



California Regulatory Notice Register

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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

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTIONS

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend Article 8, sections 589, 589.3, 589.4, 589.5, and 589.9, in Chapter 2, Subchapter 1 of Title 2 of the California Code of Regulations. This proposed regulatory action would clarify the inclusion of school employers in the replacement benefits plan which provides benefits to CalPERS members whose retirement allowances are limited by Internal Revenue Code section 415.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on May 6, 2002. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 326-3379; e-mail at joe_parilo@calpers.ca.gov; or mailed to the following address:

Joe Parilo, Regulations Coordinator
 California Public Employees' Retirement System
 400 P Street, Room 1120
 P.O. Box 942702
 Sacramento, California 94229-2702
 Telephone: (916) 326-3484

AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. The Board has specific authority to amend sections 589, 589.3, 589.4, 589.5 and 589.9 under Government Code section 21760, which also exempts these amendments from

review by the Office of Administrative Law. This action would implement, interpret and make specific Government Code sections 21750 through 21765.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 21757(b) directs the Board to establish a replacement benefits program to provide benefits to CalPERS members, and their survivors or beneficiaries, whose retirement allowances are limited by Internal Revenue Code section 415. Pursuant to this authority, the Board adopted sections 589 through 589.10, which constitute the plan document for the CalPERS Replacement Benefits Plan (RBP), in December 2000.

As adopted, the RBP was intended to apply to all affected CalPERS members. The eligibility of school members to participate in the RBP was intended to have been established by language in section 589 stating that "each contracting agency is deemed to have elected to contract with the Board of CalPERS for administration of this Plan, pursuant to Government Code Section 21761." This language is inconsistent, however, with the Public Employees Retirement Law which generally specifically identifies school members as a distinct group apart from members employed under the state contract or members employed by a contracting public agency other than a school employer. Consequently, clarifying language is required to establish the eligibility of school members to participate in the RBP. This regulatory action is intended to amend sections 589, 589.3, 589.4, 589.5 and 589.9 to clarify that these provisions apply equally to all types of CalPERS participating employers: state employers, school employers, and contracting public agency employers. Government Code section 21760 authorizes the Board to take regulatory action in this area and exempts such regulations from review by the Office of Administrative Law.

EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to public employee retirement.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.

B. COST OR SAVINGS TO ANY STATE AGENCY:

The proposed regulatory action does not impact costs or savings for any state agency.

C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:

The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.

D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:

The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.

E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:

The proposed regulatory action does not impact any federal funding to the state.

F. ADVERSE ECONOMIC IMPACT:

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

G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:

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

H. IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:

The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) effect the expansion of businesses currently doing business within California.

I. EFFECT ON HOUSING COSTS:

The proposed regulatory action has no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Chris Nishioka
Chief, Benefit Services Division
California Public Employees' Retirement System
P.O. Box 942716
Sacramento, California 94229-2716
Telephone: (800) 352-2238

Please direct requests concerning processing of this regulatory action to Joe Parilo, Regulations Coordinator, at the address shown above, or Barbara Galli at (916) 558-4098.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENTS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation as amended, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSOR) can be obtained, once it has been prepared, by written request to Joe Parilo, Regulations Coordinator, at the address shown above.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at www.calpers.ca.gov under "Members/About CalPERS/Proposed Regulatory Actions."

PUBLIC HEARING

The Board has not scheduled a hearing, however any interested person, or his or her duly authorized representative, may request a public hearing pursuant to Government Code section 11346.8. The request must be in writing and must be submitted to the Regulations Coordinator, at the address shown above, no later than 15 days prior to the close of the written comment period.

ACCESS TO HEARING ROOM

If a hearing is scheduled, the hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations as amended after the public comment period has closed. It may further

amend sections 589 through 589.9 if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

**TITLE 2. STATE
PERSONNEL BOARD**

DATE: **March 12, 2002**

TO: **ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET**

SUBJECT: **Answers or Appeals Filed with the State Personnel Board**

AUTHORITY

Under authority established in Government Code Section 18701, the State Personnel Board (SPB) has proposed to adopt new Section 63 of Title 2 of the California Code of Regulations, to specify filing requirements when state employees or applicants for state employment file answers or appeals with SPB regarding investigations or hearings conducted by SPB concerning, but not limited to, Notices of Adverse Action (Government Code Sections 19575 and 19590), Notices of Rejection During Probationary Period (Government Code Section 19175), Notices of Medical Action (Government Code Section 19253.5), and Notices of Non-Punitive Action (Government Code Section 19585). This new section will specify that any such answer or appeal filed with SPB must specify any affirmative defenses the employee or applicant intends to raise during the course of the hearing or investigation, and any relief, including compensatory damages, the employee or applicant is seeking, unless such relief is mandated by statute or SPB rule. The section will also provide for amended answers or appeals to be filed with SPB to include additional affirmative defenses or requests for relief, provided that the appointing power or other responding party is afforded an opportunity to conduct discovery concerning the newly-raised affirmative defenses or requests for relief.

REFERENCE

This regulation is proposed for adoption to implement, interpret, and/or make specific Government Code Sections 18670, 18703, 19175, 19253.3, 19575, 19585, and 19590.

PUBLIC HEARING

Date and Time: May 7, 2002 from 1:45 to 2:15 p.m.
Place: Auditorium
 801 Capitol Mall, Room 150
 Sacramento, California
Purpose: To receive oral public comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The public comment period for written comments will close May 6, 2002, at 5:00 p.m. This is to allow time for SPB staff to provide copies of any written comments to the five-member State Personnel Board (Board) for their consideration at the time of the hearing; however, any person may also submit written comments about the proposed changes at the hearing. To be considered by the Board, written comments must be received to the attention of Bruce Monfross at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, before the close of the written comment period. During the 45-day written comment period, written comments may also be e-mailed to Bruce Monfross at bmonfross@spb.ca.gov or faxed to (916) 653-4256.

**AVAILABILITY OF PROPOSED TEXT AND
STATEMENT OF REASONS/
CONTACT PERSONS**

Copies of the express terms of the proposed action, the Statement of Reasons, and all of the information upon which the proposal is based are available upon request directed to SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Please contact Bruce Monfross at (916) 653-1403 for additional information regarding this action. The backup agency contact for this action is Steve Unger at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, telephone (916) 651-8461. Questions regarding the substance of this regulation should be directed to the contact person. Questions regarding the regulatory process in conjunction with this regulation should be directed to the backup contact person.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

If any substantial and sufficiently related changes are made to the text as a result of comments received

during the public comment period, SPB will make the full text of the changed regulation available for at least 15 days before the date the regulation is permanently amended.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Government Code Section 18701 authorizes the Board to prescribe, amend, and repeal regulations for the administration and enforcement of the Civil Service Act (Government Code Sections 18500 et seq.).

Government Code Section 18670 authorizes SPB to hold hearings and conduct investigations concerning all matters related to the enforcement and effect of the Civil Service Act.

Government Code Section 18703 authorizes SPB to provide processes for dismissals, demotions, suspensions, and other adverse action for or in the state civil service in accordance with Article VII of the Constitution of the State of California and the Civil Service Act.

Government Code Section 19175 authorizes state employees who have been rejected during their probationary period to file an appeal of the rejection during probationary period with SPB.

Government Code Section 19253.5(f) authorizes state employees who have been transferred, demoted, or terminated for medical reasons to file an appeal of the medical action with SPB.

Government Code Section 19575 authorizes state rank-and-file employees who have been subjected to formal disciplinary action to file an answer concerning the disciplinary action with SPB.

Government Code Section 19585 authorizes state employees who have been transferred, demoted, or terminated for non-punitive reasons as a result of their failure to meet requirements for continuing employment to file an appeal of the non-punitive action with SPB.

Government Code Section 19590 authorizes state managerial employees who have been subjected to formal disciplinary action to file an answer concerning the disciplinary action with SPB.

SPB is proposing to adopt new Section 63 of Title 2 of the California Code of Regulations in order to:

1. Expedite the hearing or investigation process by timely notifying all parties to the hearing or investigation of all issues that will be presented during the course of the hearing or investigation, so that timely discovery can be conducted, thereby reducing or eliminating the need for continuances to be granted in the case as the result of affirmative defenses or requests for relief that would otherwise be first raised during the course of the hearing.

2. Inform individuals filing answers or appeals with SPB of those specific matters that must be contained within the answer or appeal, and notifying individuals that any affirmative defense or request for relief that is not set forth in the answer or appeal shall be deemed waived, unless an amended answer or appeal is filed in accordance with SPB rule.

IMPACT ON SMALL BUSINESSES

No impact on small businesses is anticipated from the implementation of the proposed regulation since it would affect only state agencies and state employees and applicants for state employment.

LOCAL MANDATE

SPB has determined that the proposed action has no mandate upon local agencies or school districts and therefore requires no reimbursement pursuant to Section 17561 of the Government Code.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies:

The proposed regulation has been created in order to clarify the filing requirements that an individual must satisfy when filing an answer or appeal with SPB, including, but not limited to, answers or appeals filed with SPB regarding hearings or investigations conducted by SPB concerning Notices of Adverse Action (Government Code Sections 19575 and 19590), Notices of Rejection During Probationary Period (Government Code Section 19175), Notices of Medical Action (Government Code Section 19253.5), and Notices of Non-Punitive Action (Government Code Section 19585). It is anticipated that any additional costs that the proposed regulation may cause for state agencies will be insignificant.

Impact on Housing Costs:

The proposal will not affect housing costs.

Costs of Savings in Federal Funding to the State:

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies:

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

Cost Impact on Representative Private Persons or Businesses:

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

ASSESSMENT OF POTENTIAL ADVERSE
ECONOMIC IMPACT ON BUSINESS

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

ASSESSMENT REGARDING THE EFFECT ON
JOBS OR BUSINESSES

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

FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the contact person or the backup contact person.

ACCESSING INFORMATION REGARDING THIS
RULEMAKING FILE ON THE STATE
PERSONNEL BOARD WEB SITE

The text of the proposed regulation, as well as the Notice of Proposed Adoption of Regulation and Statement of Reasons, will be on the State Personnel Board Web site at: www.spb.ca.gov.

DETERMINATION

SPB must determine that no alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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.

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

**TITLE 2. STATE
PERSONNEL BOARD**

DATE: March 12, 2002
TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET
SUBJECT: Proposed Amendment to SPB Rule 52.4—Expedited Hearings

AUTHORITY

Under authority established in Section 18701 of the Government Code, the State Personnel Board (SPB) has proposed to amend Section 52.4 of Title 2 of the California Code of Regulations (CCR).

REFERENCE

This regulation is being amended to implement, interpret, and/or make specific Government Code Sections 18670, 18703, 19253.5, 19575, 19585 and 19590.

PUBLIC HEARING

Date and Time: May 7, 2002 from 1:00 to 1:30 p.m.
Place: Auditorium
801 Capitol Mall, Room 150
Sacramento, California
Purpose: To receive oral public comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The public comment period for written public comments will close May 6, 2002, at 5:00 p.m. This is to allow time for SPB staff to provide copies of any written comments to the five-member State Personnel Board (Board) for their consideration at the time of the hearing. Any person may submit written comments about the proposed amendment. To be considered by the Board, written comments must be received to the attention of Bruce Monfross at the State Personnel Board, 801 Capitol Mall, MS 53, Sacramento, CA 95814, before the close of the written comment period. During the 45-day written comment period, written comments may also be e-mailed to Bruce Monfross at bmonfross@spb.ca.gov or faxed to (916) 653-4256.

AVAILABILITY OF PROPOSED TEXT AND
STATEMENT OF REASONS/
CONTACT PERSONS

Copies of the express terms of the proposed action, the Statement of Reasons, and all of the information upon which the proposal is based are available upon request directed to the SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Please contact Bruce Monfross at (916) 653-1403 or TDD (916) 653-1498 for additional information regarding this action. The backup agency contact for this action is Steve Unger at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, (916) 651-8461 or TDD (916) 653-1498. Questions regarding the substance of this regulation should be directed to the contact person. Questions regarding the regulatory process in conjunction with this regulation should be directed to the backup contact person.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

If any substantial and sufficiently related changes are made to the text as a result of comments received

during the public comment period, SPB will make the full text of the changed regulation available for at least 15 days before the date the regulation is permanently amended.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Government Code Section 18701 authorizes SPB to prescribe, amend, and repeal regulations for the administration and enforcement of the Civil Service Act (Government Code, Sections 18500 et seq.).

Government Code Section 18670 authorizes SPB to hold hearings concerning all matters relating to the enforcement and effect of the Civil Service Act.

Government Code Section 18703 authorizes SPB to provide processes for dismissals, demotions, suspensions, and other adverse action for or in the state civil service in accordance with Article VII of the Constitution of the State of California and the Civil Service Act.

Government Code Section 19253.5 authorizes state employees who have been non-punitively dismissed from state service for medical reasons to file an appeal with SPB challenging the dismissal.

Government Code Section 19575 authorizes state employees who have been punitively dismissed from state service for disciplinary reasons to file an answer with SPB appealing the dismissal.

Government Code Section 19585 authorizes state employees who have been non-punitively dismissed from state service for failure to meet requirements for continuing employment to file an appeal with SPB challenging the dismissal.

Government Code Section 19590 authorizes state managerial employees who have been punitively dismissed from state service for disciplinary reasons to file an appeal with SPB challenging the dismissal.

Existing California Code of Regulations, Title 2, Section 52.4, permits a party, who has appealed to the SPB from a dismissal, with the concurrence of the other party, to obtain an expedited hearing and decision. The proposed amendment would modify the existing rule to permit an appellant, who has appealed to SPB from a dismissal, to request an expedited evidentiary hearing before a SPB administrative law judge (ALJ) on the grounds that he or she would be irreparably harmed if the hearing is not expedited and has a significant likelihood of prevailing on the merits. The ALJ may grant the request if either the department concurs or the ALJ finds both that the appellant would be irreparably harmed if the appeal is not expedited and that the appellant has a significant likelihood of prevailing on the merits. If the ALJ grants the request, the ALJ may impose such orders for expedited discovery as the ALJ may deem necessary or appropriate.

IMPACT ON SMALL BUSINESSES

No impact on small businesses is anticipated from the implementation of the proposed amendment, since Section 52.4 as it exists or as it would be amended applies only to state agencies. The proposed amendment would affect only state agencies and state employees.

LOCAL MANDATE

SPB has determined that the proposed action has no mandate upon local agencies or school districts and therefore requires no reimbursement pursuant to Section 17561 of the Government Code.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies:

The proposed action has been created in order to modify the procedures whereby a state employee who has been dismissed from his or her position can request an expedited hearing concerning his or her dismissal. It is anticipated that any additional costs that the proposed amendment may cause for state agencies will be insignificant.

Impact on Housing Costs:

The proposal will not affect housing costs.

Costs of Savings in Federal Funding to the State:

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies:

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

Cost Impact on Representative Private Persons or Businesses:

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

**ASSESSMENT OF POTENTIAL ADVERSE
ECONOMIC IMPACT ON BUSINESS**

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

**ASSESSMENT REGARDING THE EFFECT ON
JOBS OR BUSINESSES**

The proposed amendment 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.

FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the contact person or the backup contact person.

**ACCESSING INFORMATION REGARDING THIS
RULEMAKING FILE ON THE STATE
PERSONNEL BOARD WEB SITE**

The text of the proposed regulation amendment in underline and strikeout, as well as the Notice of Proposed Amendment of Regulation and Statement of Reasons, will be on the State Personnel Board Web site at: www.spb.ca.gov.

DETERMINATION

SPB must determine that no alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, 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.

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

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Educational Interpreter Standards

March 22, 2002

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to amend Sections 3051.16 and 3065 of Article 5, Subchapter 1, Chapter 3, Division 1 of Title 5 of the California Code of Regulations, providing guidance on certification requirements for educational interpreters for deaf and hard of hearing pupils.

PUBLIC HEARING

The State Board will hold a public hearing starting at 11:00 a.m. on Thursday, May 30, 2002, at 721 Capitol Mall, Room 166. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the agency of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Board. All written comments must be received no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, May 30, 2002. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

The State Board cites Education Code sections 56100(a) and (i) as authority for adopting these regulations. Education Code section 56100(a) requires the State Board to adopt rules and regulations necessary for the efficient administration of special education programs. Education Code section 56100(i) requires the State Board, in accordance with the requirements of federal law, to adopt regulations for all educational programs for individuals with exceptional needs, including programs administered by other state or local agencies.

The references for the proposed regulations are Education Code sections 56363 and 56366.1; and Section 300.23 of Title 34 of the Code of Federal Regulations.

**INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW**

The federal regulation for implementing programs under Part B of the Individuals With Disabilities Act of 1997 (IDEA; Title 34, Code of Federal Regulations, Section 300.23) defines the term "qualified personnel" as personnel who have met state education agency-approved or state education agency-recognized certification, licensing, registration, or other comparable requirement that apply to the area in which the individuals are providing special education or related services. California Education Code section 56363(a) requires that the State Board of Education adopt standards for the designated instruction and services available to pupils with disabilities when specified in the individualized education program. California Education Code section 56363(b) specifies that the services include specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.

Section 3065(t) of Title 5 of the California Code of Regulations specifies the qualifications for personnel employed by nonpublic schools and agencies providing interpreting services for deaf and hard of hearing pupils. However, there are no qualifications for school district personnel providing interpreting services for deaf and hard of hearing pupils. Currently, each school district in California determines the qualifications for interpreters employed at their school district.

The proposed regulations require, beginning January 1, 2007, that an educational interpreter for deaf and hard of hearing pupils in California public schools be certified by the Registry of Interpreters for the Deaf (RID) equivalent, or if providing cued speech interpreting services, by any certifying body recognized by the National Cued Speech Association (NCSA).

DISCLOSURES REGARDING THE PROPOSED 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 that must be reimbursed in accordance with Government Code section 17561: None

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

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The State 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.

Impact on Business: The State Board has made an initial determination that the proposed regulatory changes 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.

Significant effect on housing costs: The State Board has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: None, because these regulations are directed to local educational agencies which are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State 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 action.

The purpose of the proposed regulations is to provide guidance on certification requirements for educational interpreters for deaf and hard of hearing pupils. The State Board does not believe that existing law absent these regulations achieves that objective. Moreover, the State Board has been unable to identify any alternative to the proposed regulations that achieves the objective. The State Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The State Board has made an assessment and determined that the adoption of the proposed regulations 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.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Nancy Grosz Sager
State Special Schools
California Department of Education
428 J Street, Suite 550
P. O. Box 944272
Sacramento, California 94244-2720
(916) 327-3868

Requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844

Or:

Janis Miller, Regulations Analyst
Telephone: (916) 657-2453
FAX number: (916) 657-3844

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulation Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office, at the above address. As of the date this notice is published in the Notice Register, the

rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulation Adoption Coordinator at the address or telephone number listed above or accessing the California Department of Education's website at <http://www.cde.ca.gov/regulations>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested or viewed on the website.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public hearing, the State Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the State Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of the Regulation Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which it is made available.

TITLE 5. BOARD OF EDUCATION

California High School Exit Examination

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to amend Sections 1200(e), and (g), add Section 1200(j) and (k), amend Section 1204, amend Section 1209(b)(5), amend Section 1211(j) and Section 1211(k), amend Section 1212, and add Section 1220(a) and (b) of Title 5 of the California Code of Regulations, providing guidance on administration of the California High School Exit Examination.

PUBLIC HEARING

The State Board will hold a public hearing starting at 11:00 a.m. on Thursday, May 30, 2002, at 721 Capitol Mall, Room 166. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the agency of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Board. All written comments must be received no later than the close of the public hearing scheduled to start at 11:00 a.m. on May 30, 2002. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for these regulations is found in Education Code section 33031. Education Code section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state.

References for these regulations are Education Code sections 52504, 560851, 60850(g), 60951(a), 60851(b), and 60851(c).

**DISCLOSURES REGARDING THE
PROPOSED 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 that must be reimbursed in accordance with Government Code section 17561: None

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

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The State 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.

Impact on Business: The State Board has made an initial determination that the proposed regulatory changes 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.

Significant effect on housing costs: The State Board has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: None, because these regulations do not affect the business operations of small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State 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 action.

The purpose of the proposed regulations is to provide guidance on the administration of the California High School Exit Examination. The State Board does not believe that existing law absent these regulations achieves that objective. Moreover, the State Board has been unable to identify any alternative to the proposed regulations that achieves the objective. The State Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The State Board has made an assessment and determined that the adoption of the proposed regulations 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. No Report Required.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Jan Chladek
Standards and Assessment Division
California Department of Education
721 Capitol Mall, Sixth Floor
P. O. Box 944272
Sacramento, California 94244-2720
(916) 657-2671

Requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720

Telephone: (916) 657-4669
FAX number: (916) 657-3844

Or:

Debra Strain, Regulations Analyst
Telephone: (916) 657-2453
FAX number: (916) 657-3844

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulation Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulation Adoption Coordinator at the address or telephone number listed above or accessing the California Department of Education's website at <http://www.cde.ca.gov/regulations>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Adoption Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the State Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the State Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of the Regulation Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which it is made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

To improve pupil achievement in California high schools and ensure that pupils who graduate from high school demonstrate grade-level competency in English/language arts and mathematics, in March 1999, the State Legislature amended Education Code sections 37252 and 48980 and added sections 60851, 60852, 60853, 60855, and 60856 (Senate Bill 2, Chapter 1 of the Statutes of 1999). These Education Code sections authorize, among other provisions, the development of a California high school exit examination and administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12.

Senate Bill 2 establishes the high school exit examination, requiring that beginning in the 2000–01 school year, pupils in grade 9 may take the exit examination. Beginning in the 2001–02 school year, pupils in grade 10 must take the examination; and beginning in the 2003–04 school year, each pupil completing grade 12 must pass the examination to receive a high school diploma. The examination will be offered in English/language arts and mathematics and will be aligned to state content standards in these content areas. School districts must provide supplemental instruction to pupils who do not demonstrate sufficient progress toward passing the examination. Pupils with special needs may be administered the examination with appropriate accommodations, and pupils who do not possess sufficient English language skills may be deferred from having to pass examination for up to 24 months until they have received six months of instruction in reading, writing, and comprehension in English.

The proposed regulations clarify some of the definitions under Article; add a definition for accommodations, a term used in Article 3; and add a definition for modifications, a term used in the new Article 3.5. Article 3.5 on modifications and waiver is added to incorporate the State Board’s policy on waivers for the California High School Exit Examination (CAHEE) for students with disabilities.

TITLE 5. BOARD OF EDUCATION

March 12, 2002

Classroom- and Nonclassroom-Based Instruction
in Charter Schools

Implementation of the provisions of Senate Bill 740
(Chapter 892, Statutes of 2001)

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to add Article 1.5 (commencing with Section 11963) to Subchapter 19 of Chapter 11, of Division 1 of Title 5 of the California Code of Regulations, to implement the classroom- and nonclassroom-based instruction provisions of Senate Bill 740 (Chapter 892, Statutes of 2001) as set forth in Education Code Sections 47612.5 and 47634.2.

PUBLIC HEARING

The State Board will hold a public hearing starting at 11:00 a.m. on May 30, 2002, at 721 Capitol Mall, Room 166, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing

relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the agency of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Board. All written comments must be received no later than the close of the public hearing schedule to start at 11:00 a.m., Thursday, May 30, 2002. Requests to present oral statements at the public hearing or written comments for the State Board’s consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669
FAX: (916) 657-3844
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for these regulations is found in Education Code sections 33031, 47612.5, and 47634.2. Education Code section 33031 is the State Board’s general authority to adopt rules and regulations not inconsistent with the laws of this state for the government of the schools of the state (other than the University of California, California State University, and the California Community Colleges). Education Code section 47612.5 requires that the State Board adopt regulations governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools (if the nonclassroom-based instruction comprises more than 20 percent of the charter school’s instructional time).

Education Code section 47634.2 requires that the State Board adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, specifying (at a minimum) that nonclassroom-based instruction is conducted for the instructional benefit of the student and substantially dedicated to that function. The criteria must include, at a minimum, consideration of the amount of a charter school’s total budget expended on certificated employee salaries and benefits and on schoolsites (i.e., facilities that are used principally for classroom instruction) and the school’s teacher-to-pupil ratio.

References are to Education Code sections 47604.3, 47605, 47612.5, 47614, 47634.2, and Article 5.5

(commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code (including Section 51745.6).

INCORPORATION BY REFERENCE

These regulations incorporate by reference Part II of the 2001 edition of the California School Accounting Manual (Section 11963.2(b) of the regulations).

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Senate Bill 740 (Chapter 892, Statutes of 2001) authorizes a charter school to receive funding for nonclassroom-based instruction only if a determination of funding request has been submitted by the charter school and approved by the State Board. The bill accomplishes this purpose by requiring that charter schools report average daily attendance (ADA) generated by students receiving nonclassroom-based instruction separately from ADA generated by students receiving classroom-based instruction. Beginning in 2001–02, no funding is to be apportioned for the former (nonclassroom-based ADA) unless a charter school has an approved determination of funding. The determination of funding is a percentage (equal to or less than 100 percent) by which the Superintendent of Public Instruction is to adjust nonclassroom-based ADA claimed for funding by each charter school prior to making apportionments based thereupon.

Senate Bill 740 requires the State Board to adopt regulations to define and establish general rules “governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools” offering nonclassroom-based other than that allowed as part of classroom-based instruction (i.e., no more than 20 percent of the minimum instructional time requires to be offered by law). SB 740 also requires the State Board to adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction which, at a minimum, specify that the nonclassroom-based instruction is conducted for the instructional benefit of the student and substantially dedicated to that function. The criteria, among other factors, are to include the amount of the charter school’s total budget expended on certificated employee salaries and benefits and on schoolsites (a schoolsite being a facility used principally for classroom instruction) and on the teacher-pupil ratio in the school.

The proposed regulations comply with the requirements of SB 740 for the adoption of regulations to implement its provisions regarding nonclassroom-based instruction.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None. There is no obligation on the part of charter schools to provide nonclassroom-based instruction. A determination of funding request need only be submitted by a charter school that chooses to provide nonclassroom-based instruction for more than 20 percent of the minimum instructional time required by law.

Cost or savings to any state agency: Some state costs for reviewing and processing determination of funding requests submitted by charter schools for consideration and action by the State Board. These costs are to be addressed in the normal state budgeting process for workload adjustments.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None.

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

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

Cost impact on representative private person or business: The State 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.

Impact on Business: The State Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California business to compete with business in other states.

Significant effect on housing costs: The State Board has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: None. These regulations are directed to local educational agencies that are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State 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 action.

The purpose of the proposed regulations is to implement the provisions of Senate Bill 740 (Chapter 892, Statutes of 2001) pertaining to nonclassroom-based instruction in charter schools. The regulations are required to be adopted by SB 740. Accordingly, the

State Board does not believe that existing law absent these regulations achieves the objectives set forth in law. There is no alternative way of complying with the requirement to adopt regulations. The State Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

**ASSESSMENT REGARDING CREATION OR
ELIMINATION OF JOBS IN CALIFORNIA**

The State Board has made an assessment and determined that the adoption of the proposed regulations will neither create nor eliminate jobs in the State of California, nor will adoption of the proposed regulations result in the elimination of existing businesses, or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Greg Geeting
Assistant Executive Director
State Board of Education
721 Capitol Mall, Room 558
P. O. Box 944272
Sacramento, CA 94244-2720
Telephone: (916) 657-5478
FAX number: (916) 653-7016
ggeeting@cde.ca.gov

Requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, CA 94244-2720
Telephone: (916) 657-4669
FAX number: (916) 657-3844
Or
Debra Strain, Regulations Analyst
Telephone (916) 657-2453
FAX number: (916) 657-3844

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

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process in her office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed

text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the address or telephone number listed above or by accessing the California Department of Education's website at <http://www.cde.ca.gov/regulations>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Adoption Coordinator or viewed on the website.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public hearing, the State Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the State Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which it is made available.

**TITLE 11. DEPARTMENT
OF JUSTICE**

NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to adopt as permanent regulations its emergency regulations, approved effective July 1, 2001, re-adopted effective October 29, 2001, and re-adopted again effective February 27, 2002, with amendments, relating to the Attorney General's establishment of a Non-Profit Raffle Program pursuant to Penal Code section 320.5.

PUBLIC COMMENT PERIOD

The Department of Justice will accept written comments presenting statements, arguments or contentions relevant to the proposed regulations for a period of 45 days from the date of publication of this Notice of Proposed Action. The DOJ will not consider any comments which are not received by 5 p.m. May 7, 2002. No later than 15 days prior to the close of this written comment period, any interested person or his or her duly authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Written comments or requests for a public hearing should be addressed to Deputy Attorney General Barbara D. Moore, Department of Justice, Office of the Attorney General, 1300 I Street, 15th floor, Sacramento, California, 95814.

AUTHORITY AND REFERENCE

The proposed regulations add sections 410 through 426 to Title 11 of the California Code of Regulations, pursuant to the authority of Penal Code section 320.5, which specifically authorizes the DOJ to adopt these regulations so the DOJ can take the necessary steps to comply with the mandate to establish and maintain the registration and reporting system. Such steps include establishing procedures and forms for registration and reporting and setting a fee for initial and renewal registrations and reports. The proposed regulations change the emergency regulations by adding sections 419, 419.1 and 419.2 to specify the processing time for applications for registration and the appeal process if the time lines are not met. These regulations implement, interpret and make specific Penal Code section 320.5.

The registration form has been changed in four ways: (1) to add a notice of a right of appeal if the application is not processed within the time specified in the regulation, (2) to update mailing and website addresses, (3) to require only one identification number, and (4) to add a statement that the proposed dates of the raffle must be included for the application to be approved. The report form also has been changed in three ways: (1) to require only one identification number, (2) to update the mailing and website addresses, and (3) in Part C, to change the boxes for marking answers from “Yes” and “No” to “True” and “False” and to modify the statement below the box to be consistent with this change.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Penal Code section 320.5, which became effective July 1, 2001, exempts raffles from the prohibition against lotteries (Penal Code section 319 *et seq.*) by authorizing certain private nonprofit organizations to conduct raffles provided they are registered with the DOJ and the raffles are conducted in accordance with the statute. Penal Code section 320.5 requires the DOJ to establish and maintain a registration and reporting system for those organizations.

All such organizations, except those exempted by Penal Code section 320.5(h), must be registered with the DOJ before they may legally conduct a raffle and must report on each raffle conducted in the prior year. The proposed regulations set forth the process for registration and reporting and establish a fee of \$20.00 to cover the cost of the initial one year registration period. They also establish forms for registration and for reporting. The forms require only the information reasonably necessary to determine that the statutory requirements have been met.

The proposed regulations require a responsible fiduciary of each eligible organization not exempted by Penal Code section 320.5(h) to complete and sign the registration application form (form ct-NRP-1 (3/2002)) established by the DOJ, which contains all of the information required by Penal Code section 320.5. In addition, the regulations require a responsible fiduciary of each organization to sign and certify in the required report (form ct-NRP-2 (3/2002)) whether the statutory requirements for conducting a legal raffle have been met.

Other than the prohibition against lotteries, there are no existing laws or regulations related directly to the proposed action.

**DISCLOSURES REGARDING
THE REGULATIONS**

Fiscal Impact on Public Agencies: None.

Mandate and cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None.

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

Cost or savings to any state agency: None.

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

Cost impact on private persons or directly affected businesses: The proposed regulations do not affect any businesses. They only affect specified types of private, non-profit tax-exempt organizations. The regulations establish a fee of \$20.00 for the first annual registration period to cover the anticipated costs of establishing and maintaining the Program. There is no fee for filing the report.

Significant statewide adverse economic effect directly affecting business including the ability of California businesses to compete with businesses in other States: None. Only private, non-profit, tax-exempt organizations are affected.

Effect on small businesses: None. Only private, non-profit, tax-exempt organizations are affected.

Significant effect on housing costs: None.

In accordance with Government Code Section 11346.3, the DOJ has assessed whether and to what extent adoption of the regulations will affect the following:

- (a) The creation or elimination of jobs within the State of California: None.
- (b) The creation of new businesses or the elimination or expansion of existing businesses with the State of California: None.

STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF REGULATIONS AND
INITIAL STATEMENT OF REASONS

Copies of the exact language of the amendments and additions to the regulations, the initial statement of reasons and other information, if any, may be obtained upon request from the Department of Justice, Office of the Attorney General, 1300 I Street, Room 1130, Sacramento, CA 95814, or by telephoning the contact person listed below.

CONTACT PERSON

General or substantive Inquiries concerning the regulatory actions should be directed to Deputy Attorney General Barbara D. Moore at the above address or at (916) 323-6665. The backup contact person to whom general inquiries may be directed is Sandy Blazak, Associate Governmental Program Analyst, who may be contacted at the above address or at (916) 327-7882. The backup contact person to whom substantive inquiries may be directed is Supervising Deputy Attorney General Peter Shack who may be contacted at the above address or at (916) 323-1990.

PRESENTATION OF ORAL AND/OR
WRITTEN COMMENTS

Interested persons are invited to submit written comments on the adoption of the regulations. A public comment period is provided from March 22, 2002 through May 7, 2002. Filing of written statements will be accepted at the Department of Justice, Office of the Attorney General (Attention: Barbara D. Moore, Deputy Attorney General), 1300 I. Street, Room 1130, Sacramento, CA 95814, until the close of business 5:00 p.m. May 7, 2002. The DOJ will not consider written comments received after May 7, 2002.

PROPOSED REVISIONS, FINAL
ADOPTION OF REGULATIONS

Following the close of the written comment period, the DOJ may adopt, as final, the regulations as described in this Notice and Informative Digest. Copies of the Regulations, as finally adopted, will be sent to all persons who have requested copies by filing a written request with the contact person identified above. If, as a result of written public comment, significant or substantial changes to the proposed regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who previously requested copies, all persons who submit-

ted written comments during the comment period, and those who have requested copies of information regarding the regulations.

Thereafter, DOJ will accept written comments, arguments, evidence and the like for a period of 15 days after the date upon which changes were made available. If adopted, the regulations will appear in the California Code of Regulations, Title 11, Division 1, Chapter 4.6, sections 410-426.

The DOJ must determine that no reasonable alternative considered by it or that has otherwise been identified or brought to the attention of the DOJ 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.

AVAILABILITY OF MATERIALS
ON THE INTERNET

The Notice of Proposed Action, the Initial Statement of Reasons, the Final Statement of Reasons, the text of the proposed regulations, the date a rulemaking action is filed with the Secretary of State, and the effective date of the rulemaking action will all be posted on, and may be downloaded from, the website of the Charitable Trusts Section of the Office of the Attorney General in the DOJ (<http://ag.ca.gov/charities>).

DEPARTMENT OF
CALIFORNIA HIGHWAY PATROL
TITLE 13. LIGHTING EQUIPMENT—
WARNING LAMPS
(CHP-R-01-02)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to requirements for warning lamps for emergency vehicles and special hazard vehicles.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Section 26103 of the California Vehicle Code (VC) authorizes the CHP to adopt regulations establishing standards and specifications for, among other items, lighting equipment. Standards for warning lamps for emergency vehicles and special hazard vehicles are contained in Sections 810 through 818, Title 13, California Code of Regulations (13 CCR).

The current standards refer to specific technologies utilized in lighting devices. These specific technologies were intended to be descriptive of the type of lighting device to which the standards applied, and were representative of the types of lighting devices available and in common usage at the time the standards were adopted.

Lighting technology has progressed rather rapidly in the decades since the standards were originally adopted, and a number of additional technologies have been successfully employed in lighting devices.

The CHP now proposes to amend these standards to clarify that the standards apply to all warning lamps, regardless of technology employed, and that any suitable technology may be employed in such lamps provided the applicable standards are met.

Additionally, the CHP proposes to amend the standards for warning lamps for undercover emergency vehicles. Currently, regulations specify requirements for the required steady red warning lamp. This proposal will add requirements for optional red, amber and blue warning lamps for such vehicles.

The CHP also proposes to make other clarifying and nonsubstantive changes.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Mr. Jack Schwendener
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 PM, May 6, 2002.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP 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. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, 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 California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site 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 our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Jack Schwendener or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Jack Schwendener.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP 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 nonsubstantive in nature, the full text of the resulting 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 AND ECONOMIC 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. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol 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 California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, 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 California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

	with Threatened or Impaired Values
§§ 916.11 [936.11, 956.11](b)	Effectiveness and Implementation Monitoring
§§ 916.12 [936.12, 956.12](f)	Section 303(d) Listed Watersheds
§§ 923.3 [943.3, 963.3](h)	Watercourse Crossings
§§ 923.9 [943.9, 963.9](g)	Roads and Landings in Watersheds with Threatened or Impaired Values

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402 and 26103 VC.

PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 A.M., on Thursday, May 9, 2002, at the Radisson Hotel and Conference Center, 2233 Ventura Street, Fresno, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

REFERENCE

This action implements, interprets, or makes specific Sections 375, 25252, 25253, 25253.1, 25254, 25256, 25257.2, 25258, 25259, 25259.1, 25259.5, 25260, 25260.1, 25260.3, 25260.4, 25261, 25262, 25263, 25264, 25265, 25266, 25267, 25270, 25270.5, 25271, 25271.5, 25272, 25273, 25274, 25275, 25276, 25277, 25278, 25279, 25280, 25281 and 25282.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

**NOTICE OF PROPOSED RULEMAKING
Watershed Protection Extension, 2002**

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Comments need to identify the rule of concern by title shown at the top of the Notice of Publication to assure your comments are included in the correct rule file.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR):

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, May 6, 2002. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

§ 895.1	Definitions
§ 898(a)	Feasibility Alternatives
§§ 914.8 [934.8, 954.8](g)	Tractor Road Watercourse Crossing
§§ 916 [936, 956](e)	Intent of Watercourse and Lake Protection
§§ 916.2 [936.2, 956.2](d)	Protection of the beneficial Uses of Water and Riparian Functions
§§ 916.9 [936.9, 956.9](y)	Protection and Restoration in Watersheds

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551 authorizes the Board to adopt such Rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, 4582, and 4584 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Z'berg-Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) established the Legislature's concern throughout the State relating to the use, restoration, and protection of the forest resources. The Legislature further recognized that these forest resources provide watershed protection and fisheries maintenance. The Legislature declared that it is the policy of the State to encourage responsible forest management that considers the public's need for watershed protection and fisheries (ref. PRC § 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to watershed, wildlife, and fisheries (ref. PRC § 4513). Public Resources Code § 4551 gives the Board the authority to adopt such rules and regulations which will enable it to carry out its responsibilities to protect fish and water resources, including but not limited to streams, lakes, and estuaries.

In 1996, the State Fish and Game Commission listed Coho salmon south of San Francisco Bay as threatened under the State Endangered Species Act (ESA). Then in 1997, the National Marine Fisheries Service (NMFS) listed Coho salmon as threatened throughout its range in California under the Federal ESA. Steelhead trout was listed by NMFS as a threatened species in the Northern California ESU on June 7, 2000. In April 2001 the State Fish and Game Commission accepted a petition to list Coho salmon as

endangered north of San Francisco Bay. In May of 2001 the Fish and Game Commission adopted an emergency regulation which established the Coho salmon as a threatened species. The Commission also adopted these proposed regulations of the Board as the minimum protection to be provided to the species for the effects of timber harvesting.

Among many other sources of information considered by the Board in preparing the proposal for rule changes, a comprehensive review of the California Forest Practice Rules (FPRs), with regard to their adequacy for the protection of salmonid species, has been prepared for the Board (*Report of the Scientific Review Panel* [SRP report], 1999). Following an extensive review of the regulations, "The SRP concluded the FPRs, including their implementation (the 'THP process') does not ensure protection of anadromous salmonid populations" (*Report of the Scientific Review Panel*, 1999). Although this report was specific to the North Coast region, the Board believes that many of the recommendations made in the report could be effectively applied throughout the State to ensure the protection of the beneficial uses of water, including fisheries and other aquatic habitat.

The Board of Forestry and Fire Protection recognized the substantial concerns raised by other agencies additionally charged with the protection of the State's valuable watershed resources. The Board is also extremely aware of the need to protect listed species that may be impacted by practices that are regulated under the Board's purview, regardless of their location within the State. Furthermore, the Board recognized the potential for economic impacts to timberland owners and others that could be imposed from certain types of restrictions or requirements. Considering these factors, the Board adopted changes to the Forest Practice Rules under a previous rulemaking package (*Protection for Threatened and Impaired Watersheds*, 2000).

It should be noted that pursuant to PRC §§ 4512, 4513, 4551, 4551.5, 4552, and 4553; the Board is moving forward with action to further analyze the effectiveness of the rules to protect listed species and the beneficial uses of water. In order to clarify the Board's intent to address the protection of listed aquatic species and watercourses listed as impaired (pursuant to section 303(d) of the Clean Water Act) on a watershed basis, the Board chose to establish a specific period of time that the rule changes adopted July 1, 2000, would be effective. By imposing a limit on the effective period of the rule changes, the Board would be allowed to work with landowners, scientists and other parties during the balance of the year 2000 to investigate whether an alternative regulatory approach could be developed. The Board established a group (Ad Hoc Watershed Committee) to research

whether an alternative approach can be developed that would use enhanced scientific analysis and the principals of watershed analysis to determine, among other things, the potential cumulative environmental impacts of proposed timber harvesting operations and associated activities. The Board hopes that an accumulation of knowledge applicable to specific watersheds and basins will be brought together by the various agencies and the public.

This knowledge could then be used to tailor site-specific forest practices to avoid any significant environmental impacts from individual timber harvesting plans, or cumulative impacts from various activities in a watershed that could combine with the effects of timber harvesting. The Board recognized that any alternative approach would not be fully implemented prior to December 31, 2000 and extended the rule for one year in a previous rulemaking package (*Protection for Threatened and Impaired Watersheds, 2001*). The Board last year extended that rule package for an additional year with changes that resulted from field testing the rule package for the previous one and one half years (*Protection for Threatened and Impaired Watersheds, 2002*).

The Board has continued to gather additional information on improving the means of regulating timber operations at the watershed level. This included an April, 2001 watershed workshop at Blodgett Experimental Forest. The Board has also received several presentations on the effects of timber harvesting on various watersheds, including Deer Creek in Shasta Co. and Redwood Creek in Humboldt County. The Board has also considered public testimony on the problems with implementation of the 2000 rules. Some modifications were made to those rules in 2001 and changes are effective in 2002.

An alternative to these rules was proposed last year to provide performance based rather than prescriptive rule but it was denied by OAL as it needed more work. This rulemaking action proposes to extend the effective date of the changes to December 31, 2003. It further is submitting the revised performance based package (Interim Watershed Mitigation Addendum—2001) to test against these rules. This will provide the Board adequate time to evaluate and implement alternatives to those rules that became effective July 1, 2000. The Board *Ad Hoc* Watershed Committee is continuing to accumulate knowledge from the evaluation and research efforts of other agencies and institutions.

The *Ad Hoc* Watershed Committee will continue the accumulation of knowledge during the upcoming year. The Committee will continue refining application of the best science available to select the appropriate tools to address watershed evaluation or assessment. This is consistent with the Board mandate under

Section 4553 of the Public Resources Code. If further work is still necessary, any identified improvements that can be made will be proposed in the upcoming year. The complexity of this regulatory effort is not only in the science of watershed evaluation and assessment but in the “art” of translating that science into regulatory language. Regardless, the Board is continuing to put forward regulations for the protection of salmonid species and the beneficial uses of water which are based on the best science and protective practices available.

14 CCR § 895.1

Definitions

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (1). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR § 898(a)

Feasibility Alternatives

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (a). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 914.8 [934.8, 954.8](g)

Tractor Road Watercourse Crossing

In order to clarify the Board’s commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (g). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 916 [936, 956](e)

Intent of Watercourse and Lake Protection

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (e). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 916.2 [936.2, 956.2](d)

Protection of the Beneficial Uses of Water and Riparian Functions

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (d). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 916.9 [936.9, 956.9](y)

Protection and Restoration in Watersheds with Threatened or Impaired Values

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (y). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 916.11 [936.11, 956.11](b)

Effectiveness and Implementation Monitoring

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that

became effective July 1, 2000, would be effective. This change is presented under subsection (b). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 916.12 [936.12, 956.12](f)

Section 303(d) Listed Watersheds

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (f). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 923.3 [943.3, 963.3](h)

Watercourse Crossings

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (h). The Board proposes to extend the effective period of the changes to December 31, 2003.

14 CCR §§ 923.9 [943.9, 963.9](g)

Roads and Landings in Watersheds with Threatened or Impaired Values

In order to clarify the Board's commitment and intent to move forward with further actions intended to address protection of listed aquatic species and watersheds defined as impaired by the Board on a watershed basis, while also considering those waterbodies listed as impaired pursuant to section 303(d) of the Clean Water Act; the Board proposes to extend the specific period of time that the rule changes that became effective July 1, 2000, would be effective. This change is presented under subsection (g). The Board proposes to extend the effective period of the changes to December 31, 2003.

SPECIFIC PURPOSE OF THE REGULATION

The Z'berg-Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) established the Legislature's concern throughout the State relating to the use, restoration, and protection of the forest resources. The Legislature

further recognized that these forest resources provide watershed protection and fisheries maintenance. The Legislature declared that it is the policy of the State to encourage responsible forest management that considers the public's need for watershed protection and fisheries (ref. PRC § 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to watershed, wildlife, and fisheries (ref. PRC § 4513). Public Resources Code § 4551 gives the Board the authority to adopt such rules and regulations which will enable it to carry out its responsibilities to protect fish and water resources, including but not limited to streams, lakes, and estuaries.

Although the SRP report was specific to the North Coast region, the Board believes that many of the recommendations made in the report could be effectively applied throughout the State to ensure the protection of the beneficial uses of water, including fisheries and other aquatic habitat.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The rule proposal will affect businesses and small business related to the timber industry by extending the effective period of rule changes that increase the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY). There may also be additional cost associated with additional inspections.

Although the Board staff has identified the potential for increased costs associated with the previous changes to the Rules, which would be extended under this rule proposal, the Board staff also identified the potential for increased benefits to other sectors of business in the State. Some of the benefits derived from the change in the Rules could be contributed to both market and non-market values related to increases in anadromous fish populations, reduction in the costs of flood control, and the ability of land managers to continue to harvest timber without the restrictions that could result from a determination of "take" by the National Marine Fisheries Service. Benefits will also be derived from potentially enhanced beneficial uses of water for drinking and other recreational uses besides those related to sport fishing. The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

(Note: cost and benefit estimates for the individual Rules, which will be effectively extended for a period of one (1) year, are presented in the Initial Statement of Reasons.)

- Potential cost impacts on representative private persons or businesses: As indicated above, the rule proposal will affect businesses, and large and small landowners with an interest in the timber products industry by extending the effective date of rule changes that increase the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY).

The Board staff anticipates that offsetting benefits will be derived from increases in recreation and commercial fishing, as well as reductions in the costs of flood control in some areas.

(Note: cost and benefit estimates for the individual Rules are similar to those referenced above and are presented in the *Initial Statement of Reasons*.)

- Significant effect on housing costs: None
- Adoption of these regulations may create or eliminate jobs within California. It is estimated that the reduction in long-term sustained yield resulting from the reduction in timber available for harvest could result in the loss of some 4,800 jobs over the long term. However, the increase in fish populations and enhanced recreational values that could result from the increased protection measures over the long term could result in the creation of jobs in the

fishing industry and related industries over the long-term, offsetting the loss of jobs in other sectors of the economy. It should be noted that the changes proposed under this rulemaking action would only allow the rules to be effective for a period of one (1) year. Therefore, it is unlikely that the effects estimated to occur over the long-term would be realized.

Adoption of the extension of these regulations will not create new nor eliminate existing businesses within California. The rule only extends the date of the previously approved rule change.

Adoption of the extension of these regulations may cause the expansion of businesses currently doing business in the state of California. Increased fish populations and recreation values, which may result from adoption of this rule extension, could expand the businesses in the fishing, recreation, and related industries.

EFFECT ON SMALL BUSINESSES

The rule proposal will affect small business related to the timber industry by extending the effective period of rule changes that increase the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, additional cost of professional consultations, and costs associated with a reduction in long term sustained yield (LTSY). There may also be additional cost associated with additional inspections.

Although the Board staff has identified the potential for increased costs associated with the previous changes to the Rules, which would be extended under this rule proposal, the Board staff also identified the potential for increased benefits to other small business sectors in the State. Some of the benefits derived from the change in the Rules could be contributed to both market and non-market values related to increases in anadromous fish populations, reduction in the costs of flood control, and the ability of land managers to continue to harvest timber without the restrictions that could result from a determination of "take" by the National Marine Fisheries Service. Benefits will also be derived from potentially enhanced beneficial uses of water for drinking and other recreational uses besides those related to sport fishing. The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting small business, including the ability of California small businesses to compete with businesses in other states.

(Note: cost and benefit estimates for the individual Rules, which will be effectively extended for a period of one (1) year, are presented in the Initial Statement

of Reasons.) The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a) (13), the Board must determine that no reasonable alternative it considers 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 and less burdensome to affected private persons than the proposed action.

The Board has determined that the proposed regulations may impact businesses. However, the Board has not identified any equally effective alternatives that would lessen any adverse impact on businesses at this time. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, or during the written comment period. 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, or (iv) Exemption or partial exemption from regulatory requirements for businesses.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: James L. Mote
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418 or,
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at: http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 14. FISH AND
GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 7071, 8585.5 and 8587.1 of

said Code, proposes to add sections 150.02 and 150.04, Title 14, California Code of Regulations, relating to control dates for other species of Near-shore Fish.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Regulations are needed to establish control dates that will serve to notify commercial fishermen that if they have not participated in one segment of the nearshore fishery prior to this date harvesting 9 species of nearshore fish stocks, they may not qualify for participation in a fishery for these species under a future restricted access program. These species include black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish.

Additional regulations would specify the need to demonstrate use of a particular gear type prior to the control date to take these species, so that they could qualify for future participation in that segment of the nearshore fishery under a future gear endorsement program.

These 9 species are defined as nearshore fish stocks in current regulations, yet their take does not require a Nearshore Fishery Permit. Take of these species is not governed by the existing control dates already established for nearshore fishery restricted access and for a nearshore fishery gear endorsement program.

Three date options for these regulations are provided for the Commission's consideration: 1) a control date of March 8, 2002 which is the date of the Commission meeting at which the notice publication may be authorized, 2) a control date of December 31, 2001, which was the last fishing date before the more restrictive shelf and slope rockfish regulations went into effect, and 3) control dates of December 31, 1999 for restricted access and October 20, 2000 for a gear endorsement program, which mirror the current control dates established in Section 150 and 150.03, Title 14, CCR, for Nearshore Fishery Permits and Nearshore Fishery Gear Endorsement Programs.

Adoption of control dates now will serve to notice new participants in this component of the nearshore fishery that they may not be eligible for future participation, and that future investments in equipment or gear to participate in this fishery may not be considered. Moreover, the dates establish a point in time after which persons just beginning to participate in the fishery, or that begin using a new type of gear in the fishery, must meet future criteria to be established by the Commission in order to maintain continued access to these commercial nearshore resources.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council

Chambers, 333 W. Ocean Blvd., Long Beach, CA, Friday, April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, 2600 Fresno Street, 2nd floor, Fresno, CA, on Thursday, May 9, 2002, at 9:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, May 9, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Thursday, May 9, 2002, at the hearing in Fresno. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Don Schultze, Department of Fish and Game, 227-5670 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.]

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

IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Abil-

ity of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, as it serves only to put individuals on notice that future regulations may be developed.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action.

Written comments must be received by the Board at its office by mail at 400 R Street, Suite 3150, Sacramento, CA 95814, by e-mail at BBSWebMaster@bbs.ca.gov, or by fax at 916-323-0707, not later than 5:00 p.m. on May 6, 2002.

The Board does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board office no later than 15 days prior to the close of the written comment period.

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 137, 650.4, 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret or make specific Sections 137, 4980.44, and 4996.18 of said Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Regulation Section 1811 outlines the advertising requirements for Marriage, Family, and Child Counselors, Licensed Educational Psychologists, Licensed Clinical Social Workers, Registered Professional Corporations, Registered Marriage, Family, and Child Counselor Referral Services, and Marriage, Family, and Child Counselor Registered Interns when advertising in directories and advertisements. The Board has realized that the requirements for Associate Clinical Social Workers were inadvertently left out. Additionally, pursuant to Assembly Bill 1677, Chapter 677, Statutes of 1999, the Board no longer registers professional corporations.

This proposal would add the requirements for associate clinical social workers who publicize their services in advertisements and directories and would remove the reference to requirements for professional corporations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

BUSINESS IMPACT

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

AND

The following studies/relevant data were relied upon in making the above determination: None

IMPACT ON JOBS/NEW BUSINESSES

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON HOUSING COSTS

The Board has made an initial determination that the proposed regulatory action would have no significant effect on housing costs.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses as this proposed regulatory action would merely delineate the advertising requirements for associate clinical social workers and would delete an obsolete reference to professional corporations as these corporations are no longer regulated by the Board.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered 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 and less burdensome to affected private persons than the proposal described in this Notice.

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board 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 Board of Behavioral Sciences at 400 R Street, Suite 3150, Sacramento, California 95814.

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

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

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Julie McAuliffe at the above address or at (916) 445-4933, extension 1142.

The backup contact person is Sherry Mehl (916) 445-4933. The person designated to respond to questions on the substance of the regulatory proposal is Julie McAuliffe (916) 445-4933, extension 1142.

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

**TITLE 16. BOARD
OF PSYCHOLOGY**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Mission Inn, 3649 Mission Inn Avenue, Riverside, California 92501 at 10:00 a.m., on May 11, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on

Wednesday, May 8, 2002, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2930, 2987 and 2989 of the Business and Professions Code, and to implement, interpret or make specific Section 2987, of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Business and Professions Code section 2987 authorizes the board to set the fees for licensure as psychologists.

Current regulations set the initial license fee and the biennial renewal fee for psychologists at \$400.

This proposal would reduce the initial license fee and the biennial renewal fee to \$275 for initial and renewal term commencing on or after January 1, 2003.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17500 through 17630 Requires Reimbursement: None

BUSINESS IMPACT

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

AND

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

- Analysis of Fund Condition performed by the Department of Consumer Affairs Budget Office (Attachment A)

**BOARD OF PSYCHOLOGY
ANALYSIS OF FUND CONDITION
PROPOSED FEE REDUCTIONS from \$400 to \$275
For Initial License Fee and Biennial Renewal Fee
Effective Date of January 1, 2003**

	ACTUAL				
	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
BEGIN. RESERVE, JULY 1	3,641,446	4,550,245	5,039,276	5,183,047	4,865,068
PRIOR YEAR ADJUSTMENTS	70,123				
TOTAL ADJUSTED RESERVES	3,711,569	4,550,245	5,039,276	5,183,047	4,865,068
REVENUE					
FEES	3,089,902	3,368,614	3,478,214	3,478,214	3,478,214
INTEREST	274,558	227,512	254,369	259,152	243,253
<i>PROPOSED FEE REDUCTION-RENEWAL</i>			<i>(359,000)</i>	<i>(718,000)</i>	<i>(718,000)</i>
<i>PROPOSED FEE REDUCTION-INITIAL</i>			<i>(43,813)</i>	<i>(87,625)</i>	<i>(87,625)</i>
TOTAL REV. AND TRANSFERS	3,364,460	3,596,126	3,329,771	2,931,741	2,915,842
TOTAL RESOURCES	7,076,029	8,146,371	8,369,047	8,114,788	7,780,911
EXPENDITURES					
BUDGET EXPENDITURE	2,616,034	3,107,095	3,186,000	3,249,720	3,314,714
Reimbursements (actual)	(90,380)				
SCO adjustment	130				
TOTAL EXPENDITURES	2,525,784	3,107,095	3,186,000	3,249,720	3,314,714
RESERVE, JUNE 30	4,550,245	5,039,276	5,183,047	4,865,068	4,466,196
MONTHS IN RESERVE	17.6	19.0	19.1	17.6	15.9

NOTES:

1. FY 00/01 TIES WITH SCO REPORT
2. FY 01/02 AND 02/03 TIE WITH GOVERNOR'S BUDGET 2002/03
3. FEE REDUCTIONS BASE ON 5,744 RENEWALS AND 701 INITIAL APPLICATIONS EACH YEAR PER BOARD
4. BOTH RENEWAL AND INITIAL FEES REDUCED FROM \$400 TO \$275, EFFECTIVE JAN 1, 2003, PER BOARD
5. APPROPRIATION INCREASES AT 2% STARTING FY 03/04

IMPACT ON JOBS/NEW BUSINESSES

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the board are:

- Psychologists will realize a saving of \$125 upon initial licensure and biennially upon renewal.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board 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.

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared by making a written

request to the contact person named below or by accessing the board's website listed below.

CONTACT PERSON

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

Name: Kathy Bradbury
Address: 1422 Howe Avenue, #22
Sacramento, CA 95825

Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697

E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeffrey Thomas
Address: 1422 Howe Avenue, #22
Sacramento, California 95825

Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697

E-Mail Address: jeff_thomas@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kathy Bradbury at (916) 263-0712.

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

TITLE 16. MEDICAL BOARD OF CALIFORNIA

DIVISION OF MEDICAL QUALITY

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Radisson Hotel, 4345 MacArthur Boulevard, Newport Beach, California, May 10, 2002 at 1:30 p.m.** Written comments must be received by the Medical Board of California at its office not later than 5:00 p.m. on May 8, 2002 or must be received by the Medical Board at the hearing. The Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the

person designated in this notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2018 and 2259.7 of the Business and Professions Code, and to implement, interpret or make specific section 2259.7 of said Code, the Medical Board of California is considering changes to Division 13 in Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW **Physician and Surgeon—Liposuction Extraction Standards Add Section 1356.4**

Business and Professions Code section 2259.7 requires that the Medical Board of California promulgate regulations to establish liposuction extraction and postoperative care standards for procedures not performed in an acute care hospital.

This proposal will add section 1356.4 to establish liposuction extraction standards for physicians performing procedures outside of acute care hospitals.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact: The board has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: None. 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.

Housing Costs: None

EFFECT ON SMALL BUSINESSES

The board has determined that the proposed regulation would not significantly affect small businesses as it would apply to the board's licensees. This proposal pertains to liposuction procedures only, and merely would require the current medical practice standard of care.

CONSIDERATION OF ALTERNATIVES

The board must determine that no alternative which it considered or that has otherwise been identified and brought to its 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 described in this Notice.

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

STATEMENT OF REASONS AND INFORMATION

The board has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California at 1426 Howe Avenue, Suite 100, Sacramento, California 95825, or through its Web site at www.medbd.ca.gov.

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

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

Copies of the final statement of reasons, once available, may be obtained by making a written request to the contact persons named below or by accessing the Board's website at www.medbd.ca.gov.

CONTACT PERSONS

Substantive or general inquiries or written comments concerning the proposed administrative action may be addressed to Janie Cordray or Linda Whitney at the above address or at (916) 263-2389, or by e-mail at jcordray@medbd.ca.gov or lwhitney@medbd.ca.gov.

Materials regarding this proposal can also be found at www.medbd.ca.gov.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

The State Water Resources Control Board (State Board) proposes to adopt the amended regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to amend Section 648 in Title 23 of the California Code of Regulations (CCR). This section concerns the laws governing adjudicative proceedings.

WRITTEN COMMENT PERIOD

Any person may submit written comments relevant to the proposed regulatory action to the State Board. The written comment period closes at 5:00 p.m. on May 28, 2002. The State Board will only consider written comments received at the State Board offices by that time. Submit comments to:

Tim Regan
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Telephone: 916/341-5172

Comments may also be hand-delivered to 1001 I Street, 22nd floor, Sacramento, CA 95812, or e-mailed to: Tregan@exec.swrcb.ca.gov or faxed to (916) 341-5199.

To be added to the mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please leave a message at (916) 341-5172 (voice mail). Individuals who receive this notice by mail are already on the mailing list.

PUBLIC HEARING

The SWRCB has not scheduled a public hearing on the proposed action. However, interested parties may make a written request for a hearing no later than 5:00 p.m. on May 13, 2002.

AUTHORITY AND REFERENCE

Section 1058 of the California Water Code authorizes the State Board to adopt the proposed regulations, which would implement, interpret, or make specific the following State statute: Government Code Section 11475.10(a).

INFORMATIVE DIGEST

Section 648(b) of Title 23 of the California Code of Regulations provides that, subject to certain exceptions, all adjudicative proceedings before the State Board and the regional water quality control boards

(regional boards) shall be governed by Chapter 4.5 of the Administrative Procedure Act (APA, commencing with section 11400 of the Government Code). Section 648(c) of Title 23 indicates which Articles in Chapter 4.5 of the APA are not applicable to such proceedings.

In 1998, the California Legislature amended Chapter 4.5 of the APA to add Article 16 (A.B. 2164, codified at Government Code sections 11475 to 11475.70). Article 16 made the Code of Judicial Ethics, which was adopted by the Supreme Court for the conduct of judges, applicable to administrative law judges (Government Code section 11475.10(a)(1)). Article 16 also provided that the Code of Judicial Ethics would apply to presiding officers of administrative agencies if the Article was made applicable by agency regulation (Government Code section 11475.10(a)(2)). By definition, all members of the State and regional boards are presiding officers (Government Code section 11405.80).

Since 23 CCR section 648(b), which predated Article 16 of the APA, made all of Chapter 4.5 of the APA applicable (unless excepted under 648(c)), Article 16 arguably became applicable to all members of the State Board and regional boards. The proposed amendment of section 648(c) will clarify that Article 16 will not apply to them.

POLICY STATEMENT OVERVIEW

Article 16 grants agencies the discretion to determine, by promulgating regulations, if its provisions should be made applicable to presiding officers within the agency. In terms of its applicability to presiding officers at the State Board and regional boards, Article 16 was unintentionally given effect due to the structure of pre-existing regulations (section 648(b)). Experience with Article 16 has indicated that the majority of its provisions are duplicative of existing law in the APA and the Political Reform Act (Government Code section 81000 et seq), and that the remaining provisions are unduly vague or not conducive to the efficient performance of the duties of presiding officers. For these reasons, the State Board proposes to amend 648(c) to clarify that Article 16 will not apply to such officers.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Board has made the following determinations:

- Mandate on local agencies and school districts: No new mandate to local agencies or schools is proposed.
- 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 non-discretionary 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 private persons or directly affected businesses: The State 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.
- Adoption of this amendment will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The State Board has determined that the proposed amendment does not affect small business. It will not affect small business because this procedural regulatory change does not directly regulate small business: it does not require reports, does not affect costs, etc. The regulatory change affects the conduct of presiding officers of the State Board and regional water quality control boards.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, Subdivision (a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its 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 State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed amendment at any hearing that may be requested or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action may be directed to:

Tim Regan
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Telephone: 916/341-5172

E-mail address: Tregan@exec.swrcb.ca.gov

You may also direct requests for copies of the proposed text of the amended regulation, the initial statement of reasons, the modified text of the amended regulation, if any, or other information upon which the rulemaking is based to Mr. Regan at the above address. In the event that Mr. Regan is not available to respond to inquiries, please contact:

Ted Cobb
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Telephone: 916/341-5171
E-mail address: Tcobb@exec.swrcb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENT/INTERNET ACCESS

An initial statement of reasons and the text (“express terms”) of the proposed regulation have been prepared and are available from the contact person named in this notice. The State Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulation, and the Initial Statement of Reasons. The documents relating to this proposed action may be found on the State Board website at the following address: <http://www.swrcb.ca.gov>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the State Board adopts the regulation as revised. Any such modifications will also be posted on the State Board website. Please send requests for copies of any modified regulation to the attention of Tim Regan at the address indicated above. The State Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested

from the contact person named in this notice or may be accessed on the website listed above.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

**NOTICE OF PUBLIC MEETING TO CONSIDER
APPROVAL OF
THE AIR RESOURCES BOARD'S
2002 CLEAN AIR PLAN:
STRATEGIES FOR A HEALTHY FUTURE**

The California Air Resources Board (Board or ARB) will conduct a public meeting to consider approval of the 2002 Clean Air Plan, the ARB's short and long-range plan for achieving more healthful air in California.

DATE: April 25, 2002

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Headquarters Building
Central Valley Hearing Room, Second Floor
1001 "I" Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., April 25, 2002, and may continue at 8:30 a.m., April 26, 2002. This item may not be considered until April 26, 2002. Please consult the agenda for the meeting, which will be available at least ten days before April 25, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by April 11, 2002, at (916) 322-5594, or Telephone Device for the Deaf (TDD)(916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

The proposed Clean Air Plan would establish the framework for the ARB's efforts to improve air quality across California. Finding new ways to reduce air pollution is an important public health issue. The health impact of air pollution ranges from increased respiratory illness, including asthma, to premature death in individuals with health and lung disease. Children can be especially susceptible to the impacts of air pollution. ARB's Children's Health Study in Southern California has shown that higher exposures to air pollution result in decreased lung function growth and more asthma attacks.

The Clean Air Plan describes the emission reduction programs ARB staff would pursue over the next decade to reduce pollution through 2020. Many of the strategies would be developed in the near-term to cut pollution and risk in communities, and to help California meet its obligations under State and federal law. Long-term measures would support the move to a zero or near-zero emission future. The Clean Air Plan consolidates the ARB's emissions and risk reduction programs in one document, thereby helping regulated industries and the public to anticipate future control efforts and enhancing opportunities for multi-pollutant benefits.

The Clean Air Plan proposes development of regulatory and voluntary strategies to reduce emissions and health risk. The strategies include: regulations and enforcement programs for State and federal agencies; technical evaluations to support State and local air district measures; voluntary efforts to reduce transportation demand, such as incentives and cooperative approaches; and labeling and education programs to encourage public action that reduces pollution.

The emission reduction opportunities discussed in the Clean Air Plan are numerous, but each opportunity is smaller than in the past due to the success of State, local, and federal programs. Most of the strategies in the proposed Clean Air Plan would achieve less than 10 tons per day of emission reductions statewide. In aggregate, however, the strategies will take California a long way toward reducing air toxics risk and attaining health-based air quality standards.

The Clean Air Plan will not be submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP). Accordingly, the measures in the Clean Air Plan will not become enforceable or legally binding on either the ARB or the regulated public. However, some air districts in California are currently revising their SIPs for ozone, particulate matter, and carbon monoxide. The strategies identified in the Clean Air Plan will form the basis for new measures in these future SIPs, and each of these SIPs will include selected Plan measures tailored to local needs.

Over the next two years, the South Coast and the San Joaquin Valley Districts will revise their ozone and particulate matter plans to incorporate the new science from the Central and Southern California Ozone Studies; these updates will require new control measures. The SIP development process for each region will provide an opportunity for the public to comment on the new State and federal measures proposed for inclusion in the SIP. ARB staff will participate with the districts in the public workshop process to solicit comments on the control measures for each region.

Copies of the proposed Plan and related documents can be found at the ARB's web site at <http://www.arb.ca.gov/planning/caplan/caplan.htm>. This web site will also display notices of public workshops on the Plan that the ARB intends to hold prior to the April 25, 2002, Board meeting. Alternatively, written copies of the Clean Air Plan may be obtained from the Board's Public Information Office, 1001 I Street, 1st Floor, Environmental Resources Center, Sacramento, California 95814, (916) 322-2990. The proposed Plan includes the ARB's analysis of the potential adverse environmental impacts of the Clean Air Plan, as required by the California Environmental Quality Act (CEQA).

Further inquiries concerning the Clean Air Plan may be directed to the designated agency contact person: Ms. Kim Heroy-Rogalski, Manager, State Implementation Plan Development Section, at (916) 327-2200.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB Americans with Disabilities Act Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

The public may present comments on the Clean Air Plan, including the environmental analysis for the Plan, orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comments not physically submitted at the meeting must be **received no later than 12:00 noon, April 24, 2002**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to cap@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon, April 24, 2002**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, April 24, 2002**.

The Board requests, but does not require, that 30 copies of any written statement be submitted. The ARB also requests that written and e-mail statements be filed at least 10 days prior to the meeting so that ARB staff and Board members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the meeting any suggestions for modifications to the proposed Plan. Following the public meeting, the Board may approve the Clean Air Plan as originally proposed, or approve the Plan with modifications.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On February 21, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance renewal to the City and County of San Francisco Hazardous Waste Management Program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes San Francisco through their contractor to collect hazardous waste from qualified Conditionally Exempt Small Quantity Generator (CESQG) sites and to transport the wastes using a registered hazardous waste transporter. A receipt is issued to each generator and collected wastes are transported under manifest to authorized household hazardous waste collection facilities operating under permit-by-rule or other authorized facilities. Standards exempted are contained in Health and Safety Code, sections 25160, 25201 and 25218.3, subdivision (b). For additional information contact Lee Halverson of the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On February 21, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a revision and a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to Sacramento County's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes Sacramento County's household hazardous waste collection facilities to accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163 and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 11, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to San Diego County. Authority for this action is contained in Health and Safety Code section 25143. The variance authorizes San Diego County's household hazardous waste collection program to accept and qualified small businesses to transport up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code sections 25163, subdivision (a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Asha Arora of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3874.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 11, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to the City of Laguna Woods. Authority for this action is contained in Health and Safety Code section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes City of Laguna Woods through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code section 25201 and California Code of Regulations, title 22, Division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Asha Arora at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3874.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 11, 2002, the State Regulatory Programs Division of the Department of Toxic

Substances Control (DTSC) issued a three-year variance to the City of La Mesa. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes City of La Mesa, through their contractor, to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to a HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Asha Arora at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3874.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 27, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a one-month variance to the City of Isleton. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes the City of Isleton, through their contractor, to collect household hazardous wastes residents. Wastes will be consolidate at the city yard located at 100 Sixth Street, Isleton, for a period of 5 days during the collection event and shipped offsite under manifest to an authorized facility. No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 11, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to the Riverside County Household Hazardous Waste Program. Authority for this action is contained in Health and Safety Code section 25143. The variance authorizes Riverside County through

their contractor to collect hazardous waste from qualified Conditionally Exempt Small Quantity Generator (CESQG) sites and to transport the wastes using a registered hazardous waste transporter. A receipt is issued to each generator and collected wastes are transported under manifest to authorized household hazardous waste collection facilities operating under permit-by-rule or other authorized facilities. Standards exempted are contained in Health and Safety Code sections 25160, 25201, subdivision (a) and 25218.3, subdivision (b). For additional information contact Asha Arora of the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3874.

PROPOSITION 65

**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
March 22, 2002**

**REQUEST FOR INFORMATION ON
Bromacil lithium salt (CAS No. 53404-19-6)**

**LISTED CHEMICAL TO BE CONSIDERED BY
OEHHA'S SCIENCE ADVISORY
BOARD'S DEVELOPMENTAL AND
REPRODUCTIVE TOXICANT (DART)
IDENTIFICATION COMMITTEE FOR POSSIBLE
REMOVAL FROM THE LIST**

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 1986 (Proposition 65). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the State's qualified experts for rendering an opinion as to whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

Bromacil lithium salt, the chemical named in Table 1 below, was added to the Proposition 65 list of chemicals known to the state to cause reproductive toxicity under the authoritative bodies provision of Proposition 65. It was formally identified by the U.S. Environmental Protection Agency (U.S. EPA) as causing developmental toxicity. Subsequent to the addition of this chemical to the list, OEHHA has found that there is no substantial evidence that the criteria identified in Title 22, California Code of Regulations, Section 12306(g) (22 CCR 12306(g)) have been satisfied. This finding is a consequence of the Court of Appeal decision restricting the review of evidence by OEHHA of authoritative bodies listings [Third District Court of Appeal, *Western Crop Protection et al. vs. Gray Davis et al.* (Case No. C029727, May 9, 2000 as modified on denial of rehearing, June 8, 2000). As required by regulation, bromacil lithium salt is being referred to the DART Identification Committee for a determination as to whether the chemical should continue to be included on the list of chemicals known to the state to cause reproductive toxicity (22 CCR 12306(j)).

Table 1.

Chemical	CAS Number	Date of Publication of the Notice of Intent to List in the CRNR*	Date of Addition to the Proposition 65 List
Bromacil lithium salt	53404-19-6	March 19, 1999	May 18, 1999

*California Regulatory Notice Register

In accordance with OEHHA's process for preparing information on candidate chemicals for review by the State's qualified experts, OEHHA will review the available literature and data on bromacil lithium salt and develop a hazard identification document based on the evidence of reproductive toxicity for this chemical. The DART Identification Committee will consider the hazard identification document before determining whether this chemical should remain on the list of chemicals known to the state to cause reproductive toxicity.

Interested parties or members of the public wishing to provide information relevant to an assessment of the reproductive and developmental toxicity of bromacil lithium salt should forward such information to the address given below. The publication of this notice marks the start of a 45-day data call-in period. This period ends on **May 6, 2002**. The information received during this data call-in period will be reviewed and considered by OEHHA as it develops the draft reproductive and developmental toxicity hazard identification document on this chemical.

OEHHA welcomes public participation and public input as part of these scientific assessments. If there is

sufficient public interest, a public workshop or other public forum will be held to encourage scientific dialogue prior to completion of the draft hazard identification document.

Notification of the availability of the draft hazard identification document and of the time, date, location, and agenda of any workshops and of the meetings of the DART Identification Committee where bromacil lithium salt will be discussed will be provided in future notices published in the *California Regulatory Notice Register* and posted on OEHHA's Home Page at www.oehha.ca.gov. The draft hazard identification document will be made available for public comment prior to the committee meeting at which the chemical is considered.

Relevant information on bromacil lithium salt should be sent in **triplicate** by mail or fax to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
1001 I Street, P.O. Box 4010
Sacramento, CA 95812-4010
Fax (916) 323-8803
Telephone: (916) 445-6900

Relevant information may also be delivered in person or by courier to 1001 I Street, Sacramento, CA 95814. In order to be considered, the relevant information must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 p.m. on Monday, May 6, 2002.

**RULEMAKING PETITION
DECISIONS**

**DEPARTMENT OF FOOD
AND AGRICULTURE**

March 5, 2002

Ms. Patricia L. Shanks
McCutchen, Doyle, Brown and Enerson, LLP
355 South Grand Avenue, Suite 4400
Los Angeles, California 90071-3106

**Response to Petition to Amendment or Repeal
Title 3, California Code of Regulations,
Sections 2302 and 2303**

Dear Ms. Shanks:

On February 4, 2002, Ironite Products Company (hereinafter "Petitioner") filed a petition with the California Department of Food and Agriculture (hereinafter "the Department") for the immediate amendment or repeal of Title 3, California Code of Regulations, sections 2302 and 2303. Sections 2302

and 2303 establish standards for non-nutritive metals in fertilizer materials. Petitioner is the manufacturer of Ironite, a specialty fertilizer that may be subject to the regulations. Petitioner filed the petition pursuant to Government Code section 11340.6.

Government Code section 11340.7, subdivisions (a) and (d) require the Department to notify petitioner of its decision within thirty (30) days of receipt of the petition. They additionally require the Department to transmit the decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Steve Mauch, Director, Division of Inspection Services, is the contact person, and he can be reached at (916) 654-0792. Any interested person has a right to obtain a copy of the petition from the Department.

The Department denies the petition for the reasons hereinafter set forth.

**THE DEPARTMENT'S RESPONSE
TO PETITIONER'S ARGUMENTS
IN SUPPORT OF THE PETITION**

Petitioner maintains that the regulations should be amended or repealed for four reasons: (1) lack of notice; (2) lack of statutory authority; (3) inadequate assessment of the economic impact of the regulations; and (4) the Initial and Final Statement of Reasons for the regulations were inadequate.

1. Lack of Notice

Petitioner's Argument:

Petitioner contends that the Department failed to provide adequate notice of the proposed rulemaking and related public hearing that led to the adoption of regulations. It maintains that it received notice of an earlier, ultimately abandoned, 1999 effort to adopt regulations in this area, but did not receive notice of the subsequent rulemaking process that resulted in the adoption of the challenged regulations until November 28, 2001, a month after adoption. Petitioner states that the lack of notice prevented it, and other potentially affected Parties, from participating in the public comment and hearing process.

Department Response:

The Department rejects this contention. An examination of the rulemaking record and other documents in the possession of the Department establishes that notice was provided in compliance with statutory and regulatory requirements.

Contrary to petitioner's argument, the Department did provide petitioner notice of the commencement of this rulemaking process on October 19, 2000. There is no record that petitioner responded to this notice through the submission of written comments or testimony at a public hearing. On July 31, 2001, the Department provided notice of proposed changes to the text of the regulations to those who responded to

the initial notice with public comment as required by Title 1, California Code of Regulations, section 44, subdivision (a) (1-4).

2. Lack of Statutory Authority

Petitioner's Argument:

Petitioner contends that the regulations lack statutory authority. It asserts that Ironite does not pose a risk to health and public safety. Although not admitted, Ironite may have concentrations of arsenic, lead and cadmium in excess of the amounts permitted by section Title 3, Cal. Code Regs., 2302. Petitioner argues, however, that these metals are bound into mineral forms with low solubilities under ordinary agricultural conditions. Accordingly, petitioner asserts that they do not present a risk to health and public safety because they are not biologically available to humans, plants and animals. It therefore further argues that the Department is not statutorily authorized to adopt regulations that would prohibit the sale and distribution of Ironite in the state of California on this basis.

Petitioner claims that the language of the regulations is ambiguous, because it limits concentrations of non-nutritive metals without specifying the form of the regulated metals. Petitioner asserts that the standards should only be applied to limit the amount of soluble metals available for uptake by plants and/or absorption by humans. If the standards were applied in this way, petitioner additionally asserts Ironite would not contain concentrations in violation of the regulations.

Accordingly, Petitioner claims that generic non-nutritive metals standards are inappropriate for fertilizers, as the metals may exist in different forms in the many types of compounds used in fertilizing materials. It therefore concludes that the current regulations should be repealed to provide for product-risk assessments. Such regulations would protect public health and safety without compelling fertilizer manufacturers to meet arbitrary standards.

Petitioner contends that the regulations are also invalid because there is no substantial evidence to support the Department's determination that the regulations are reasonably necessary to effectuate the purpose of the authorizing statute. It maintains that the items listed in the Final Statement of Reasons fail to provide evidence in support of the regulations. It specifically emphasizes that the Department's risk assessment study is so scientifically flawed as to lack credibility.

Petitioner additionally contends that the regulations are invalid because the testing methods selected to establish compliance with the standards also lack substantial evidence. Numerous other testing procedures allegedly exist which may be more appropriate for determining the metals content of fertilizing

material. Petitioner asserts that it is therefore necessary to amend or repeal the regulations immediately.

Department's Response:

The Department rejects petitioner's contentions. Food and Agricultural Code 14682 authorizes the Department to develop regulations to prohibit the distribution of adulterated fertilizer materials. The Department developed these regulations after a lengthy policy development and rulemaking process. It determined that more rigorous regulation of the composition of non-nutritive metals in fertilizer materials was required to protect public health and safety. It additionally determined, based upon public participation and scientific study, that the regulation, as adopted, was an appropriate, statutorily authorized means of doing so. Contrary to petitioner's claim, the Final Statement of Reasons cites sufficient evidence to support the adoption of the regulation.

The Department, through action by the Fertilizer Inspection Advisory Board, began to examine the issue of non-nutrient metal contaminants in fertilizing materials in 1991. A year later, a Heavy Metals Task Force was established, and it identified the non-nutrient metals of arsenic, cadmium and lead as contaminants that required standards to limit concentrations in fertilizing materials. The Task Force additionally determined that arsenic, cadmium and lead, in sufficient concentrations, might have adverse impacts to human health.

To ensure that standards for non-nutrient metal contaminants were based upon scientific analysis, the Task Force recommended that a risk assessment study be conducted to provide necessary data. In March 1998, a report, "*Development of Risk-Based Concentrations for Arsenic, Cadmium and Lead in Inorganic Commercial Fertilizers*", was completed and released. The report provides for the utilization of unit risk-based metal concentrations for arsenic, cadmium and lead to establish threshold limits in phosphate and micronutrient fertilizing materials.

Subsequent to the release of the report, in August 1998, the Department agreed to work in cooperation with the University of California (hereinafter "UC") to evaluate the assumptions, model and risk-based concentration calculations. The UC provided the results of this review to the Department in March 2000, and the Department cited it in the Final Statement of Reasons for the regulations as finally adopted in 2001. The Department also created a facilitated rulemaking group to examine regulations for heavy metals in fertilizers. The group produced a draft rule or regulation for inorganic commercial fertilizing materials.

In August 1999, the Department thereafter submitted proposed regulations to the Office of Administrative Law (hereinafter "OAL") for publication. The Department received a large volume of comments. Based upon these comments, it prepared and publicized a revision of the proposed regulations. Ultimately, the Department permitted these proposed regulations to lapse, and drafted subsequent proposed regulations in response to these comments as well as additional comments received at a public workshop.

The Department then submitted these proposed regulations to OAL. It is these regulations, adopted after subsequent changes that constitute the adopted regulations challenged by petitioner. The Department maintains the rulemaking record, as developed and submitted to OAL, including the information relied upon in the Final Statement of Reasons, and constitutes substantial evidence in support of the adoption of the regulations.

3. Inadequate Assessment of the Economic Impacts

Petitioner's Argument:

Petitioner states that the regulations can be interpreted as prohibiting the distribution of Ironite in California. Petitioner asserts that such a result would have a devastating effect upon its business, and further illustrates the flaws in the Department's rulemaking process in this instance. Petitioner therefore contends that the Department erroneously determined that the impact upon private persons or businesses was expected to be insignificant.

Department's Response:

The Department rejects petitioner's contention. It addressed private sector impacts as required in the Economic and Fiscal Impact Statement submitted with the rulemaking record. There is no statutory or regulatory requirement that the Department address economic impacts specific to petitioner.

4. Inadequacy of the Initial and Final Statement of Reasons

Petitioner's Argument:

Petitioner contends that the Initial and Final Statement of Reasons reiterate the problems already identified with the non-nutritive metals standards, and require that the regulations be amended or repealed. It alleges that the Department has failed to provide an initial and final statement of reasons that effectively supports the proposed regulations.

Department's Response:

The Department rejects petitioner's contention. For the reasons already set forth, it determines that both the Initial and Final Statement of Reasons support the adoption of the challenged regulations.

CONCLUSION

The Department rejects the petition in its entirety, and therefore declines to take any action to amend or repeal the challenged regulations as requested.

Respectfully,

Tad Bell
Undersecretary
CDFA

Cc: Melvin Fong, Legal Assistant, Office of Administrative Law
Steve Wong, Branch Chief, Agriculture Commodities & Regulations
Steve Mauch, Director, Inspections Services

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.

**BOARD OF EQUALIZATION
Conflict of Interest Code—General Provisions**

This is a Conflict of Interest Code which is submitted for filing with the Secretary of State and printing only.

Title 18
California Code of Regulations
AMEND: 6001
Filed 03/08/02
Effective 04/07/02
Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA EARTHQUAKE AUTHORITY
Conflict of Interest Code**

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

Title 2
California Code of Regulations
AMEND: 56800
Filed 03/13/02
Effective 04/12/02
Agency Contact: Niel Hall (916) 492-4300

CALIFORNIA ENERGY COMMISSION
Procedural Clarifications to Siting Regulations

The Warren-Alquist State Energy Resources and Development Act created the California Energy Commission and vested it with a wide range of duties and responsibilities related to the development and conservation of energy resources in California. Included in the Commission's responsibilities is the siting of thermal electric generating facilities of 50 megawatts or greater generating capacity. This regulatory action makes changes to the procedures for the certification of sites and related facilities.

Title 20
 California Code of Regulations
 ADOPT: 1207, 1212, 1710, 1712, 1714.5, 1718, 1741, 1748, 1751, 1752, 1755, 1940, 1945, 2021
 Filed 03/08/02
 Effective 04/07/02
 Agency Contact:
 David Mundstock (916) 654-3958

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Refund of Lubricating Oil Payment
 The California Integrated Waste Management Board is adopting the captioned section pertaining to the refund of lubricating oil payment.

Title 14
 California Code of Regulations
 ADOPT: 18627
 Filed 03/13/02
 Effective 03/13/02
 Agency Contact: Jody Feldman (916) 341-6755

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Training Specifications—Reserve Training Module "D"

This regulatory action updates the training specifications for reserve officer minimum standards, consistent with statutory amendments, deleting Procedure H-5 and the document Reserve Module D. The standards for reserve officers will now more closely parallel the standards for other peace officers.

Title 11
 California Code of Regulations
 AMEND: 1005, 1007
 Filed 03/11/02
 Effective 04/10/02
 Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Training Specifications—Public Safety Dispatchers' Basic Course

This rulemaking action amends training specifications for the Public Safety Dispatchers' Basic Course. The amendments update learning objectives and add

new instructional activities to reflect emerging training needs, adjust domain hourly requirements without changing the course's minimum hourly requirements, conform terminology to that which is used in other basic courses, delete a redundant domain, and refine domain titles.

Title 11
 California Code of Regulations
 AMEND: 1018
 Filed 03/07/02
 Effective 07/01/02
 Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF CORRECTIONS
Administrative Determinants

The proposed regulatory action amends the list of administrative determinants used to classify inmates to include juvenile adjudications of being guilty of the commission of violent felonies and arson as prior convictions.

Title 15
 California Code of Regulations
 AMEND: 3375.2
 Filed 03/07/02
 Effective 04/06/02
 Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS
Restitution Obligations

This adoption requires that restitution obligations be considered when recommending a parolee for early discharge or when conducting annual discharge review.

Title 15
 California Code of Regulations
 ADOPT: 3501
 Filed 03/11/02
 Effective 04/10/02
 Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This action would establish an Oriental fruit fly interior quarantine in the San Diego area.

Title 3
 California Code of Regulations
 AMEND: 3423(b)
 Filed 03/12/02
 Effective 03/12/02
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This emergency rulemaking eliminates the quarantine for the Oriental fruit fly in San Diego County.

Title 3

California Code of Regulations

AMEND: 3423(b)

Filed 03/12/02

Effective 03/12/02

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF HEALTH SERVICES
Childhood Lead Poisoning Prevention Fees

This emergency readoption (R-49-99E) concerns childhood lead poisoning prevention fees. It is exempt from OAL review pursuant to Health and Safety Code section 105310(h).

Title 17

California Code of Regulations

ADOPT: 33001, 33002, 33003, 33004, 33005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 3001, 33010

Filed 03/12/02

Effective 03/19/02

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
National Environmental laboratory Accreditation program Fees

This emergency regulatory action adopts the fees for accreditation in the National Environmental Laboratory Accreditation Program (NELAP).

Title 22

California Code of Regulations

ADOPT: 64860

Filed 03/06/02

Effective 03/14/02

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF JUSTICE
Adoption of Surety Bond Form

This file concerns a new bond form entitled "Business Partner Automation Surety Bond" and was submitted by the Department of Motor Vehicles to and approved by the Attorney General. The form is being submitted to OAL for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: Article 20, Section 51.19

Filed 03/06/02

Effective 03/06/02

Agency Contact: Bill Lockyer

DEPARTMENT OF PESTICIDE REGULATION
Pesticide and Pest Control Operations

This action would update the revision date for the American Society of Agricultural Engineers Standard S-525 and repeal the definition of "restricted materials hazard chart" in section 6000; and would renumber references in section 61888.

Title 3

California Code of Regulations

ADOPT: 306, 6188, 6780 AMEND: 6000

Filed 03/08/02

Effective 04/07/02

Agency Contact:

Margaret M Graham (916) 323-6133

DEPARTMENT OF SOCIAL SERVICES
California Food Assistance Program

This emergency rulemaking repeals the September 30, 2001 sunset date for eligibility to the California Food Assistance Program (CFAP) for certain legal noncitizens that entered the United States on or after August 22, 1996.

Title MPP

California Code of Regulations

AMEND: 63-403

Filed 03/06/02

Effective 03/06/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Architectural and Engineering Services

The filing is the readoption of emergency regulations that set forth the selection process for private architectural and engineering services for sites or facilities. (Prior OAL files 01-1016-01E and 01-1029-04E; Department of Toxic Substances Control File R-00-03.)

Title 22

California Code of Regulations

ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

Filed 03/07/02

Effective 03/09/02

Agency Contact: Bonnie Amoruso (916) 322-2833

FRANCHISE TAX BOARD
Deduction for Certain Dividends

This action would conform this section to make it consistent with the applicable statutes for the deduction of qualifying dividends. It would revise the amount of the foreign dividend deduction to reflect a flat 75% or 100% of the qualified dividends. It would include banks in the definition of corporation. It would describe how much of a distribution will be considered

“intercompany” for purposes of the elimination rules of Revenue and Taxation Code section 25106. It would replace references to income year with the term taxable year for the first taxable year beginning after 1999.

Title 18
California Code of Regulations
AMEND: 24411
Filed 03/13/02
Effective 04/12/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD
Offset of Interest Expense Incurred for Foreign Investment

The Franchise Tax Board is amending the captioned subsection pertaining to the offset of interest expense incurred for foreign investment to bring it into conformity with changes made in Ch. 862, Stats. 2000, Ch. 605, Stats. 1997, Ch. 490, Stats. 1995, Ch. 954, Stats. 1996.

Title 18
California Code of Regulations
AMEND: 24344(c)
Filed 03/12/02
Effective 04/11/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD
Water’s-Edge Election and Changes for Income Years Beginning Prior to January 1, 1994

This is a nonsubstantive filing repealing an obsolete section.

Title 18
California Code of Regulations REPEAL: 25111
Filed 03/12/02
Effective 04/11/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD
Rescission of Existing Water’s-Edge Elections

The proposed change without regulatory effect repeals provisions governing rescission of a water’s-edge election in place before January 1, 1994.

Title 18
California Code of Regulations
REPEAL: 25111.1
Filed 03/12/02
Effective 04/11/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD
Table of Contents and Combined Reporting

The Franchise Tax Board is making minor amendments to the two captioned sections pertaining to the table of contents and combined reporting.

Title 18
California Code of Regulations
AMEND: 25106.5-0, 25106.5
Filed 03/11/02
Effective 04/10/02
Agency Contact:
Colleen Berwick (916) 845-3306

NEW MOTOR VEHICLE BOARD
Timely Filing of Notices

The regulatory action deals with the failure of specified licensees to file or to timely file statutorily required notices, schedules, or formulas.

Title 13
California Code of Regulations
ADOPT: 593.3
Filed 03/08/02
Effective 04/07/02
Agency Contact:
Robin P. Parker (916) 445-2080

STATE LANDS COMMISSION
Marine Terminal Physical Security Program

The emergency regulatory action sets forth the requirements for the “Marine Terminal Physical Security Program”. (California State Lands Commission File W 9777.104.)

Title 2
California Code of Regulations
ADOPT: 2351
Filed 03/07/02
Effective 03/07/02
Agency Contact: John H. Kloman (562) 499-6312

SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWORKs Child Care Programs

This Certification of Compliance adopts the requirements for participation in Stages 2 and 3 of CalWORKs child care services. (Previous OAL file ## 01-0625-01E, and 01-1023-01EE)

Title 5
California Code of Regulations
ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, AMEND: 18409.5, 18409(e),
Filed 03/12/02
Effective 03/12/02
Agency Contact: Pat McGinnis (916) 657-4669

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN NOVEMBER 07, 2001 TO
MARCH 13, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

02/22/02 AMEND: 121, Appendix A
01/08/02 AMEND: 1402, 1414, 1437

Title 2

03/13/02 AMEND: 56800
03/07/02 ADOPT: 2351
02/19/02 ADOPT: 18543 REPEAL: 18543
02/19/02 ADOPT: 18530.8
02/19/02 ADOPT: 18450.11
02/14/02 ADOPT: 18404.1 REPEAL: 18404.2
01/31/02 ADOPT: 18421.4
01/30/02 AMEND: 55300
01/24/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402
01/24/02 ADOPT: 58500
01/22/02 AMEND: 18706
01/16/02 AMEND: 18232, 18702.1, 18705.5,
18708
01/16/02 ADOPT: 18539, 18550
12/27/01 AMEND: 18428
12/26/01 AMEND: 2554(b)(4), 2555(a)(1)
12/21/01 AMEND: 1859.2, 1859.81
12/20/01 AMEND: 2300(b)
12/20/01 AMEND: 45100
12/18/01 AMEND: 2541(c), 2541(d)
12/12/01 ADOPT: 1896.300, 1896.310, 1896.320,
1896.330, 1896.340, 1896.350, 1896.360,
1896.370
11/27/01 ADOPT: 599.911, 599.912, 599.913
11/26/01 ADOPT: 18540
11/16/01 ADOPT: 18539.2

Title 3

03/12/02 AMEND: 3423(b)
03/12/02 AMEND: 3423(b)
03/08/02 ADOPT: 306, 6188, 6780 AMEND: 6000
02/22/02 AMEND: Div. 1, Chapter 1.1, Section 2
and Appendix
02/20/02 AMEND: 3591.16(a)
02/07/02 AMEND: 3591.12 (a)
02/04/02 AMEND: 3591.13 (a)

02/04/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
01/30/02 ADOPT: 2681, 2799 AMEND: 2675,
2676, 2694, 2695, 2697, 2701, 2734,
2773.1, 2773.5, 2774, 2774.5, 2775,
2778, 2782, 2783, 2783.5, 2788, 2789,
2790, 2790.5, 2793, 2794, 2796, 2798,
2801, 2802
01/14/02 AMEND: 3423 (b)
01/14/02 AMEND: 3406 (b)
01/08/02 AMEND: 576.1
01/04/02 AMEND: 3591.16 (a)
12/27/01 AMEND: 2
12/26/01 AMEND: 6650, 6654, 6656
12/26/01 ADOPT: 950, 951, 952, 953, 954, 955
AMEND: 900.1, 901, 927, 930, 931
12/20/01 ADOPT: 7010
12/14/01 AMEND: 3700 (a),(b),(c)
12/12/01 AMEND: 3591.2(a)
12/05/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3,
1301.4, 1301.5, 1301.6, 1301.7, 1301.8,
1301.9
12/04/01 AMEND: 3591.12(a)
11/28/01 AMEND: 3430(b)
11/28/01 AMEND: 1359, 1392.4, 1436.30 RE-
PEAL: 1359.1, 1360, 1361, 1362, 1363
11/27/01 AMEND: 6252, 6256
11/26/01 AMEND: 1380.19

Title 4

02/13/02 AMEND: 1691
02/06/02 AMEND: 1858
01/31/02 AMEND: 1467
01/28/02 AMEND: 1844
01/18/02 ADOPT: 2081
01/11/02 ADOPT: 4160, 4161, 4162, 4263, 4164,
4165, 4166, 4167, 4168, 4169, 4170,
4171 REPEAL: 4160, 4161, 4162, 4164,
4167, 4168, 4169, 4170, 4171, 4172,
4173, 4174, 4175
01/10/02 ADOPT: 2078
01/07/02 ADOPT: 2076
01/07/02 ADOPT: 2082
01/07/02 ADOPT: 2073
01/07/02 ADOPT: 2072
01/07/02 ADOPT: 2071
01/04/02 ADOPT: 2083
01/03/02 ADOPT: 2075
01/03/02 ADOPT: 2080
01/03/02 ADOPT: 2077
01/03/02 ADOPT: 2074
01/03/02 ADOPT: 2070
01/03/02 ADOPT: 2079
12/12/01 REPEAL: 143.4
12/11/01 AMEND: 1979
12/10/01 AMEND: 1969.Wagering Prohibited
11/29/01 ADOPT: 12130

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11/20/01 AMEND: 376, 377
 11/19/01 ADOPT: 10300, 10302, 10305, 10310,
 10315, 10317, 10320, 10322, 10325,
 10326, 10327, 10328, 10330, 10335,
 10337 AMEND: 10317(c)
 11/19/01 ADOPT: 12100, 12102, 12104, 12106,
 12108, 12110, 12120

Title 5

03/12/02 ADOPT: 18400, 18405, 18406, 18407,
 18408, 18409, 18409.5, 18410, 18411,
 18412, 18413, 18414, 18415, 18416,
 18417, 18418, 18419, 18420, 18421,
 18422, 18423, 18424, 18425, 18426,
 18427, 18428, 18429, 18430, 18431,
 18432, 18433, AMEND: 18409.5,
 18409(e),
 03/01/02 ADOPT: 11967.5, 11967.5.1
 02/19/02 ADOPT: 55753.5, 55753.7 AMEND:
 55753
 01/24/02 AMEND: 11530, 11531
 01/24/02 AMEND: 43880, 43881, 43882, 43883,
 43884
 01/08/02 AMEND: 1031, 1032, 1033, 1034, 1035,
 1036, 1037, 1038, 1039
 01/08/02 REPEAL: 11820, 11822, 11823, 11827,
 11828, 11829, 11831, 11832, 11833,
 11834
 01/07/02 AMEND: 73000, 73010, 73100, 73110,
 73120,73130, 73140, 73150, 73160,
 73165, 73170, 73180, 73190, 73200,
 73210, 73230, 73240, 73260, 73270,
 73280, 73290, 73300, 73310, 73320,
 73330, 73340, 73350, 73360, 73380,
 73390, 73400, 73410, 73420, 73430,
 73440, 7
 01/07/02 AMEND: 42713
 12/27/01 ADOPT: 31000, 31001, 31003, 31004,
 31005, 31006, 31007
 12/26/01 AMEND: 80487
 12/21/01 ADOPT: 31000, 31001, 31002, 31003,
 31004, 31005, 31006, 31007
 12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218,
 1219, 1219.5
 12/18/01 AMEND: 30950, 30951, 30951.1, 30952,
 30953, 30954, 30955, 30956, 30957,
 30958, 30959
 12/14/01 AMEND: 41802 REPEAL: 41802.1,
 41913
 12/12/01 AMEND: 80225
 12/05/01 ADOPT: 20430, 20432, 20434, 20436,
 20438, 20440, 20442, 20444
 12/03/01 AMEND: 55316.5, 55317, 28003.1,
 58009
 11/28/01 AMEND: 43810
 11/27/01 AMEND: 42933

11/26/01 AMEND: 22000
 11/19/01 AMEND: 80026, 80027
 11/15/01 AMEND: 1032 (i)

Title 7

12/11/01 ADOPT: 236
 11/27/01 ADOPT: 212.5

Title 8

03/05/02 AMEND: 3251
 02/22/02 ADOPT: 11010, 11020, 11030, 11040,
 11050, 11060, 11070, 11080 REPEAL:
 11010, 11020, 11020, 11040, 11050,
 11060, 11070, 11080
 02/14/02 AMEND: 17
 02/08/02 AMEND: 3641, 3648
 01/30/02 ADOPT: New Appendix D AMEND:
 450, 453, 471, 475, 477, 494 REPEAL:
 486, 487
 01/17/02 ADOPT: 206, 207 AMEND: 201, 205,
 208, 212, 212.01, 212.2, 212.3, 212.4,
 228, 229, 230, 231, 230.1, 230.2, 234.2
 01/17/02 AMEND: 5155
 01/15/02 ADOPT: 14300.1, 14300.2, 14300.03,
 14300.04, 14300.05, 14300.06, 14300.07,
 14300.08, 14300.09, 14300.10, 14300.11,
 14300.12, 14300.13, 14300.14, 14300.15,
 14300.16, 14300.17, 14300.18, 14300.19,
 14300.20, 14300.21, 14300.22, 14300.23,
 14300.24, 14300.25,
 01/15/02 ADOPT: 17201, 17202, 17203, 17204,
 17205, 17206, 17207, 17208, 17209,
 17210, 17211, 17212, 17220, 17221,
 17222, 17223, 17224, 17225, 17226,
 17227, 17228, 17229, 17230, 17231,
 17232, 17234, 17235, 17236, 17237,
 17240, 17241, 17242, 17243, 17244,
 17245, 17
 01/04/02 ADOPT: 11170 AMEND: 11160
 01/03/02 AMEND: 3472, 4884, 4885, 4886, 4907,
 4924, 4965, 4966, 4968
 12/31/01 AMEND: 9792.1
 12/26/01 AMEND: 1532.1
 12/24/01 AMEND: 31100
 12/04/01 ADOPT: 32015, 32016, 32325, 32603,
 32604, 6000, 60010, 60020, 60030,
 60035, 60040, 60050, 60070, 61000,
 61005, 61010, 61020, 61030, 61040,
 61050, 61055, 61060, 61065, 61070,
 61072, 61075, 61080, 61090, 61100,
 61105, 61110, 61115, 61120, 61125,
 61130, 611
 11/29/01 AMEND: 5031(c)(3)
 11/19/01 AMEND: 341.15
 11/08/01 AMEND: Section 3340(c)and (d)

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Title 9

01/17/02 ADOPT: 9533 AMEND: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9535, 9540, 9545
12/12/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545
12/10/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Title 10

02/27/02 AMEND: 2498.6
02/26/02 ADOPT: 2581.1, 2581.2, 2581.3, 2581.4
02/11/02 AMEND: 10.3154
02/11/02 AMEND: 5002
02/11/02 AMEND: 4019
02/07/02 AMEND: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46
01/31/02 ADOPT: 2192.1
01/31/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
01/10/02 AMEND: 2318.6, 2353.1
01/09/02 AMEND: 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, 2248.47
01/08/02 AMEND: 5460, 5461, 5462, 5463, 5464, 5465
12/31/01 ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5
12/31/01 ADOPT: 2695.30
12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
12/26/01 AMEND: 2698.70, 2698.71

Title 11

03/11/02 AMEND: 1005, 1007
03/07/02 AMEND: 1018
03/06/02 ADOPT: Article 20, Section 51.19
02/25/02 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
02/19/02 AMEND: 20
01/14/02 AMEND: 1005
01/09/02 AMEND: 1081
12/31/01 AMEND: 3000, 3001, 3003, 3007
12/05/01 AMEND: 1005

Title 13

03/08/02 ADOPT: 593.3
02/19/02 ADOPT: 156.00
02/05/02 AMEND: 160.00, 170.00
01/30/02 AMEND: 553.70
01/18/02 AMEND: 599
01/10/02 AMEND: 50.45 REPEAL: 50.40

Title 14

03/13/02 ADOPT: 18627
03/04/02 AMEND: 2030
03/04/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9

02/28/02 ADOPT: 4971
02/22/02 AMEND: 2135
02/04/02 AMEND: 17979
01/16/02 AMEND: 17943(b)(26)
01/10/02 ADOPT: 2.10, 5.60, 28.59 AMEND: 1.24, 2.06, 4.00, 4.15, 5.00, 5.05, 5.15, 5.20, 5.35, 5.40, 5.75, 7.00, 7.50, 8.00, 27.60, 27.65, 27.82, 28.27, 28.54, 28.55, 29.15, 40 REPEAL: 2.01, 2.02, 2.03, 2.04, 2.07, 2.10, 2.13, 2.14, 5.70, 41, 41.5, 42., 42.5
01/09/02 ADOPT: 14021, 14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14031, 14032
12/31/01 ADOPT: 749.1
12/20/01 AMEND: 2.00
12/19/01 ADOPT: 180.4
12/17/01 AMEND: 120
12/13/01 AMEND: 670.5
12/11/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
11/29/01 ADOPT: 1057, 1057.1, 1057.2, 1057.3, 1057.4, 1057.5, 1058, 1058.1, 1058.2, 1058.3, 1058.4, 1058.5
11/20/01 AMEND: 895.1, 898, 898.2, 914.8[934.8, 954.8], 916.[936, 956], 916.2[936.2, 956.2], 916.9 [936.9, 956.9], 916.11[936.11, 956.11], 916.12[916.12[936.12, 956.12], 923.3[943.3, 963.3], 923.9[943.9, 963.9]
11/16/01 AMEND: 1038, 1104.1
11/08/01 AMEND: 150.16
11/07/01 AMEND: 1037.5

Title 15

03/11/02 ADOPT: 3501
03/07/02 AMEND: 3375.2
02/28/02 AMEND: 2005
01/31/02 AMEND: 3041.3
01/09/02 ADOPT: 4742, 4743, 4744, 4745, 4746, 4747 AMEND: 4730, 4732, 4733, 4734, 4735, 4736, 4737, 4739, 4740
01/08/02 REPEAL: 3074
11/29/01 ADOPT: 4746.5
11/27/01 AMEND: 6045.2(e)(2)(G)
11/20/01 ADOPT: 2646.1 AMEND: 2646

Title 16

02/28/02 ADOPT: 4100, 4101, 4102, 4110, 4111, 4112, 4113, 4114, 4120, 4121, 4122, 4130
02/26/02 AMEND: 3394.4, 3394.6
02/20/02 AMEND: 1388, 1388.6, 1389, 1392, 1397.63 REPEAL: 1388.5
02/19/02 AMEND: 1387.6, 1387.7, 1387.8
02/13/02 AMEND: 3361.1
02/11/02 ADOPT: 2085.4
02/04/02 AMEND: 1399.157

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02/04/02 ADOPT: 2085, 2085.1, 2085.2, 2085.3,
2085.4, 2085.5, 2085.6, 2085.7, 2085.8,
2085.9, 2085.10, 2085.11, 2085.12,
2085.13 AMEND: 2070
01/31/02 AMEND: 411
01/31/02 ADOPT: 1399.698
01/28/02 AMEND: 1531
01/18/02 AMEND: 1391.7
01/14/02 ADOPT: 1711
01/14/02 ADOPT: 980.1 AMEND: 974
12/19/01 AMEND: 1388, 1388.6, 1389, 1392,
1397.63 REPEAL: 1388.5
12/18/01 AMEND: 1397.61, 1397.64, 1397.65
12/17/01 AMEND: 1088
12/17/01 ADOPT: 2412 AMEND: 2418 REPEAL:
2411 (a)(1)(A)
12/07/01 ADOPT: 386
12/04/01 AMEND: 1887.3
11/28/01 ADOPT: 872, 872.1
11/27/01 AMEND: 3340.16.5
11/20/01 ADOPT: 2450

Title 17

03/12/02 ADOPT: 33001, 33002, 33003, 33004,
33005, 33006, 33007, 33008, 33009,
33010, 33011, 33012, 33013, 33014,
33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 3001, 33010
03/01/02 ADOPT: 2638 AMEND: 2500, 2502,
2505, 2551, 2552, 2553, 2596, 2614,
2626
02/28/02 AMEND: 56002, 56031, 56033, 56034,
56134.1, 56035, 56036, 56037, 56038,
56048, 56054, 56057, 56059, 56060
12/28/01 AMEND: 6508
11/19/01 ADOPT: 37000, 37020, 37025, 37100
11/19/01 AMEND: 57310, 57332, 57530
11/14/01 ADOPT: 33001, 33002, 33003, 33004,
3005, 33006, 33007, 33008, 33009,
33010, 33011, 33012, 33013, 330014,
33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 33001, 33010
11/07/01 AMEND: 60201

Title 18

03/13/02 AMEND: 24411
03/12/02 AMEND: 24344(c)
03/12/02 REPEAL: 25111.1
03/12/02 REPEAL: 25111
03/11/02 AMEND: 25106.5-0, 25106.5
03/08/02 AMEND: 6001
02/28/02 REPEAL: 25115
01/16/02 ADOPT: 4063.5, 4098 AMEND: 4018,
4021, 4022, 4023, 4026, 4027, 4034,
4047, 4055, 4056, 4057, 4058, 4059,

4060, 4062, 4063, 4064, 4065, 4080,
4081, 4091, 4092 REPEAL: 4028, 4067,
4079, 4082
01/10/02 ADOPT: 29
01/08/02 AMEND: 1620
01/07/02 AMEND: 122.5
12/24/01 ADOPT: 17951-6 AMEND: 17951-4
12/24/01 AMEND: 17000.30
12/17/01 AMEND: 1642
12/14/01 ADOPT: 138
12/06/01 AMEND: 1660
12/04/01 AMEND: 1661
11/20/01 AMEND: 19513
11/08/01 ADOPT: 206

Title 19

02/08/02 AMEND: 2900, 2910, 2915, 2940, 2945,
2955, 2970, 2980, 2990
12/28/01 AMEND: 981.3
12/27/01 ADOPT: 565.1, 567.1, 567.2, 567.3,
567.4, 567.5, 567.6, 567.7, 567.8, 573,
575 AMEND: 550, 550.2, 557.1, 557.3,
557.4, 557.5, 557.6, 557.8, 557.9, 557.12,
557.13, 557.14, 557.16, 557.18, 557.19,
557.20, 557.21, 557.22, 557.23, 560,
560.1, 560.2, 560.3,

Title 20

03/08/02 ADOPT: 1207, 1212, 1710, 1712, 1714.5,
1718, 1741, 1748, 1751, 1752, 1755,
1940, 1945, 2021
01/16/02 AMEND: 201

Title 21

02/05/02 AMEND: 7101, 7102, 7111, 7114, 7116
12/04/01 AMEND: 7000

Title 22

03/07/02 ADOPT: 67900.1, 67900.2, 67900.3,
67900.4, 67900.5, 67900.6, 67900.7,
67900.8, 67900.9, 67900.10, 67900.11,
67900.12
03/06/02 ADOPT: 64860
03/05/02 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140
03/01/02 ADOPT: 68200, 68201, 68202, 68203,
68204, 68205, 68206, 68207, 68208,
68209, 68210, 68211, 68212, 68213
03/01/02 AMEND: 14000
02/28/02 AMEND: 12000
02/21/02 ADOPT: 110041, 110098, 110284,
110299, 110428, 110430, 110473,
110539, 112002, 112015, 112025,
112034, 112035, 112100, 112110,
112130, 112140, 112150, 112152,
112154, 112155, 112200, 112210,
112300, 11230.1, 112302 AMEND:
110042, 110431, 110609
02/20/02 AMEND: 100209 (c)

02/13/02 ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

02/11/02 ADOPT: 110413, 110550, 113100, 113200, 113300 REPEAL: 12-104.1, 12-104.432, 12-221

02/08/02 AMEND: 66260.10, 66261.9, 66262.11, 66264.1, 66265.1, 66268.1, 66270.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19,

01/30/02 ADOPT: 67450.40, 67450.41, 67450.42, 67450.43, 67450.44, 67450.45, 67450.46, 67450.47, 67450.48, 67450.49, 67450.50 AMEND: 66262.20, 66270.6

01/24/02 REPEAL: Repeal the language "(See Section 3901.1, Retraining Benefits Definitions)" below Article 1.5. Retraining Benefits.

01/17/02 ADOPT: 84400, 84401, 84422, 84461, 84465, 84468.1, 84468.2, 84468.4, 84478 REPEAL: 84001, 84022, 84061, 84063, 84065, 84300, 84322, 84322.1, 84322.2, 84361, 84365, 84365.5, 84368.3, 84369

01/08/02 ADOPT: 7630, 7632, 7632.1, 7632.3, 7632.5, 7634, 7634.1, 7634.3, 7634.5, 7636, 7636.1, 7636.3, 7636.5, 7637.7, 7636.9, 7638, 7638.1, 7638.3, 7638.5, 7638.7, 7638.9, 7638.11, 7638.13

12/31/01 AMEND: 66260.10, 66262.12, 66263.40, 66268.7 REPEAL: 66263.42

12/19/01 AMEND: 5151 (c), 5151 (e), 51518 (b), 51521 (i), 51527 (b)

12/18/01 ADOPT: 11000, 110042, 110046, 110088, 110099, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478, 110479,

11/30/01 ADOPT: 66273.6, 66273.80-66273.90 AMEND: 66261.9, 66273.1, 66273.8, 66273.9

11/13/01 ADOPT: 64860

11/08/01 ADOPT: 66250, 66250.1, 66250.2

11/08/01 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

Title 22, MPP

02/21/02 AMEND: 87102. 87564.3, 87730
11/08/01 AMEND: 84110, 85002, 87102

Title 23

02/13/02 AMEND: 3923
01/03/02 AMEND: 3904
12/28/01 AMEND: 451.1, 451.4, 451.5
11/27/01 AMEND: 3952

Title 25

01/08/02 ADOPT: 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7224, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336

01/03/02 ADOPT: 1302, 1316, 1317, 1318, 1319 AMEND: 1300, 1304, 1306, 1310
12/19/01 AMEND: 8202, 8203, 8212, 8212.1

Title 27

03/05/02 AMEND: 15110, 15240

Title 28

02/14/02 ADOPT: 1300.67.05
12/27/01 ADOPT: 1300.41.8
12/12/01 ADOPT: 1000

Title MPP

03/06/02 AMEND: 63-403
02/28/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503

02/28/02 ADOPT: 40-107.141, 40-107.142, 40-107.143, 40-107.15, 40-107.151, 40-107.152, 42-302.114, 42-302.114(a)-(c), 42-302.21(h)(1), 42-302.3, 44-133.8, 82-833 AMEND: 40-107.14, 40-107.16, 40-107.17, 40-107.18, 40-107.19, 42-301.2, 44-133.51, 82-832

02/21/02 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

01/30/02 ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 6-214, 69-215, 69-216, 69-217, 69-301 REPEAL: 69-210, 69-221

01/23/02 ADOPT: 33-135 AMEND: 33-120, 33-510, 33-805

01/14/02 ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804
12/11/01 AMEND: 44-314, 82-518
11/29/01 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310

