

OFFICE OF ADMINISTRATIVE LAW

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Kenneth J. Pogue
Director

MEMORANDUM

TO: Josh Rosenstein
FROM: OAL Front Desk
DATE: October 28, 2019
RE: Return of Rulemaking Materials
OAL Matter Number 2019-0910-01
OAL Matter Type Regular (S)

OAL hereby returns the rulemaking record your agency submitted for review regarding "120 - Day Timeline."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE (the following does not apply to files that have been disapproved or withdrawn)

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

per agency request

REGULAR

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z-2019-0415-03

REGULATORY ACTION NUMBER

2019-0910-015

EMERGENCY NUMBER

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED

In the office of the Secretary of State
of the State of California

OCT 22 2019

1:38 PM

2019 SEP 10 P 3:19
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

California Gambling Control Commission

AGENCY FILE NUMBER (if any)

CGCC-GCA-2019-01-R

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2019-17-Z	PUBLICATION DATE 4/26/2019

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) 120-Day Timeline		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
		AMEND	
		12218.7, 12235, 12342, 12350	
TITLE(S) 4		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> File & Print	
		<input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
		<input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
April 26, 2019 - June 10, 2019			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State	
		<input type="checkbox"/> 5100 Changes Without Regulatory Effect	
		<input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	
<input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Josh Rosenstein		TELEPHONE NUMBER (916) 274-5823	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) jrosenstein@cgcc.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Stacey Luna Baxter, Executive Director

9/9/2019

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

OCT 21 2019

Office of Administrative Law

CALIFORNIA GAMBLING CONTROL COMMISSION

120 Day Timeline

CGCC-GCA-2019-01-R

ORDER OF ADOPTION

The California Gambling Control Commission hereby adopts the following changes in its regulations contained in Division 18 of Title 4 of the California Code of Regulations:

CHAPTER 2.1. THIRD-PARTY PROVIDERS OF PROPOSITION PLAYER SERVICES:

REGISTRATION; LICENSING.

ARTICLE 3. LICENSING.

§ 12218.7. Processing Times - Request to Convert Registration to License.

A request to convert a registration to license submitted pursuant to this chapter ~~will~~ be processed within the following timeframes:

...

(d) The Commission ~~will act on~~ shall grant or deny the request, pursuant to Section 12054, within 120 days after receipt of the final written recommendation of the Bureau report for that application is submitted to the Commission ~~concerning the application~~, except that the Commission may notify the applicant in writing that additional time, not to exceed 30 days, is needed.

Note: Authority cited: Sections 19840, 19841 and 19984, Business and Professions Code.
Reference: Section 19984, Business and Professions Code.

CHAPTER 2.2. GAMBLING BUSINESSES: REGISTRATION; LICENSING.

ARTICLE 3. LICENSING.

§ 12235. Processing Times - Request to Convert Registration to License.

A request to convert a registration to license submitted pursuant to this chapter ~~will~~ be processed within the following timeframes:

1 ...

2 (d) The Commission ~~will act on~~shall grant or deny the request, pursuant to Section
3 12054, within 120 days after receipt of the final written recommendation of the Bureau
4 report for that application is submitted to the Commission~~concerning the application,~~
5 except that the Commission may notify the applicant in writing that additional time, not
6 to exceed 30 days, is needed.

7 Note: Authority cited: Sections 19840, 19841 and 19853(a)(3), Business and Professions Code.
8 Reference: Sections 19853(a)(3) and 19868, Business and Professions Code.
9

10 **CHAPTER 6. GAMBLING LICENSES AND APPROVALS FOR GAMBLING**
11 **ESTABLISHMENTS AND OWNERS; PORTABLE PERSONAL KEY EMPLOYEE**
12 **LICENSES.**

13 **ARTICLE 2. GAMBLING LICENSES.**
14

15 **§ 12342. Initial Gambling License Applications; Required Forms; Processing**
16 **Times.**

17 ...

18 (b) Except as provided in subsection (c), initial gambling license applications
19 submitted pursuant to this chapter ~~will~~shall be processed within the following
20 timeframes:

21 ...

22 (4) The Commission ~~will act on~~shall grant or deny an~~the~~ application, pursuant to
23 Section 12054, within 120 days after receipt of the final written recommendation of the
24 Bureau report for that application is submitted to the Commission~~concerning the~~
25 ~~application,~~ except that the Commission may notify the applicant in writing that
26 additional time, not to exceed 30 days, is needed.

27 ...

28 Note: Authority cited: Sections 19811, 19824, 19840 and 19841, Business and Professions Code.
29 Reference: Sections 19841, 19850, 19851, 19852, 19855, 19856, 19857, 19864, 19865, 19866,
30 19867, 19868, 19880, 19881, 19883, 19890, 19893, 19951 and 19982, Business and Professions
31 Code.
32

ARTICLE 3. PORTABLE PERSONAL KEY EMPLOYEE LICENSE.

§ 12350. Initial Licenses; Required Forms; Processing Times.

...

(d) Except as provided in subsection (e), initial key employee license applications submitted pursuant to this chapter ~~will~~shall be processed within the following timeframes:

...

(4) The Commission ~~will act on~~ shall grant or deny an the application, pursuant to Section 12054, within 120 days after receipt of the final written recommendation of the Bureau report for that application is submitted to the Commission concerning the application, except that the Commission may notify the applicant in writing that additional time, not to exceed 30 days, is needed.

...

Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841 and 19876(a), Business and Professions Code. Reference: Sections 19850, 19851, 19852, 19854, 19855, 19856, 19857, 19864, 19865, 19866, 19867, 19876(a), 19951 and 19982, Business and Professions Code.

///

Additions shown in underline; Deletions shown in ~~strikeout~~