035 (06/09), pages 1-4.
- Institutional Executive Review Committee (IERC) Critique and Qualitative Evaluation, CDCR 3036 (06/09), two pages.
- Controlled Use of Force Manager/AOD Report, CDCR 3037 (06/09).

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

Exhaust System Certificate of Compliance Fee

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs (DCA), Bureau of Automotive Repair (Bureau) is proposing to take the action described in the Informative Digest. No public hearing has been scheduled. Any interested person, or his or her duly authorized representative, may request, in writing,

a public hearing pursuant to subdivision (a) of Section 11346.8 of the Government Code. A request for hearing must be received by the Bureau contact person designated below not less than 15 days prior to the close of the written comment period.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on November 30, 2009. Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.**

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 27150.2 of the Vehicle Code and Section 9882 of the Business and Professions Code, the Bureau is proposing to adopt the following changes to Article 5.5 of Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair, within the Department of Consumer Affairs, is the state agency charged with administration and implementation of the Smog Check Program (Program).

The Program is designed to reduce air pollution from mobile sources, such as passenger vehicles and light trucks, by requiring that these vehicles meet specific emissions standards.

BACKGROUND:

Health and Safety Code section 44014(a)(2) requires the Bureau to provide neutral testing centers (Referee station) for vehicle owners disputing the results of their

Smog Check inspection or otherwise needing assistance in completing the inspection process. Typically, referee stations offer specialized inspection services that are beyond the scope of a typical Smog Check station. These facilities are located throughout California.

Existing law requires the Referee to perform services directly related to the Smog Check Program. These services include the following:

- the clearance of citations received for excessive vehicular exhaust noise, pursuant to VC section 27150.2;
- the issuance of repair cost waivers and economic hardship extensions pursuant to Health and Safety Code (HSC) sections 44017 and 44017.1; and
- the inspection of specially constructed vehicles, pursuant to HSC section 44017.4.

This regulatory action specifies and sets the fee for the Referee test of vehicular exhaust system noise citations only. Specifically, VC section 27150.2 requires the Referee to provide testing and certification for vehicles that receive a citation from law enforcement for violation of VC section 27150 or 27151. VC section 27150.2 (d) requires the Referee to charge a fee to recover the costs incurred by the Bureau in providing exhaust system noise citation testing and certification.

The Bureau conducted a cost analysis and calculated the cost incurred by the Referee for providing exhaust system noise certification to be about \$108 per vehicle. Based on this analysis, the Bureau proposes vehicle owners pay a \$108 fee for the exhaust system noise certificate of compliance. Currently, the Referee provides the inspection and certification at no cost to the vehicle owner.

CONCLUSION:

The Bureau finds that the proposed action to add Section 3340.36.1 to Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations is necessary in order to meet the requirements of VC section 27150.2 and charge vehicle owners the costs of providing exhaust system noise certification.

CURRENT REGULATION:

There is no current regulation which establishes a fee for an exhaust noise system certificate of compliance.

EFFECT OF REGULATORY ACTION:

The Bureau of Automotive Repair (BAR or Bureau) is proposing the following amendments to existing regulations:

This proposal would set a fee for the exhaust system certificate of compliance issued pursuant to Vehicle Code (VC) Section 27150.2. The proposed action will add Section 3340.36.1 to Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations. Section 3340.36.1 will read as follows:

The fee for an exhaust system certificate of compliance, issued pursuant to section 27150.2 of the Vehicle Code shall be one hundred eight dollars (\$108).

cus of this proposed action. Businesses will only be affected if they own a vehicle that is cited and they seek a certificate of compliance.

FISCAL IMPACT ESTIMATES

IMPACT ON JOBS/NEW BUSINESSES

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

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

BAR anticipates recovering costs associated with the inspection and certification of vehicles requiring clearance of citations for excessive vehicular exhaust noise.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the Business Impact described above, and that are known to the Bureau are:

None.

Vehicle Owner Impact

LOCAL MANDATE

For Fiscal Year 2007–08, vehicle owners sought the clearance of exhaust system noise citations for 4,639 vehicles. At a cost of \$108 per inspection, vehicle owners would have incurred \$503,000 to have their vehicles inspected.

None.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTION 17561 REQUIRES REIMBURSEMENT

EFFECT ON HOUSING COSTS

None.

None.

BUSINESS IMPACT

EFFECT ON SMALL BUSINESS

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

The Bureau has determined that the proposed regulations would affect small businesses in the same manner it would affect a private person. If the small business owns a vehicle that receives a citation in violation of VC section 27150 or 27151, the small business would incur the same \$108 fee to obtain a certificate of clearance.

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

CONSIDERATION OF ALTERNATIVES

The proposed action will set the fee which vehicle owners would pay to the Referee for the noise citation inspection. The fact that this regulatory action only recovers the costs of the inspection from vehicle owners supports how this regulation does not impact businesses.

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

The proposed action is directed only at vehicle owners who have received a citation for violation of VC section 27150 or 27151 and seek a certificate of compliance from a referee station. Businesses are not the fo-

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The 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 the proposal is based, may be obtained upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

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

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

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

CONTACT PERSON

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

Tracy Brazil
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2279
Fax No.: (916) 255-1369
E-mail: tracy_brazil@dca.ca.gov

The backup contact person is:

Virginia Vu
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2135
Fax No.: (916) 255-1369
E-mail: virginia_vu@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.smogcheck.ca.gov.

TITLE 18. FRANCHISE TAX BOARD

As required by section 11346.4 of the Government Code, this is notice that a public hearing has been scheduled to be held at 10:00 a.m., on January 13, 2010, at Franchise Tax Board, 9646 Butterfield Way, Town Center, Golden State Room A, Sacramento, California, to consider amendments to Regulation section 25137-7 and adoption of Regulation section 25101.3 under Title 18 of the California Code of Regulations.

Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

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

Any interested persons or their representatives may submit written comments to the agency officer named below. Written comments will be accepted until 5:00 p.m. January 13, 2010. The Franchise Tax Board will consider all relevant matters presented before the proposed regulatory action is taken.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary to implement, interpret and make specific Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), Part 10.7 (commencing with Section 21001) and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code. The proposed regulatory action makes necessary amendments to Regulation section 25137-7 and would adopt Regulation section 25101.3.

**INFORMATIVE DIGEST/PLAIN ENGLISH
OVERVIEW**

The proposed amendment to Regulation section 25137-7 and adoption of new Regulation section 25101.3 would clarify that air transportation companies conducting business inside California and outside California will group aircraft by model, rather than by type as currently required, to determine the payroll, sales and property factors used to apportion income.

Regulation section 25137-7

Current Regulation section 25137-7 requires aircraft of an air transportation company to be grouped by enu-

merated types of aircraft when determining the payroll factor and the sales factor of the apportionment formula. The type grouping is based on aircraft power plant and, in some cases, the aircraft model. (Cal. Code Regs., tit. 18, § 25137-7, sub. (e).)

Proposed amendments to Regulation section 25137-7 would change aircraft groupings for the payroll factor and sales factor to aircraft model. Aircraft model groupings would be based on the manufacturer's designation system. Examples of groupings are included in the proposed amendments.

New Regulation section 25101.3

Proposed Regulation section 25101.3 would require grouping aircraft by model to determine the property factor of the apportionment formula. The State Board of Equalization ruled in the unpublished *Appeal of Alaska Airlines* (February 28, 2007) decision that Revenue and Taxation Code section 25101.3 does not require taxpayers to group aircraft for calculating the property factor. The proposed new regulation would require air transportation companies that conduct business both inside California and outside California to group aircraft by model when calculating the property factor. This is consistent with proposed regulatory amendments that would require grouping aircraft by model for the payroll factor and sales factor. Examples of groupings by model are included in the proposed new regulation.

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.

The Franchise Tax Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

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

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

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

Significant effect on housing costs: None.

Effect on small business: These regulations do not impact small businesses because they impact large multinational taxpayers.

CONSIDERATION OF ALTERNATIVES

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

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENTS TO AND ADOPTION OF THE REGULATIONS

The Franchise Tax Board has prepared an initial statement of reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the officer named below.

CHANGE OR MODIFICATION OF ACTIONS

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

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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 at <http://www.ftb.ca.gov/>.

ADDITIONAL COMMENTS

If you plan to attend or make an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room will be accessible to persons with physical disabilities. Any person needing a language interpreter, including sign language, should contact the agency officer named below at least two weeks prior to any scheduled hearing so that the services of an interpreter can be arranged.

CONTACT

All inquiries concerning this notice or any request for a public hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306 Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed amendment to the existing regulations and adoption of the proposed new regulation section should be directed to Brian Miller, Tax Counsel III, Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3075; Fax: (916) 843-6023; E-Mail: brian.miller@ftb.ca.gov. The notice, initial statement of reasons and express terms of the regulation are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Adoption of Chapter 2.2. Workforce Investment Act Provisions, Sections 4508-1, 4508-3, and 4508-5 of Division 3. Employment Services Programs, of Part 1. Employment and Employability Services, of Title 22, California Code of Regulations

WORKFORCE INVESTMENT ACT — DEFINITIONS, REPORTING REQUIREMENTS AND RECORD RETENTION

Notice of Proposed Rulemaking

The Employment Development Department (EDD) is proposing to adopt regulations pertaining to the ad-

ministration of the requirements of the federal Workforce Investment Act of 1998 (WIA). The proposed regulations will establish accounting, monitoring, auditing and reporting procedures and criteria to ensure compliance with WIA requirements. The proposed regulations will be added as California Code of Regulations (CCR), title 22, Chapter 2.2 (sections 4508-1, 4508-3, and 4508-5) of Division 3, Part 1.

The Department will adopt these regulations after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 302 (Stats. 2008, Chapter 376) added sections 9600.5 and 9600.7 to the California Unemployment Insurance Code (CUIC).

CUIC section 9600.5 requires EDD to annually report to the Governor, the Legislature, and the California Workforce Investment Board the prior year training expenditures of the Local Workforce Investment Boards (LWIBs) by November 30. The annual report must include: (1) a definition of qualifying training expenditures, (2) the total amount of federal funding provided to the State and to each of the Local Workforce Investment Areas (LWIAs) for the adult and dislocated worker programs, and (3) the amount of expenditures for training services within each program.

CUIC section 9600.7(a) authorizes the EDD to administer the requirements of the federal WIA in order to ensure state compliance with the objectives and requirements of the federal WIA; section 9600.7(b) provides the EDD with the authority to adopt, amend or repeal any rules and regulations necessary to implement Division 7, California Workforce Investment Act, of the CUIC.

SB 302 (effective January 1, 2009) added statutory authority (CUIC Sections 9600.5 and 9600.7) for the EDD's administration of the requirements of the federal WIA, including the authority to establish accounting, monitoring, auditing, and reporting procedures and criteria to ensure State compliance with the requirements of the federal WIA.

The proposed adoption of CCR, title 22, section 4508-1 is necessary to establish definitions applicable to the WIA program relating to the reporting and filing requirements for expenditures, closeouts and cash request documents. This regulatory adoption is necessary to help prevent any potential misinterpretations of commonly utilized terms and to provide consistency in the administration of the WIA program by both the State and the subrecipients of WIA funds. The proposed definitions will provide subrecipients with further clarity

and guidance necessary to properly administer their programs utilizing WIA funds.

The proposed adoption of CCR, title 22, section 4508-3 is necessary to specify the reporting and filing requirements for expenditures, closeouts and cash request documents applicable to the federal WIA. The proposed adoption will strengthen the EDD's ability to properly administer the WIA program by ensuring that all required data and financial reports are submitted by subrecipients, in compliance with WIA (29 United States Code (USC) section 2935), 20 Code of Federal Regulations (CFR) section 667.300 as well as CUI section 9600.5.

The proposed adoption of section 4508-5 to the CCR, title 22 clarifies the record retention requirements for records of WIA funded programs, consistent with the requirements of 29 CFR section 97.42 and 29 CFR section 95.53. The proposed adoption will clearly define the time period that WIA records must be retained, which will enhance and improve the administration of the WIA program.

Authority and Reference:

Authority: Sections 305, 306 and 9600.7, Unemployment Insurance Code.

Reference: Sections 9600.5 and 9600.7, Unemployment Insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: The adoption of section 4508-1 will establish additional definitions to be used in the administration of the WIA program; therefore, there will be no anticipated costs or savings in federal funding to the State. Furthermore, since the financial information subject to the proposed regulations is already being collected, gathered, submitted and stored for the Department of Labor by EDD, the adoption of the proposed regulations for sections 4508-3 and 4508-5 do not impose any new costs or savings in federal funding to the State.

Anticipated costs or savings to any State Agency: The adoption of section 4508-1 will establish additional definitions to be used in the administration of the WIA program; therefore, there will be no anticipated costs or savings to any State Agency. Furthermore, since the financial information subject to the proposed regulations is already being collected, gathered, submitted and stored for the Department of Labor by EDD, the adoption of the proposed regulations for sections 4508-3 and 4508-5 do not impose any new costs or savings to any State Agency.

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Department does not anticipate this regulatory action will result in any costs to the federal government, to

State government, to local county governments, to private individuals, or to businesses and small businesses. Therefore, no costs are shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the adoption of sections 4508-1, 4508-3 and 4508-5 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. Adoption of section 4508-1 will clarify WIA terminology by adding definitions to supplement the existing federal definitions set out in WIA (29 USC section 2801) and 20 CFR section 660.300. This proposed regulatory action will enhance the ability of the State to administer the WIA program with no adverse impact to the workforce community within the State. Additionally, the adoption of sections 4508-3 and 4508-5 will clarify the reporting and record retention requirements for the WIA program, as specified in federal law. The regulatory action does not impose any additional new costs other than those costs already being incurred.

The Department has also determined that the adoption of proposed sections 4508-1, 4508-3 and 4508-5 will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

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

Anticipated impact on housing costs: The proposed regulations will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The Department has determined that the proposed regulations will have no effect on small businesses because the regulations do not impose any new mandates on small businesses. The proposed regulations do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that the proposed regulations will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

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

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than November 30, 2009, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

Contact Persons

Inquiries or comments should be directed to:

(Mailing address)	Laura Colozzi, Legal Analyst Employment Development Department P. O. Box 826880 Legal Office, MIC 53 Sacramento, CA 94280-0001
(Hand delivery)	Laura Colozzi, Legal Analyst Employment Development Department 800 Capitol Mall, Room 5020 Legal Office, MIC 53 Sacramento, CA 95814
Telephone No.:	(916) 654-7712
Fax No.:	(916) 654-9069
E-Mail Address:	eddlegal@edd.ca.gov

Note: In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name:	Penny Ayers, Legal Analyst
Telephone No.:	(916) 654-8410

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

Name:	Deanna Asuncion, Senior Staff Counsel
Telephone No.:	(916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on November 30, 2009.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CALIFORNIA CODE OF REGULATIONS, TITLE 25, DIVISION 1, CHAPTER 4, SUBCHAPTERS 1 AND 2

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to amend existing regulations and adopt new regulations governing the Occupational Licensing Program.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC) Sections 18000, 18015 and 18031 grant HCD the authority to adopt regulations pertaining to the manufacture and sale or use of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars within the State of California, the issuing of occupational licenses, enforcing licensee education requirements and the establishment of a fee schedule governing the Occupational Licensing Program.

These regulations implement, interpret and make specific HSC Sections 18001.8, 18008.7, 18015, 18031, 18045, 18045.5, 18045.6, 18050, 18050.5, 18050.7, 18052.6 and 18056.

INFORMATIVE DIGEST

Summary of Existing Laws

The Manufactured Housing Act of 1980 commencing with HSC Section 18000 governs the construction, registration and titling and occupational licensing of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars for sale or use within the State of California.

Summary of Existing Regulations

The Occupational Licensing (OL) program consists of five (5) elements: licensing, consumer complaint handling, preliminary and continuing education, enforcement and the Manufactured Home Recovery Fund. HSC Section 18031 grants HCD authority to

adopt regulations establishing a schedule of fees to pay for the administration and enforcement of the OL program.

The OL program licenses and approves manufactured home, multifamily manufactured home and commercial modular manufacturers, dealers, salespersons, 90-Day certificate holders, course providers and course instructors. The program is responsible for examinations, forms, procedures, policy, rulemaking and legislation involving the above five (5) elements.

The OL program regulation requirements for businesses and the manufacturing, selling or leasing of manufactured homes, multifamily manufactured homes, mobilehomes and commercial modulars are found in CCR, Title 25, Division 1, Chapter 4, Subchapters 1 and 2.

Summary of Effect of Proposed Regulatory Action

The proposed action will replace an outdated term with the updated version to be consistent with Health and Safety Code Section 18001.8, correct existing reference errors and remove subsection references to maintain consistency with the language and format of the chapter and provide uniformity with other HCD regulations and define an acronym for purposes of clarity.

Additionally, existing forms that contain fee information are revised to reflect the fee increases for occupational licensing and continuing education that were approved in 2006 (see "2005 Fee Realignment Rulemaking", OAL File No. 05-1114-01S.) In the course of updating these existing forms, other editorial corrections were made including changes in grammar, spelling, syntax, punctuation, structure, style and format.

HCD also proposes to remove the form HCD OL 90A, Application for 90-Day Certificate Change, Correction, or Replacement, from regulatory text and to incorporate the form by reference. The updated revision dates for this form and others are added to the regulatory text in order to satisfy requirements to incorporate by reference forms that are required by regulation.

In the course of updating these regulations, other edits are made to correct and/or update the regulations, which include changes in grammar, spelling, syntax, punctuation, structure, style and format.

Summary of Sections Affected

The following sections found in CCR, Title 25, Division 1, Chapter 4, Subchapters 1 and 2 are affected by this proposed action:

Amend Sections 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314,

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5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336,
5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354,

5356, 5360, 5362, 5364, 5366 and 5368.
Repeal Section 5042.

Forms Revised 06/09 and Incorporated by Reference

	FORM REFERENCE	FORM TITLE CHANGE Yes/No	FORM TITLE
1	HCD OL 12	Yes	Application for MH–Unit/Commercial Modular Manufacturers, Distributors, and Dealers (Part A)
2	HCD OL 15	No	Notice of Change of Corporate Officer(s) and/or Director(s)
3	HCD OL 16	Yes	Application for MH–Unit/ Commercial Modular Salesperson (Part A)
4	HCD OL 18	No	Application for Occupational License Change, Correction or Replacement
5	HCD OL 21	Yes	Application for MH–Unit/Commercial Modular Manufacturers, Distributors, and Dealers (Part C)
6	HCD OL 29	Yes	Application for MH–Unit/Commercial Modular Manufacturers, Distributors, Dealers and Salesperson (Part B)
7	HCD OL 49	Yes	Application for MH–Unit/Commercial Modular Manufacturer, Distributor or Dealer
8	HCD OL 50	Yes	Application for MH–Unit/Commercial Modular Dealers (Part D)
9	HCD OL 90	Yes	Application for MH–Unit/Commercial Modular 90–Day Certificate
10	HCD OL 90A	Yes	Application for 90–Day Certificate Change, Correction or Replacement
11	HCD OLE D 122	Yes	Application for Course Provider and/or Course Approval (Part A)
12	HCD OLE D 123	Yes	Application for Course Provider Approval (Part B)
13	HCD OLE D 124	Yes	Application for Instructor Approval
14	HCD OLE D 125	No	Certificate of Completion
15	HCD OLE D 126	Yes	Certification of Course Presentation
16	HCD OLE D 127	No	Notification of Intent to Present a Preliminary or Continuing Education Course
17	HCD OLE D 128	Yes	Application to Change an Approved Course
18	HCD OLE D 129	No	Application for Continuing Education Equivalency Approval
19	HCD OLE D 130	Yes	Application for Continuing Education Exemption
20	HCD OLE D 131	Yes	Application for Approved Course Renewal
21	HCD OLE D 132	Yes	Application for Instructor Renewal
22	HCD OLE D 133	Yes	Notice of Change in Ownership, Name, or Address of a Course Provider or Instructor

Comparable Federal Statutes or Reputations

NONE

lehomes and commercial modulares for sale or lease within the State of California.

Policy Statement Overview

The Occupational Licensing Program within HCD is responsible for developing, administering and maintaining regulations applicable to sales, escrow, advertising, warranties and occupational licensing of manufactured homes, multifamily manufactured homes, mobi-

DISCLOSURES REGARDING THE PROPOSED ACTION

- HCD has made the following initial determinations:
- Mandate on local agencies and school districts: NONE

- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE
- Costs or savings to any state agency: NONE
- Other non-discretionary costs or savings imposed upon local agencies: NONE
- Costs or savings in federal funding to the state: NONE
- Significant effect on housing costs: NONE

BUSINESS IMPACT STATEMENT

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

SMALL BUSINESS IMPACT STATEMENT

Small businesses may be affected by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON(S) OR BUSINESS(ES)

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

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations will not affect the creation or the elimination of existing business within the State of California.

- **The expansion of businesses currently doing business within the State of California.**
These regulations will not affect the expansion of businesses currently doing business within the State of California.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of HCD, will be more effective in carrying out the purpose for which this regulatory action is proposed or will be as effective and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at this office **no later than 5:00 p.m. on November 30, 2009**, in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and
Standards
P.O. Box 1407
Sacramento, CA 95812-1407
ATTN: Keisha Wickham

By e-mail to: kwickham@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Keisha Wickham

By hand-delivery to: HCD — Headquarters
1800 3rd Street, Room 260
Sacramento, CA 95811
ATTN: Keisha Wickham
or Mike Salanoa

AVAILABILITY OF DOCUMENTS AND CONTACTS

HCD has prepared an Initial Statement of Reasons (ISOR) for the proposed regulatory action and has available all the information upon which the proposal is

based. Copies of the rulemaking file, including the exact language of the proposed regulations, Initial Statement of Reasons, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location, mailing address or from the contact person listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 3rd Street, Room 260
Sacramento, California 95811

P.O. Box 31
Sacramento, California 95812-0031

In addition, this Notice, the exact language of the proposed regulations and the Initial Statement of Reasons may be found on HCD's website at <http://www.hcd.ca.gov/codes/ol/>.

Questions regarding the substance of this regulatory proposal or the regulatory process may be directed to:

Mr. Michael Salanoa, Occupational Licensing
Program Manager
Telephone: (916) 323-9803, Fax: (916) 327-4712
E-mail: msalanoa@hcd.ca.gov

Back-up Contact

Keisha Wickham, Staff Services Analyst
Telephone: (916) 322-1473, Fax: (916) 327-4712
E-mail: kwickham@hcd.ca.gov

PUBLIC HEARING

HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION

However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be made available from the con-

tact person(s) designated in this Notice for at least a 15-day comment period and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CALIFORNIA DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA Tracking No. 2080-2009-013-05

PROJECT: Planning Area 39
LOCATION: Orange County
NOTIFIER: Thienan Ly Pfeiffer, Glenn
Lukos Associates
APPLICANT: The Irvine Company

BACKGROUND

The Planning Area 39 development project (Project) includes development activities on 398 acres of undeveloped land for housing and associated roads, utilities, fuel modification zones, and landscaping. Of the 398 acres, 146 acres will be preserved as natural open space. The Project area is roughly bounded by the San Diego Freeway (I-405) to the north, Planning Area 18 and Laguna Canyon Road to the west, Planning Area 18 and Lake Forest Drive/future Bake Parkway to the south, and Irvine Center Drive to the east. This area is bisected by San Diego Creek which generally drains through Planning Area 39 in a northwesterly direction.

Riparian habitat on the Project site and adjacent lands are known to support least Bell's vireo (*Vireo bellii pusillus*, vireo), which is listed as endangered pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (CESA) (Fish and Game Code § 2050 *et seq.*). The Project will directly impact approximately 2.04 acres of vireo habitat, consisting of 1.71 acres of permanent impacts and 0.33 acres of temporary impacts.

The Project will be constructed in two phases. Phase 1 is expected to commence in 2010, or as soon as market conditions warrant, and involves activities on the northern half of the site, where part of one vireo territory is lo-

cated. Project development activities are expected to result in impacts to this territory, but it will not be removed entirely, and vireo may be able to shift their use of the area. Phase 2 will commence no sooner than 2017 and is expected to result in incidental take of vireo due to loss of a substantial amount of habitat use area and insufficient availability of alternative breeding areas. Additional vireo may also suffer reduced fitness and productivity due to increased competition and crowding that will require adjusting their habitat use areas.

Because the Project has the potential to take a species listed under the ESA, the U.S. Army Corps of Engineers (Corps) consulted with the United States Fish and Wildlife Service (Service). On June 9, 2009 the Service issued a biological opinion (BO) (FWS-OR-07B0079-08F0333), which describes the Project, including project alterations and conservation measures developed to minimize impacts to vireo, and sets forth measures to mitigate any remaining impacts to vireo and its habitat. On September 2, 2009, the Director of the Department of Fish and Game (DFG) received correspondence from Glenn Lukos Associates, on behalf of the Irvine Company (TIC), requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO, including its incidental take statement (ITS), is consistent with CESA.

DETERMINATION

DFG has determined that the above-referenced BO, including its ITS, is consistent with CESA because the mitigation measures in the BO meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing the incidental take of CESA-listed species. DFG finds, among other things, that the take of vireo will be incidental to an otherwise lawful activity (i.e., removal of vegetation and construction of the high-density housing development), the mitigation measures identified in the BO and required by the ITS will minimize and fully mitigate the impacts of the authorized take of vireo, and the Project will not jeopardize the continued existence of the species. The mitigation measures in the BO include, but are not limited to, the following.

1. Nest Avoidance: All construction-related clearing and vegetation removal in riparian habitat will occur outside of the vireo breeding season (March 15 to September 15) to avoid direct impacts to vireo nests and nestlings. If Project activities are necessary within 250 feet of suitable vireo habitat during the breeding season, a project biologist approved by both the Service and DFG will perform weekly surveys in the area to determine whether any nesting vireos are present. If no

nesting activity is observed, work may continue. If a nest is present, the Service and DFG will be notified of the location of the nest, a 250-foot buffer around the nest will be clearly demarcated, and Project activities within the buffer will be avoided until the nest is no longer active.

2. Construction monitoring: The project biologist will be onsite during all riparian vegetation clearing and grubbing, and will have the authority to stop or redirect activity determined to disrupt vireo nesting behavior. The project biologist will ensure compliance with conservation measures and perform required surveys, oversee fence installation and inspection, monitor dust suppression activities, and perform worker-awareness training.
3. Noise Minimization: TIC will implement noise minimization prior to initiation of construction within the 100-foot Limited Use Areas A and B (as identified in the BO). A temporary sound barrier approximately 12 feet in height made of plywood or stacked straw-bales will be erected between the Project's impact area and adjacent riparian habitat. Noise-generating stationary equipment will be located as far as possible from habitat currently or historically occupied by vireo and shut off when not in use. All equipment will have functioning mufflers and shield paneling as recommended by manufacturers.
4. Habitat Compensation: TIC shall mitigate Project-related impacts to riparian habitat used by vireo by restoration and enhancement of riparian habitat that DFG and the Service have determined to be important to vireo. To meet this obligation, TIC will:
 - Restore and enhance 35.55 acres, identified as Long-Term Management Area (LTMA) in Exhibit 4 of TIC's September 2, 2009 request, by removing 4.66 acres of invasive plants within the LTMA limits. Initial removal of 4.66 acres of invasive plants will be conducted at least 12 months prior to commencement of impacts associated with Phase II. TIC will provide evidence to DFG that the initial removal has occurred prior to conducting Phase II activities. Phase II activities shall not commence until DFG concurs that the initial removal has been successfully carried out.
 - Permanently protect the LTMA (35.55 acres of willow riparian habitat). TIC will submit a draft Conservation Easement (CE) (or other DFG approved legal instrument) to the Corps, DFG, and Service for review and

approval no fewer than 90 days prior to Phase 1 impacts. TIC will record a CE (or other DFG-approved legal instrument) over the LTMA within 30 days of Service and DFG approval of the Long-Term Management Plan (see below) and CE.

5. **Habitat Mitigation and Monitoring Plan:** TIC will offset permanent impacts to 1.71 acres of vireo habitat by removing 4.66 acres of invasive vegetation from the 35.55-acre LTMA in accordance with a 5-year Habitat Mitigation and Monitoring Plan (HMMP) to be approved by the Corps, DFG, and Service. The HMMP will be implemented within one year following initiation of Phase 1 activities. The HMMP will be provided to the Corps, DFG, and Service for approval within 60 days of issuance of the 404 Permit and Streambed Alteration Agreement.
6. **Long-Term Management Plan:** Upon completion of the HMMP, TIC will implement a Long-Term Management Plan (LTMP), approved by the Service, DFG, and Corps, for the long-term management of the LTMA. TIC will submit a draft LTMP to the Corps, DFG, and Service for review and approval no fewer than 90 days prior to Phase 1 impacts.
7. **Ensured Funding:** TIC will fund a non-wasting endowment at the future equivalent of \$315,000 (in 2009 dollars) to finance the LTMP. The endowment will be adjusted for inflation, based on the cumulative annual or part thereof California Consumer Price Index (CA CPI) for the period subsequent to issuance of the 404 permit, Streambed Alteration Agreement, and BO/Consistency Determination, and ceasing when the endowment is funded. The endowment must be funded prior to impacts associated with Phase 2. TIC will submit a request for a proposed third-party endowment holder no fewer than 12 months before funding the endowment. Interest on the endowment will fund perpetual management activities in the LTMP that will include: a.) removal of non-native invasive plants species on an annual basis as needed, b.) removal of trash as necessary, and c.) other management activities as needed.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of vireo that occurs in carrying out the Project, provided TIC implements the Project as described in the BO, and complies with the mitigation measures and other conditions described in the BO and ITS. However, if there are any substantive changes to the Project as described in the BO, including

changes to the mitigation measures, or if the Service amends or replaces the BO, TIC will be required to obtain a new Consistency Determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081) from DFG.

DEPARTMENT OF FISH AND GAME

CALIFORNIA DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2009-014-02

- PROJECT:** Palermo-Colgate-Rio Oso
Transmission Line Reconductoring
Project
- LOCATION:** Butte, Yuba, and Sutter Counties
- NOTIFIER:** Pacific Gas and Electric Company
(PG&E)

BACKGROUND

Pacific Gas and Electric Company (PG&E) proposes to upgrade 55 miles of existing 230 KV transmission facilities. The Palermo-Colgate-Rio Oso Transmission Line Reconductoring Project (Project) includes the Palermo-Rio Oso Line and the Colgate Loop facilities. The Palermo-Rio Oso Line consists of 38 miles of 1.113 aluminum conductor supported by 245 steel lattice towers from the Palermo Junction in Butte County to the Rio Oso Substation in Sutter County. The Colgate Loop consists of 16 miles of line supported by 72 steel lattice towers from the Colgate Powerhouse on the Yuba River to the Palermo-Rio Oso Line in Yuba County. The Project involves raising 81 towers, installing up to 62 temporary wooden poles as guard structures, installing travelers and insulators on all towers, and installing and tensioning the new transmission lines.

PG&E will use helicopters to erect 79 of the towers, delivering travelers and insulators, delivering crew and equipment in sensitive areas, and for some of the tensioning work. Ground-disturbing activities include access to all towers and worksites needing on site equipment; one new temporary access road (777 feet long and 12 feet wide), installation of guard structures (including use of auger on a line truck), use of two cranes and ground crews on two of the sites, lay-down areas, helicopter landing areas, and pull sites.

Three of the proposed work activities have the potential to affect giant garter snake (*Thamnophis couchi gi-*

gas) (hereafter, GGS) where activities would take place within 200 feet of suitable permanent water habitat. These work activities include installing guard structures, accessing towers and worksites, and using work sites for pulling conductor. 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 & Game Code, § 2050 et seq.). The presence of GGS has been documented about four miles from the southern portion of the Project area and there is suitable GGS habitat within and adjacent to the Project area, including drainages, canals and rice cropland.

Construction of the Project will result in the temporary loss of 0.306 acre of aquatic GGS habitat, 4.660 acres of rice GGS habitat, and 8.973 acres of upland GGS habitat, totaling 13.939 acres of GGS habitat loss between May 1 and October 1. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable GGS habitat within the Project area, the U.S. Fish and Wildlife Service (Service) determined GGS is reasonably certain to occur within the Project area and could be incidentally taken as a result of Project activities.

Because of the Project's potential for incidental take of GGS, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On March 31, 2009, the Service issued a letter (Service file No. 81420-2008-F-1799-1) to the Corps (hereafter, the Append Letter), appending the Project to the Service's 1997 *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (Service file No 1-1-F-97-149) (Programmatic BO). The Append Letter describes Project actions and requires PG&E to comply with terms of the Programmatic BO and its incidental take statement and incorporates additional measures, including the requirement that PG&E implement and adhere to all measures described in the March 2009 *Biological Assessment for the PG&E Palermo-Colgate-Rio Oso 230 kV Transmission Line Project* (BA).

Because GGS is also listed as a threatened species pursuant to CESA, on April 7, 2009, Garcia and Associates, Inc., on behalf of PG&E, notified the Director of the Department of Fish and Game (DFG) that PG&E was requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Append Letter, now a part of the Programmatic BO and its related incidental take statement (ITS) is consistent with CESA for purposes of the Project. On May 7, 2009, DFG determined that the Programmatic BO, including the ITS and

Append letter was consistent with CESA (Ref. #2080-2009-002-02).

On September 16, 2009 the Service issued an amendment (Service file #81420-2008-F01799-1) via email authorizing changes to the Project description to reflect PG&E's request to carry out reconductoring work past the October 1 work window, until November 11, 2009. On September 21, 2009, Garcia and Associates, Inc, on behalf of PG&E, notified the Director of DFG that PG&E was requesting a determination that the Programmatic BO, including the ITS and Append letter *as amended by the September 16, 2009 email* is consistent with CESA for purposes of the proposed Project.

DETERMINATION

DFG has determined that the Programmatic BO, including the ITS and Append letter, as amended on September 16, 2009, is consistent with CESA as to the Project because the mitigation measures contained in the Programmatic BO, Append Letter, and ITS, as well as the conditions in the Project BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing the incidental take of CESA-listed species. This determination supersedes and replaces the prior determination (Ref. #2080-2009-002-02) issued on May 7, 2009. Specifically, DFG finds that take of GGS will be incidental to an otherwise lawful activity, the mitigation measures identified in the Programmatic BO, Append Letter, and ITS will minimize and fully mitigate the impacts of the authorized take, and construction of the Project will not jeopardize the continued existence of GGS. The mitigation measures in the Programmatic BO, Append Letter, ITS, and BA include, but are not limited to, the following:

Take Avoidance Measures

- PG&E shall limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for GGS. Measures limiting site disturbance include installing protective fencing for sites immediately adjacent to construction activities and using flagging to identify avoidance areas along access roads.
- PG&E shall develop and implement a spill control and response plan for potentially hazardous materials, including fuels, solvents and grease;
- PG&E shall train construction crews on GGS issues and protocols for addressing GGS that are found within the constructions sites during construction;
- PG&E shall provide a qualified biological monitor during the construction activities;

Minimization and Monitoring Measures

- PG&E shall provide mitigation for temporary impacts in accordance with the requirements in the Programmatic BO for Level 1 mitigation by restoring 13.939 acres of habitat for GGS to pre-Project conditions within the same season, or at least within the same calendar year.
- PG&E shall only conduct construction during the GGS active season (May 1–October 1) with the exception of the work area and landing zone around Tower C16/73 where construction may occur through November 11, 2009 under the conditions described below.
 1. Vehicular access to the site shall follow the existing route from Old Loma Rica Road;
 2. Prior to October 1, PG&E shall set up exclusionary fencing at this location in order to discourage GGS use of the site. The fencing shall be at least 18 inches high and be able to block GGS from moving into the Project site. The fence shall be securely fastened to posts keeping the fence erect and the bottom of the fence shall be buried in the ground. The fence shall be checked and maintained daily to ensure that it is working properly and that GGS cannot move into the Project site;
 3. Construction activities shall continue at the site on a routine basis until the line installation is complete. After that time, PG&E shall remove the exclusionary fencing and stabilize the site for winter;
 4. A construction monitor shall inspect the site daily prior to the onset of construction activities for the presence of GGS. The monitor shall remain on site during all construction activities.
- If GGS are encountered during construction or preconstruction surveys, activities will cease until appropriate corrective measures have been completed or it has been determined that GGS will not be harmed. PG&E will immediately report any sightings or incidental take to DFG by telephone at (916) 358–2900 and to the Service by telephone at (916) 414–6600.
- Following construction, PG&E shall return each site to pre-Project conditions, remove all construction debris (including protective fencing, barriers, flagging, and construction mats), and reseed each site with an approved erosion control seed mix as needed as prescribed in a Service and

DFG–approved Stormwater Pollution Prevention Plan (SWPPP).

Financial Assurances

- PG&E shall provide, subject to review and approval by DFG, a cost estimate associated with the SWPPP for implementation of the restoration measures that will return areas of GGS habitat to pre-Project conditions.
- Upon approval of the cost estimate and prior to the initiation of Project activities, PG&E shall provide a financial commitment (i.e., Letter of credit, letter of security) in a form approved by DFG, to DFG to ensure performance of these measures.

Notification and Reporting

- Post construction monitoring reports shall be provided to DFG and the Service for restoration of GGS habitat as specified for Level 1 impacts as required by the Programmatic BO. The reports shall include photo documentation of all GGS habitat pre- and post- construction.
- The SWPPP requires temporary and permanent stabilization best management practices (BMPs) after active construction is completed. Inspection activities shall continue until adequate permanent stabilization has been established and shall continue in areas where revegetation is chosen until minimum vegetative coverage has been established. Although not a condition of the Programmatic BO, DFG requests a copy of the inspection report. The report shall include dates construction occurred and the success of revegetation and restoration.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of GGS for the Project, provided PG&E implements the Project as described in the append letter and the September 16, 2009 email amendment, including adherence to all measures contained in the BA, and complies with the mitigation measures and other conditions described in the Programmatic BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Append Letter, the Programmatic BO including its ITS, or BA, PG&E will be required to obtain a new consistency determination or a CESA incidental take permit from DFG. This determination replaces DFG’s prior determination (Ref. #2080–2009–002–02) issued on May 7, 2009, and is limited to consistency of the Programmatic BO as applied specifically to the Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s) or take

authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
 Public Interest Notice
 For Publication October 16, 2009
**PROPOSED RESEARCH ON FULLY
 PROTECTED SPECIES**
 Telemetry Study & Population Estimates of
 Razorback Suckers in the Lower Colorado River

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

The applicant is required to have a Scientific Collecting Permit (SCP) to take protected species of fish. Permit conditions also require that the holder of a SCP obtain special authorization from the Department for research on Fully Protected Species. The applicant has the required Scientific Collecting Permit (SC-006499), a valid USFWS Federal Section 10 Permit (Permit Number: TE144063-0), and has applied for a Memorandum of Understanding (MOU) to permit him to collect the razorback sucker, a Fully Protected Species.

The proposed research is a continuation of studies that has been conducted by the U.S. Bureau of Reclamation (USBR) in support of the multi-stakeholder Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The applicant proposes to conduct ongoing telemetry studies to determine survival and habitat use of razorback suckers (razorbacks) stocked into the Colorado River. The study on razorbacks also involves population estimates, survival rates of stocked razorbacks, recruitment, presence/absence for young of the year, determination of additional spawning sites, and monitoring surveys to assist in the scientific research to recover razorbacks. The sample area consists of the Colorado River and its associated flood plain from Davis Dam to Parker Dam. Various methods of collection will be used: trammel nets, minnow traps, seines, hoop-nets, dip nets, electrofishing, and hook and line to support the LCR MSCP. All fishes collected will be identified to species and measured. All razorbacks will be measured, weighed, sexed, scanned for Passive Integrated Transponder (PIT) and wire tags, and then re-

leased. No fish will be removed from the waters. No voucher specimens will be collected.

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

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it would issue the authorization on or after October 21, 2009 for an initial term of five years. Because the applicant’s federal permit expires on May 30, 2010, the validity of the MOU after 5/30/2010 is contingent upon successful renewal of the applicant’s federal permit.

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

**DEPARTMENT OF HEALTH CARE
 SERVICES**

**THE CALIFORNIA DEPARTMENT OF
 HEALTH CARE SERVICES QUALITY
 ASSURANCE FEE ON SKILLED NURSING
 FACILITIES FOR THE 2009-10
 RATE YEAR**

This notice provides updated information concerning the Quality Assurance Fee (QAF) on each skilled nursing facility for the rate year August 1, 2009, to July 31, 2010. California Health and Safety Code sections 1324.20 through 1324.30, and Welfare and Institutions Code section 14105.06, authorize the Department of Health Care Services (DHCS) to collect a QAF from all nonexempt Freestanding Skilled Nursing Facilities and Freestanding Skilled Adult Subacute Nursing Facility Level-Bs (FS/NF-Bs). The purpose of this fee is to enhance federal financial participation in the Medi-Cal program, provide additional reimbursement to, and support quality improvement efforts in, licensed FS/NF-Bs providing services for the Medi-Cal program.

**QA FEE IMPOSED FOR THE 2009–10
RATE YEAR**

DHCS will collect the following QA Fee on a monthly basis:

FS/NF–Bs with total annual resident days equal to or greater than 100,000 — \$10.12 per resident day.

FS/NF–Bs with total annual resident days less than 100,000 — \$11.16, per resident day.

DHCS will send quarterly notices to each facility and three monthly payment forms. Payments are due on or before the last day of the month following the month for which the fee is imposed.

PUBLIC REVIEW AND COMMENTS

A copy of the California Health and Safety Code sections 1324.20 through 1324.30, and Welfare and Institutions Code section 14105.06 may be requested from, and any comments may be sent to:

John McCraw, Chief
Long Term Care System Development Unit
Long Term Care Section
Department of Health Care Services
1501 Capitol Avenue, Suite 71.4001
MS 4612
P.O. Box 997417
Sacramento, CA 95899–7417

FISH AND GAME COMMISSION

**Notice of Location Change for Adoption Hearing
on Proposed Regulatory Action for 2010–2012
Sport Fishing Regulations**

The December 10, 2009 Fish and Game Commission hearing noticed for West Sacramento, California has been scheduled to be relocated to:

The Radisson Hotel
Los Angeles International Airport (LAX)
6225 West Century Blvd.
Los Angeles, California 90045.

The relocation of the adoption hearing constitutes a change in the notices of proposed regulatory action published in the California Regulatory Notice Register 2009, as follows:

- Sport Fishing Regulations for Years 2010–2012; Notice Z–2009–0818–02, 35–Z (August 28, 2009)
- Sport Fishing Regulations for Years 2010–2012 continuation notice; Notice Z–2009–0915–01, 39–Z (September 25, 2009)

The published notification of further discussion of the items listed above, set for Thursday, November 5, 2009, in Woodland, has not changed.

For additional information, please refer to the appropriate Notice Registers; contact the Fish and Game Commission staff at (916) 653–4899; or go to the Commission’s website at www.fgc.ca.gov/regulations/new/2009/proposedregs09.asp#sf.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
October 16, 2009**

**Announcement of Chemicals Selected by OEHHA
for Consideration for Listing by the Carcinogen
Identification Committee and Request for
Relevant Information on the Carcinogenic
Hazards of These Chemicals**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Carcinogen Identification Committee (CIC) of OEHHA’s Science Advisory Board serves as the State’s qualified experts for rendering an opinion whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer. The chemicals identified by the CIC are added to the Proposition 65 list, which must be updated annually.

On May 29, 2009, the CIC considered the priority ranking of 38 chemicals of which they recommended that nine of the chemicals be placed in the High priority

¹ Health and Safety Code section 25249.5 et seq.

category. OEHHA has initially selected five of the nine chemicals for the CIC’s review for possible listing under Proposition 65 and is initiating the development of hazard identification materials for these chemicals.

[The remaining four chemicals will be the subject of a future public notice or notices.] The five chemicals are listed in Table 1 below.

Table 1. Chemicals Selected for Preparation of Cancer Hazard Identification Materials and Review for Possible Listing by the Carcinogen Identification Committee

Chemical	CASNo.
3-Monochloropropane-1,2-diol	96-24-2
1,3-Dichloro-2-propanol	96-23-1
Fluoride and its salts	—
Diisononyl phthalate (DINP)	—
Perfluorooctanoic acid (PFOA) and its salts and transformation and degradation precursors	—

These chemicals were selected using the procedure described in the document entitled: “Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State’s Qualified Experts,” adopted in 2004, and available on the Internet at www.oehha.ca.gov.

OEHHA identified 38 chemicals through application of an epidemiology data screen and an animal data screen, and a preliminary toxicological evaluation of the available overall evidence of carcinogenicity, as outlined in the 2004 prioritization process. These 38 chemicals were presented and released for public comment on March 5, 2009, along with a separate listing of the relevant studies identified for each chemical. These materials were provided to the Committee and also made available on OEHHA’s Web site at www.oehha.ca.gov. The Committee met to consider the materials for all 38 chemicals at a public meeting on May 29, 2009. At this meeting, the Committee advised OEHHA by majority vote that nine chemicals be given high priority consideration for preparation of hazard identification materials. The five chemicals identified in Table 1 are a subset of the nine high priority candidates. The hazard identification materials for the five chemicals will be presented at a future meeting for Committee review for possible listing of the chemical under Proposition 65. OEHHA anticipates announcing a similar request for relevant information on the remaining four chemicals at a future date.

By this notice, OEHHA is providing the public an opportunity to provide information relevant to the assessment of the evidence of carcinogenicity for any of the chemicals listed in Table 1. Relevant information includes but is not limited to: cancer bioassays, cancer epidemiological studies, genotoxicity testing, and other pertinent data on pharmacokinetics, biomarkers, and

effects on biochemical and physiological processes in humans for any of the five chemicals. Interested parties or members of the public wishing to provide such information should send it to the address given below.

The publication of this notice marks the start of a 60-day data call-in period. This period will end on **Tuesday, December 15, 2009**. The information received during this data call-in period will be reviewed and considered by OEHHA as it prepares the cancer hazard identification materials on these chemicals. This request for information is the next step in the process described in the 2004 prioritization procedure.

Notification of the availability of the hazard identification materials and of the time, date, location, and agenda of the meetings of the Carcinogen Identification Committee where these chemicals will be considered will be provided in subsequent notices published in the *California Regulatory Notice Register* and will also be posted on OEHHA’s website. It is anticipated that the hazard identification materials will be made available for a 60-day comment period prior to the Committee meetings at which these chemicals will be considered.

Relevant information on these chemicals should be submitted to:

Cynthia Oshita
 Office of Environmental Health Hazard Assessment
 Proposition 65 Implementation
 P.O. Box 4010
 1001 I Street, 19th Floor
 Sacramento, California 95812-4010
 FAX: (916) 323-8803
 Or via e-mail to coshita@oehha.ca.gov

Submittal of materials in electronic form is encouraged. It is requested that all hard-copy materials be submitted in triplicate.

Submissions may also be delivered in person or by courier to the above address. In order to be considered, the relevant information must be received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Tuesday, December 15, 2009.

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

REQUEST FOR RELEVANT
INFORMATION ON
CHEMICALS BEING CONSIDERED
FOR LISTING
BY THE AUTHORITATIVE BODIES
MECHANISM:
BROMOCHLOROACETIC ACID
AND CUMENE

October 16, 2009

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is requesting information as to whether *bromochloroacetic acid* and *cumene* meet the criteria for listing under the Safe Drinking Water and Toxic Enfor-

Chemical	CASNo.	Endpoint	Reference	Chemical Use
Bromochloroacetic acid	5589-96-8	Cancer	NTP (2009a)	Water disinfection by-product
Cumene	98-82-8	Cancer	NTP (2009b)	Used in the production of numerous chemicals, especially phenol and acetone; used as a thinner, a solvent, and in some fuels; occurs naturally in petroleum and at trace amounts in some foods

ment Act of 1986.¹ This action is being proposed under the authoritative bodies listing mechanism.²

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)³).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The National Toxicology Program (NTP) is one of several institutions designated as an authoritative body

for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: *Bromochloroacetic acid* and *cumene* each appear to meet the criteria for listing as known to the State to cause cancer under Proposition 65, based on findings of the National Toxicology Program (NTP, 2009a; NTP, 2009b).

Formal identification and sufficiency of evidence for bromochloroacetic acid: In 2009, the NTP published a report on bromochloroacetic acid, entitled *Toxicology and Carcinogenesis Studies of Bromochloroacetic Acid (CAS No. 5589-96-8) in F344/N Rats and B6C3F1 Mice (Drinking Water Studies)*. This report concludes that the chemical causes cancer, which appears to satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP's discussion of data and conclusions in the report that bromochloroacetic acid causes cancer. The NTP (2009a) report concludes:

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., Section 25306.

³ All referenced sections are from Title 27 of the Cal. Code of Regulations.

“Under the conditions of these 2–year studies, there was *clear evidence of carcinogenic activity* of bromochloroacetic acid in male F344/N rats based on increased incidences of malignant mesotheliomas and adenomas of the large intestine. There was *clear evidence of carcinogenic activity* of bromochloroacetic acid in female F344/N rats based on increased incidences of adenomas of the large intestine; increased incidences of multiple fibroadenomas of the mammary gland in female rats were also considered to be exposure related. Increased incidences of pancreatic islet adenomas in male rats and of hepatocellular adenomas in male and female rats may have been related to bromochloroacetic acid exposure. There was *clear evidence of carcinogenic activity* of bromochloroacetic acid in male and female B6C3F1 mice based on increased incidences of hepatocellular neoplasms and hepatoblastoma (males only).” (Emphasis in original)

Thus, the NTP (2009a) has found that bromochloroacetic acid causes increased incidences of malignant mesotheliomas in male rats, and malignant liver tumors in male and female mice.

Formal identification and sufficiency of evidence for cumene: In 2009, the NTP published a report, entitled *Toxicology and Carcinogenesis Studies of Cumene (CAS No. 98–82–8) in F344/N Rats and B6C3F1 Mice (Inhalation Studies)*. The report concludes that cumene causes cancer, which appears to satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP’s discussion of data and conclusions in the report that cumene causes cancer. The NTP (2009b) report concludes:

“Under the conditions of these 2–year inhalation studies, there was *clear evidence of carcinogenic activity* of cumene in male F344/N rats based on increased incidences of respiratory epithelial adenoma in the nose and renal tubule adenoma or carcinoma (combined). Increased incidences of interstitial cell adenoma of the testis may have been related to exposure to cumene. There was *some evidence of carcinogenic activity* of cumene in female F344/N rats based on the incidences of respiratory epithelium adenoma in the nose. There was *clear evidence of carcinogenic activity* of cumene in male B6C3F1 mice based on increased incidences of alveolar/bronchiolar neoplasms. The increased incidences of hemangiosarcoma in the spleen and follicular cell adenoma in the thyroid gland in male mice may have been related to cumene exposure. There was *clear evidence of*

carcinogenic activity of cumene in female B6C3F1 mice based on increased incidences of alveolar/bronchiolar neoplasms. Increased incidences of hepatocellular adenoma or carcinoma (combined) in female mice were also considered to be related to exposure to cumene.” (Emphasis in original)

Thus, the NTP (2009b) has found that cumene causes increased incidences of combined benign and malignant kidney tumors in male rats, and malignant lung tumors in mice of both sexes.

Request for relevant information: OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA wants to ensure that its regulatory decisions are based on a thorough consideration of all relevant information. OEHHA is requesting public comment concerning whether these two chemicals meet the criteria set forth in the Proposition 65 regulations for authoritative bodies listings.

After reviewing all comments received, OEHHA will determine whether the identified chemicals meet the regulatory criteria for administrative listing and proceed with listing. If either or both of the chemicals meet the listing criteria, OEHHA will publish a Notice of Intent to List.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Tuesday, December 15, 2009.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e–mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental
Health Hazard Assessment
P.O. Box 4010, MS–19B
Sacramento, California
95812–4010

Fax: (916) 323–8803

Street Address: 1001 I Street
Sacramento, California 95814

Optional public forum: Upon request, OEHHA will schedule a public forum to provide individuals an opportunity to present oral comments on the possible listing of these chemicals. At the forum, the public may discuss the scientific data and other relevant information on whether either chemical meets the criteria for listing in the regulations.

Requests for a public forum must be submitted in writing no later than November 13, 2009. The written

request must be sent to OEHHA at the mailing address above. If a public forum is requested, a notice will be posted on the OEHHA web site at least ten days before the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification.

If you have any questions, please contact Ms. Oshita at coshita@oehha.ca.gov or at (916) 445-6900.

References

National Toxicology Program (NTP, 2009a). *Toxicology and Carcinogenesis Studies of Bromochloroacetic Acid (CAS No. 5589-96-8) in F344/N Rats and B6C3F1 Mice (Drinking Water Studies)*. NTP Technical Report Series No. 549. NIH Publication No. 09-5890. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

National Toxicology Program (NTP, 2009b). *Toxicology and Carcinogenesis Studies of Cumene (CAS No. 98-82-8) in F344/N Rats and B6C3F1 Mice (Inhalation Studies)*. NTP Technical Report Series No. 542. NIH Publication No. 09-5885. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

DISAPPROVAL DECISION

**CALIFORNIA INSTITUTE FOR
REGENERATIVE MEDICINE**

State of California
Office of Administrative Law

In re:
California Institute for Regenerative Medicine

**Regulatory Action: Title 17
California Code of Regulations**

Amend sections: 100500

**DECISION OF PARTIAL DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2009-0806-03 SR

SUMMARY OF REGULATORY ACTION

The California Institute for Regenerative Medicine (CIRM) was established in early 2005 with the passage

of Proposition 71 (The California Stem Cell Research and Cures Initiative). Proposition 71 provided \$3 billion in funding to CIRM. CIRM makes grants and provides loans for stem cell research, research facilities and other vital research opportunities.

On January 27, 2009, CIRM submitted a proposed rulemaking (OAL File No. 2009-0127-03 S) to amend the standards and criteria for the awarding and oversight of grants, loans and contracts for academic and non-profit recipients. Specifically, CIRM sought to amend section 100500 of title 17 of the California Code of Regulations (CCR) to update the revision date of and illustrate changes to a document incorporated by reference: the Grants Administration Policy for Academic and Non-Profit Institutions (GAP). The GAP is a 51 page document with a six page appendix and sets forth the standards and criteria for the awarding and oversight of grants, loans, and contracts. Section 100500 provides that all academic and non-profit institutional recipients of CIRM funding must adhere to the terms and conditions of the GAP.

OAL File No. 2009-0127-03 S was withdrawn by CIRM on March 11, 2009. On August 6, 2009, CIRM resubmitted the withdrawn file. The resubmission (OAL File No. 2009-0806-03 SR) again proposed amendments to the GAP, including proposed changes to the *Appeals of Scientific Review* section of the GAP. The *Appeals of Scientific Review* section of the GAP contains the standards for appealing a denial of an Application for CIRM funding of research or research related opportunities.

DECISION

On September 18, 2009, the Office of Administrative Law (OAL) notified CIRM of the approval in part and the disapproval in part of OAL File No. 2009-0806-03 SR. The amendment to section 100500 of title 17 of the CCR, and the amendments to the document incorporated by reference, CIRM's Grants Administration Policy for Academic and Non-Profit Institutions were approved except as to the amendments to the *Appeals of Scientific Review* section, which were disapproved. The amendments to the *Appeals of Scientific Review* section were disapproved for failure to comply with the clarity standard of Government Code section 11349.1.

Date: September 25, 2009

/s/
Elizabeth A. Heidig
Staff Counsel

for: SUSAN LAPSLEY
Director

Original: Dr. Alan Trounson
cc: Ian K. Sweedler

**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# 2009-0827-03
CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
Children's Hospital Program of 2004

This rulemaking action implements Proposition 61 of 2004, which authorized \$750 million in general obligation bonds to fund the Children's Hospital Program of 2004, which seeks to increase and expand services for children at California's children's hospitals. Specifically, this rulemaking amends regulations in Title 4 of the California Code of Regulations to improve and simplify the program application process by, among other things, dropping requirements for submission of draft architect, design, and engineering contracts and plans for project implementation as part of the application, by adding board approved capital campaign plans to the list of things an applicant may submit as proof of other funding sources, by adding purchase orders and invoices to the list of things a hospital may use to prove project completion, and by making corresponding changes to application forms and instructions.

Title 4
California Code of Regulations
AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050
Filed 10/07/2009
Effective 10/07/2009
Agency Contact: Barry Scarff (916) 654-5711

File# 2009-0824-03
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Visiting Restrictions with Minors

This regulatory action amends provisions governing those visiting inmates in CDCR facilities. In particular,

it defines sexual activity and disallows it during visiting room visits, including the penalties for transgressions. It also describes limits on contact with non-victim minors when the inmate has been convicted of specified child-related crimes.

Title 15
California Code of Regulations
AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323
Filed 10/06/2009
Effective 10/06/2009
Agency Contact: Kelly Medina (916) 341-7390

File# 2009-0824-06
DEPARTMENT OF REAL ESTATE
Partnerships; Disclosures

This regulatory action deals with multiple subject matters: 1) real estate brokers forming partnerships, 2) use of a fictitious business name with the word "escrow" in it, 3) disclosure of license identification number on all solicitation materials intended to be the first point of contact with consumers, 4) additional required disclosures in advertising by licensees regarding various "higher risk" loan products to assure that the advertising is not misleading or deceptive, 5) disclosure of the role of the person or entity (or agent thereof) that arranges financing in connection with the sale, lease or exchange and any related loan transaction of real property to all parties to the sale, lease or exchange of real property, and 6) suspension of a license may be imposed on a licensee who commits trust fund violation(s) until the licensee completes a specified trust fund accounting and handling continuing education course and shows proof of satisfaction of having completed the course.

Title 10
California Code of Regulations
ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755
Filed 10/06/2009
Effective 11/05/2009
Agency Contact:
Daniel E. Kehew (916) 227-0425

File# 2009-0903-01
DEPARTMENT OF TRANSPORTATION
Broadband Facility Installation — Encroachment Permits

This rulemaking action implements Executive Order S-23-06 and California Streets and Highways Code Section 660, et seq., and promotes broadband access by establishing expedited public right-of-way application and dispute resolution processes for broadband providers.

Title 21
California Code of Regulations
ADOPT: 1412.1, 1412.2, 1412.3, 1412.4, 1412.5,
1412.6, 1412.7, 1412.8, 1412.9
Filed 10/06/2009
Effective 10/06/2009
Agency Contact:
Dina El-Nakhal (916) 654-6232

File# 2009-0924-03
DEPARTMENT OF WATER RESOURCES
Financial Assistance for Flood Management Projects
These regulations implement section 12585.7 of the Water Code which identifies objectives for flood management projects to consider in order to increase the State share for the project. The DWR has authority to provide financial assistance to flood control projects. Water Code section 12585.7 (for projects authorized after 1/1/2002) establishes State financial assistance at 50 to 70% of nonfederal capital costs related to flood, fish, wildlife, recreation mitigation and nonfederal planning, engineering and design costs. The US requires State or local payment of these costs. The State financial assistance in non-federally allowed costs is a minimum of 50%. Up to 70% if the project makes a significant contribution to one of a number of objectives, such as increased flood protection, endangered wildlife protection or riparian enhancement, etc. These regulations would provide the specific criteria for recommendation of certain projects by the DWR or the Central Valley Flood Protection Board as to the State's share and how it gets from 50% to 70%.

Title 23
California Code of Regulations
ADOPT: 570, 571, 572, 573, 574, 575, 576
Filed 10/06/2009
Effective 11/05/2009
Agency Contact: David Wright (916) 574-2644

File# 2009-0901-01
FISH AND GAME COMMISSION
Lobsters, Permits to Take
In this regulatory action, the Fish and Game Commission amends its existing regulation pertaining to "Lobsters, Permits to Take" which sets forth rules relating to commercial lobster fishing. The amendments principally relate to clarifying the method of take and locations where lobster can be taken, adding a requirement for maintaining the condition of lobster trap buoys, deleting language that is no longer needed and obsolete, and reorganizing existing provisions.

Title 14
California Code of Regulations
AMEND: 122
Filed 10/07/2009
Effective 11/06/2009
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-0825-01
FISH AND GAME COMMISSION
Delist American Peregrine Falcon from Endangered Species List
The Fish and Game Commission amends subsection (a)(5) of section 670.5 of Title 14 of the California Code of Regulations to delist the American peregrine falcon (*Falco peregrines anatum*) from the California Endangered Species Act list of endangered species.

Title 14
California Code of Regulations
AMEND: 670.5
Filed 10/05/2009
Effective 11/04/2009
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-0825-06
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Portable and Vehicle-Mounted Generators
The Occupational Safety and Health Standards Board proposed this rulemaking action to amend title 8, California Code of Regulations, section 2395.6 to conform the electrical grounding provisions for portable and vehicle-mounted generators to National Electrical Code standards and to counterpart federal standards.

Title 8
California Code of Regulations
AMEND: 2395.6
Filed 10/07/2009
Effective 11/06/2009
Agency Contact: Marley Hart (916) 274-5721

File# 2009-0825-04
PHYSICAL THERAPY BOARD OF CALIFORNIA
Continuing Competency
This action specifies the amount of continuing education required of physical therapists and physical therapist assistants prior to license renewal and various related administrative matters intended to assure continuing competency of licensees, and repeals obsolete license fees that have been replaced by fees set forth in a statute.

Title 16
 California Code of Regulations
 ADOPT: 1399.90, 1399.91, 1399.92, 1399.93,
 1399.94, 1399.95, 1399.96, 1399.97, 1399.98,
 1399.99 REPEAL: 1399.50, 1399.52
 Filed 10/07/2009
 Effective 11/06/2009
 Agency Contact: Rebecca Marco (916) 561-8260

File# 2009-0825-05
 PHYSICIAN ASSISTANT COMMITTEE
 Renewal of License

The Physician Assistant Committee of the Department of Consumer Affairs is adopting a new section requiring all licensees to disclose, prior to renewal of a license, whether he or she has been convicted of "any violation of the law in this or any other state, the United States, or other country, omitting traffic infractions under \$300 not involving alcohol, dangerous drugs, or controlled substances." Licensees must also disclose whether they have been denied a license, or been disciplined by another licensing authority, anywhere. Failure to comply renders the application for renewal incomplete and the "license will not be renewed until the licensee demonstrates compliance. . . ."

Title 16
 California Code of Regulations
 ADOPT: 1399.514
 Filed 10/05/2009
 Effective 11/04/2009
 Agency Contact:
 Glenn L. Mitchell (916) 561-8783

File# 2009-0820-04
 STATE LANDS COMMISSION
 Performance Standards (ballast water discharge)

This action specifies criteria for the isokenitic collection of samples of water used as ballast in vessels to assure representative sampling in the program for enforcement of ballast water standards.

Title 2
 California Code of Regulations
 ADOPT: 2297 AMEND: 2291, 2292, 2294
 Filed 10/01/2009
 Effective 10/31/2009
 Agency Contact: Maurya Falkner (916) 574-2568

File# 2009-0820-03
 STATE TREASURER
 Eligibility and Custody of Notes

The State Treasurer's Office proposed this rulemaking action to amend title 2, California Code of Regulations, sections 1898.2 and 1898.7, which provide the

valuation, appraisal, and reporting requirements for promissory notes pledged by eligible financial institutions as collateral for state-deposited funds under the Time Deposit Program pursuant to Government Code sections 16522(g) and 16612(g).

Title 2
 California Code of Regulations
 AMEND: 1898.2, 1898.7
 Filed 10/01/2009
 Effective 10/31/2009
 Agency Contact: Shirley Sneed (916) 653-1300

File# 2009-0818-02
 STATE WATER RESOURCES CONTROL BOARD
 Calleguas Creek Nitrogen Compounds and Related Effects TMDL Revision

On September 11, 2008, the Los Angeles Regional Water Quality Control Board adopted Resolution R4-2008-009 amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by revising the Total Maximum Daily Load (TMDL) for Nitrogen Compounds and Related Effects in Calleguas Creek, its Tributaries and Mugu Lagoon. On June 16, 2009, the State Water Resources Control Board approved this amendment under Final Resolution No. 2009-0052. The original Basin Plan Amendment for Calleguas Creek Nitrogen Compounds and Related Effects was adopted in 2002. The Calleguas Creek and Mugu Lagoon are impaired by nitrogen compounds and eutrophic effects and are on the 1998 California 303(d) list of impaired water bodies. The regional board indicates that the mass based daily Waste Load Allocations (WLAs) for ammonia were incorrectly calculated as the product of the daily flow rate and the average monthly effluent limits (AMEL), rather than the daily flow rate and the maximum daily effluent limits (MDEL). This amendment revises that calculation with respect to the upcoming National Pollutant Discharge Elimination System (NPDES) permits.

Title 23
 California Code of Regulations
 AMEND: 3939.2
 Filed 09/30/2009
 Effective 10/30/2009
 Agency Contact: Nick Martorano (916) 341-5980

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 6, 2009 TO
 October 7, 2009**

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

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

Title 2

- 10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297
- 10/01/09 AMEND: 1898.2, 1898.7
- 09/22/09 ADOPT: 18603, 18603.1
- 09/22/09 ADOPT: 18901.1 AMEND: 18420.1
- 09/18/09 AMEND: 1859.76
- 09/17/09 AMEND: 2270, 2271
- 09/14/09 AMEND: 588.1, 588.2
- 08/31/09 ADOPT: 1859.324.2 AMEND: 1859.302, 1859.324.1, 1859.330
- 08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1 AMEND: 647.1, 647.2, 647.3, 647.4, 647.20, 647.20.1, 647.22, 647.23, 647.24, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.38 REPEAL: 647.25, 647.34
- 07/30/09 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585
- 07/20/09 ADOPT: 721
- 07/07/09 AMEND: 18450.4
- 07/06/09 AMEND: 18940.2
- 06/15/09 ADOPT: 18746.4 AMEND: 18741.1, 18746.1, 18746.3
- 06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23, 649.25, 649.29, 649.32, 649.33, 649.48 AMEND: 647.4, 649, 649.2, 649.4, 649.7, 649.8, 649.11, 649.12, 649.13, 649.15, 649.16, 649.22, 649.24, 649.26, 649.27, 649.28, 649.30, 649.31, 649.35, 649.36, 649.50, 649.51, 649.57, 649.58, 649.59, 649.62 REPEAL: 649.3, 649.6, 649.9, 649.10, 649.14, 649.23, 649.25
- 06/09/09 ADOPT: 18405
- 06/01/09 ADOPT: 250.1
- 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

Title 3

- 09/24/09 AMEND: 3406(b)
- 09/24/09 AMEND: 3434(b)
- 09/22/09 AMEND: 6562
- 09/15/09 AMEND: 3434(b)
- 09/14/09 AMEND: 3435(b)
- 09/10/09 ADOPT: 2300.1, 2300.2, 2300.3 AMEND: 2300
- 09/09/09 AMEND: 3434(b)

- 09/03/09 AMEND: 3434(b)
- 09/01/09 AMEND: 3435(b)
- 08/28/09 AMEND: 3434(b)
- 08/27/09 AMEND: 3435(b)
- 08/27/09 AMEND: 3588
- 08/26/09 AMEND: 6400, 6502, 6620, 6626(a)-(b), 6626(c), 6627, 6670, 6672, 6736, and incorporated by reference forms
- 08/20/09 AMEND: 3406(b)
- 08/20/09 AMEND: 3591.13(a)
- 08/13/09 AMEND: 3434(b)
- 08/13/09 AMEND: 6618, 6619, 6761.1, 6770, 6771
- 08/12/09 ADOPT: 902.15
- 08/07/09 AMEND: 3406(b)
- 08/05/09 AMEND: 3434(b), 3434(c)
- 08/04/09 AMEND: 3423(b)
- 07/31/09 ADOPT: 3436
- 07/24/09 AMEND: 3434(b)
- 07/22/09 ADOPT: 3591.23
- 07/22/09 AMEND: 3406(b)
- 07/21/09 AMEND: 3591.2(a)
- 07/20/09 AMEND: 3591.20(a)
- 07/13/09 AMEND: 625
- 07/07/09 AMEND: 3435
- 07/02/09 AMEND: 3423(b)
- 06/30/09 AMEND: 3434(b)
- 06/22/09 AMEND: 3434(b)
- 06/19/09 AMEND: 3591.20(a)
- 06/15/09 AMEND: 3406(b)
- 06/15/09 AMEND: 3434(b)
- 06/01/09 AMEND: 3406(b)
- 06/01/09 ADOPT: 3408
- 05/26/09 AMEND: 3434(b)
- 05/20/09 AMEND: 3434(b)
- 05/20/09 AMEND: 3434(b)
- 05/13/09 AMEND: 6800

Title 4

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

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 42-Z

06/04/09	AMEND: 106	7221, 7224, 7225, 7226, 7226.1, 7226.2,
05/18/09	ADOPT: 12488, 12508, 12510, 12511, 12514 AMEND: 12480, 12486	7227, 7227.1, 7227.2 REPEAL: 7219
05/18/09	ADOPT: 12482	09/14/09 ADOPT: 4000, 4005
05/12/09	AMEND: 406	08/04/09 AMEND: 7331
05/12/09	ADOPT: 12591	06/29/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533
Title 5		06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212
08/20/09	ADOPT: 19825.1 AMEND: 19816, 19816.1, 19825, 19825.1 (renumber to 19825.2)	Title 10
07/21/09	ADOPT: 43200	10/06/09 ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755
07/21/09	ADOPT: 43220	09/29/09 AMEND: 2699.6625
07/21/09	AMEND: 42920	09/24/09 AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3 REPEAL: 260.101, 260.103.3, 260.237.1
07/21/09	ADOPT: 40411	09/23/09 AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51
07/09/09	AMEND: 18100	09/17/09 AMEND: 2699.6805
07/03/09	ADOPT: 80027.1, 80048.7 AMEND: 80027	08/19/09 AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
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	08/04/09 ADOPT: 2355.1, 2355.2 AMEND: 2359.4 amended and renumbered to 2355.3, 2359.7 renumbered to 2355.4, 2359.8 renumbered to 2355.5 REPEAL: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.5, 2359.6
05/28/09	AMEND: 9521	07/29/09 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
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	07/14/09 ADOPT: 2359.8
05/11/09	AMEND: 24002, 24003, 24005	07/09/09 AMEND: 2797
05/07/09	ADOPT: 3090, 3090.1, 3091, 3092, 3093, 3094, 3095, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099	07/06/09 AMEND: 250.30
Title 8		06/24/09 AMEND: 2498.4.9
10/07/09	AMEND: 2395.6	06/24/09 AMEND: 2498.4.9
08/31/09	AMEND: 3385	06/24/09 AMEND: 2498.4.9
08/27/09	AMEND: 3400	06/24/09 AMEND: 2498.4.9
07/31/09	AMEND: 1637, 1646	
07/27/09	AMEND: 5006.1	
07/24/09	AMEND: 3466	
07/23/09	AMEND: 1598, 1599	
07/06/09	ADOPT: 5199	
07/06/09	ADOPT: 5199.1	
06/22/09	AMEND: 230.1	
06/18/09	ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23	
Title 9		
09/22/09	ADOPT: 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4, 7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, 7220.7 AMEND: 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220,	

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 42-Z

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	06/12/09	AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708
06/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	06/02/09	AMEND: 7.50(b)(91.1)
06/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	05/26/09	AMEND: 7.00, 7.50
05/29/09	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	05/21/09	AMEND: 7.50(b)(178)
05/12/09	AMEND: 2716.1, 2790.1.5, 2810.5	05/15/09	AMEND: 790, 818.02, 827.02
Title 11		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
05/21/09	AMEND: 1005, 1007, 1008	05/13/09	AMEND: 25201
Title 12		05/07/09	AMEND: 25201
09/17/09	ADOPT: 508	Title 15	
Title 13		10/06/09	AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323
09/16/09	ADOPT: 2468, 2468.1, 2486.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10	09/29/09	AMEND: 3341.5
09/01/09	AMEND: 2222	08/18/09	ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
08/24/09	AMEND: 2193	08/11/09	AMEND: 2253
08/12/09	AMEND: 2020(b)	08/11/09	ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1
07/29/09	AMEND: 599	07/28/09	ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
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	06/17/09	ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740
06/29/09	AMEND: 2702, 2704	06/17/09	ADOPT: 3099
06/16/09	AMEND: 1239	05/12/09	AMEND: 3000, 3190, 3375, 3376.1, 3379
06/04/09	ADOPT: 2340, 2341, 2342, 2343, 2344, 2345	Title 16	
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	10/07/09	ADOPT: 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1399.50, 1399.52
Title 13, 17		10/05/09	ADOPT: 1399.514
05/29/09	ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118	09/16/09	ADOPT: 1950.1 AMEND: 1984
Title 14		09/16/09	ADOPT: 1399.720, 1399.721, 1399.722, 1399.723, 1399.724, 1399.725
10/07/09	AMEND: 122	09/08/09	AMEND: 2310
10/05/09	AMEND: 670.5	08/24/09	AMEND: 4161
09/15/09	AMEND: 502	08/11/09	AMEND: 2504.1, 2517.5, 2537, 2540.6, 2564.1, 2575.5, 2590, 2592.6
08/25/09	AMEND: 257, 300, 311, 313	08/05/09	AMEND: 995
08/24/09	ADOPT: 749.4	08/05/09	AMEND: 1399.15
07/14/09	AMEND: 124	08/04/09	ADOPT: 1773.5 AMEND: 1773
07/13/09	AMEND: 163	07/28/09	AMEND: 4110
06/23/09	AMEND: 3959(b)(4)	07/27/09	AMEND: 4130
06/23/09	ADOPT: 4351.1 AMEND: 4351	07/24/09	AMEND: 1391.10, 1391.12
06/16/09	AMEND: 753.5	07/24/09	AMEND: 1387, 1387.6
06/15/09	AMEND: 27.80	07/17/09	AMEND: 1999.5

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06/26/09	ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623	07/31/09	AMEND: 80001, 85002 and 85068.4
06/26/09	AMEND: 426.51	07/23/09	AMEND: 120201
06/16/09	AMEND: 1524	07/22/09	AMEND: 51529
06/12/09	AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068	07/20/09	AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47
06/03/09	AMEND: 1888	07/13/09	AMEND: 66273.3, 66273.39
06/02/09	AMEND: 1419, 1419.1, 1419.3	06/17/09	AMEND: 926-3, 926-4, 926-5
05/20/09	ADOPT: 1815 AMEND: 1886.40	05/21/09	AMEND: 2601-1
Title 17		Title 23	
09/22/09	AMEND: 2500, 2502, 2505	10/06/09	AMEND: 3939.2
09/18/09	AMEND: 100500	09/30/09	ADOPT: 570, 571, 572, 573, 574, 575, 576
09/01/09	ADOPT: 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370	09/30/09	AMEND: 3939.2
08/19/09	ADOPT: 100081	09/16/09	ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37 REPEAL: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
08/13/09	AMEND: 6500.74, 6500.77	09/15/09	ADOPT: 2910.1
06/18/09	AMEND: 94508, 94509, 94510, 94512, 94513, 94515	09/15/09	ADOPT: 3989.9
Title 18		09/10/09	ADOPT: 490.1, 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 493.1, 493.2 AMEND: 490, 491, 492, 493, 494 REPEAL: 495
09/29/09	AMEND: 1620	08/05/09	ADOPT: 3959.2
07/30/09	AMEND: 1668	07/09/09	ADOPT: 3959.3
06/04/09	AMEND: 1532, 1533.1, 1533.2, 1534, 1535	06/25/09	ADOPT: 3989.8
05/21/09	AMEND: 25114	06/16/09	ADOPT: 3939.36
05/12/09	AMEND: 1502	06/01/09	ADOPT: 2631.2
Title 20		05/14/09	ADOPT: 2920
08/03/09	AMEND: 1670, 1671, 1672, 1673, 1674, 1675	Title 25	
07/10/09	AMEND: 1601, 1602, 1604, 1605.3, 1606	09/17/09	AMEND: 637
07/10/09	AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	09/17/09	AMEND: 1008
06/23/09	AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2	09/08/09	ADOPT: 7980, 7980.1, 7982, 7982.1, 7982.2, 7982.3, 7982.4, 7983, 7983.1, 7983.2, 7983.3, 7983.4, 7983.5, 7984, 7984.1, 7984.2
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	08/19/09	ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
Title 21		05/22/09	ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
10/06/09	ADOPT: 1412.1, 1412.2, 1412.3, 1412.4, 1412.5, 1412.6, 1412.7, 1412.8, 1412.9	05/20/09	AMEND: 8217
09/16/09	ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711	05/13/09	ADOPT: 6932 REPEAL: 6932
06/22/09	ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711	05/07/09	ADOPT: 6932 REPEAL: 6932
05/14/09	AMEND: 1554, 1556	Title 22	
Title 22			
08/31/09	ADOPT: 2706-7		

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Title 27

07/23/09 AMEND: 25204

07/06/09 ADOPT: 31-003, 31-502 AMEND:
31-002

Title MPP

09/22/09 AMEND: 40-107, 42-213, 89-130

08/31/09 ADOPT: 31-021 AMEND: 31-003,
31-410, 31-501

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