

CALIFORNIA GAMBLING CONTROL COMMISSION

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION

PLAYING BOOK REFERENCE CORRECTION
CGCC-GCA-2018-01-N

SECTION 100. CHANGES WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the California Gambling Control Commission (Commission) hereby submits this written statement explaining why the proposed changes to CCR Title 4, Division 18, Sections 12204, 12220, 12238, and 12560,¹ have no regulatory effect.

CHANGES TO TEXT

Section 12204 is amended to replace the word “shall” with the word “will.” The purpose of this change clarifies the meaning of the word “shall,” as discussed below.

Section 12204, subsection (g), is amended to revise the reference to paragraph (20) of subsection (b) of Section 12200.7 to paragraph (19). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12204, subsection (h), is amended to revise the references to paragraphs (15), (16), (17), and (21) of subsection (b) of Section 12200.7 to paragraphs (14), (15), (16), and (20). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12220, subsection (b), paragraph (25), is amended to revise the reference to paragraph (27) of subsection (b) of Section 12200 to paragraph (25). This change is necessary due to the renumbering caused by the repeal of paragraphs (17) and (25) of paragraph (b) of Section 12200, as discussed below.

Section 12238, subsection (c), is amended to revise the reference to paragraph (27) of subsection (b) of Section 12220 to paragraph (25). This change is necessary due to the renumbering caused by the repeal of paragraphs (19) and (25) of paragraph (b) of Section 12220, as discussed below.

Section 12560, subsection (b) is amended to replace the word “must” with the word “will.” The purpose of this change makes language of the provision consistent with the change made to subsection (d) of Section 12560, as discussed below.

¹ All references to the California Code of Regulations hereinafter refer to Division 18 of Title 4, unless otherwise specified.

Section 12560, subsection (b), paragraph (8), is amended to revise the reference to paragraph (15) of subsection (b) of Section 12200.7 to paragraph (14). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12560, subsection (b), paragraph (9), is amended to revise the reference to paragraph (18) of subsection (b) of Section 12200.7 to paragraph (17). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12560, subsection (b), paragraph (10), is amended to revise the reference to paragraph (21) of subsection (b) of Section 12200.7 to paragraph (20). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12560, subsection (b), paragraph (11), is amended to revise the reference to paragraph (22) of subsection (b) of Section 12200.7 to paragraph (21). This change is necessary due to the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12560, subsection (b), paragraph (19), is amended to revise the reference to paragraph (19) of subsection (c) of Section 12200.7 to paragraph (18) of subsection (b). This change is necessary due to an error in referencing and the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

Section 12560, subsection (d), is amended to replace the word “shall” with the word “will.” The purpose of this change clarifies the meaning of the word “shall,” as discussed below.

Section 12560, subsection (d), paragraph (8), is amended to revise the reference to paragraph (19) of Section 12200.7 to paragraph (18) of subsection (b). This change is necessary due to an error in referencing and the renumbering caused by the repeal of paragraph (13) of subsection (b) of Section 12200.7, as discussed below.

SPECIFIC FINDINGS

With respect to the foregoing, the Commission finds as follows:

NECESSITY:

A general change has been made in the proposal to remove the word “shall.” Shall is a potentially ambiguous word. In most connotations it is used to convey an obligation. However, the word has been used in a variety of contexts to convey a range of ideas including “may,” defining a term, meaning “should,” etc. In an effort to foreclose any such ambiguity, shall is replaced throughout the text with other words subject to less interpretation. These are non-substantive, clarifying changes to syntax within the meaning of Section 100(a)(4), Title 1 of CCR.

The Commission previously adopted revisions, as approved in OAL Number 2017-0908-03R, where provisions in Sections 12200 and 12200.7 were repealed and others were renumbered. However, some references in sections not otherwise modified by this regulation were not appropriately changed to maintain their references. Without correcting the references to the renumbered provisions, existing provisions no longer make their appropriate references.

- Paragraphs (17) and (25) of subsection (b) of Section 12200 were repealed, causing the renumbering of paragraph (27), as referenced above.
- Paragraphs (19) and (25) of subsection (b) of Section 12220 were repealed, causing the renumbering of paragraph (27), as referenced above.
- Paragraph (13) of subsection (b) of Section 12200.7 was repealed, causing the renumbering of paragraphs (15), (16), (17), (18), (19), (20), (21), and (22), as referenced above.

The Commission previously adopted paragraph (19) of subsection (b) of Section 12560, as approved in OAL Number 06-1226-03R. The approved regulations incorrectly referenced the paragraph as subdivision (22) of paragraph (c) of Section 12200.7 [subdivision was later changed to subsection as part of OAL Number 2008-0626-03N]. The reference to subsection (c) was incorrect and should have been subsection (b). There is no paragraph (22) of subsection (c). Based upon the reference to a paragraph (22) within Section 12200.7 and the topic of rebates, the only possible provision being referenced would be Section 12200.7(b)(22), being corrected to paragraph (21) as referenced above. Without correcting the reference, the provision does not correctly reference the relevant provision.

The Commission previously adopted paragraph (8) of subsection (d) of Section 12560, as approved in OAL Number 06-1226-03R. The approved regulations incorrectly referenced the paragraph as subdivision (19) of Section 12200.7 [subdivision was later changed to subsection as part of OAL Number 2008-0626-03N]. The reference to subsection (b) was left off. Based upon the reference to a paragraph (19) within Section 12200.7 and the topic of rebates, the only possible provision being referenced would be Section 12200.7(b)(19), being corrected to paragraph (18) as referenced above. Without correcting the reference, the provision does not correctly reference the relevant provision.

CONSISTENCY:

Without correcting the references to the applicable paragraphs, these provisions are inconsistent with their original references and intent. By correcting these references, these regulatory provisions will become consistent the other changes made as part of the previously adopted revisions.

THE PROPOSED ACTION HAS NO REGULATORY EFFECT

The proposed changes will not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision. These proposed changes simply revise and correct an inadvertent oversight and maintains the original intent of an existing provision.