



California Regulatory Notice Register

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APRIL 16, 2004

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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 add Article 7.5 sections 586 through 586.2 entitled "Normal Retirement Age and Bona Fide Separation in Service" to Title 2, Division 1, Chapter 2, Subchapter 1 of the California Code of Regulations. This proposed regulatory action is to ensure the federal tax-qualified status of CalPERS by prohibiting in-service distributions.

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 31, 2004. 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 marilyn_clark@calpers.ca.gov or mailed to the following address:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3007

PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of

the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

June 15, 2004

9:00 a.m.

California Public Employees' Retirement System

400 P Street

Sacramento, California 95814

ACCESS TO HEARING ROOM

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.

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 adopt proposed sections 586 through 586.2 under Government Code Section 21220.5. This action would implement, interpret and make specific Government Code section 21220.5.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Government Code section 21220.5 authorizes the Board to establish the criteria by regulation under which a bona fide separation is satisfied for working after retirement with a CalPERS covered employer.

Proposed sections 586 through 586.2 specifies the criteria for normal retirement age and bona fide separation in service that is required before a person who retired prior to his or her applicable normal retirement age may render service as a retired annuitant for any CalPERS covered employer.

EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it only applies to CalPERS covered members, retirees, and agencies.

**DISCLOSURES REGARDING THE
PROPOSED REGULATORY ACTION**

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action would prohibit local agencies and school districts who contract with CalPERS for retirement benefits from employing a retiree under the normal retirement age until he or she has had a 60 day separation in service prior to returning to CalPERS covered employment while retired. Also, a member under the normal retirement age may not enter into a predetermined agreement (either verbal or written), prior to the commencement of retirement, to render service for a CalPERS covered employer after retirement regardless of the length of the separation.

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 actions will not have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with business 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) affect 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:

Ken Nitschke
Office of Policy and Program Development
California Public Employees' Retirement System
400 P Street, Suite 2140
Sacramento, California 95814
Telephone: (916) 341-2996
Fax: (916) 341-2292
E-mail: ken_nitschke@calpers.ca.gov

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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, 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 can be obtained, once it has been prepared, by written request to Marilyn Clark, Regulation Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action is available at CalPERS On-Line (www.calpers.ca.gov) under **About CalPERS > Legislation, Regulations & Statutes > Regulatory Actions**.

AVAILABILITY OF MODIFICATIONS TO PROPOSED REGULATION

The Board may, on its own motion or at the recommendation of any interested person, modify the text of the proposed regulation after the public comment period has closed. It may adopt sections 586 through 586.2 as modified 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. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY: Bureau of State Audits

MULTI-COUNTY: Sonoma County Junior College District

A written comment period has been established commencing on **April 16, 2004** and closing on **May 31, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 31, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the

codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. STATE CONTROLLER'S OFFICE

NOTICE IS HEREBY GIVEN that the Office of the State Controller proposes to add Article 4.7, sections 1172.90 and 1172.92 to Title 2, Division 2, Chapter 2, Subchapter 8 of the California Code of Regulations.

AUTHORITY AND REFERENCE

The authority for these proposed regulations is found in Code of Civil Procedure section 1580 which authorizes the Controller to make and enforce rules and regulations relating to the administration and enforcement of the California Unclaimed Property

Law, Code of Civil Procedure section 1500 *et seq.* The reference for these proposed regulations is found in the Code of Civil Procedure section 1577.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Office of the State Controller is charged with the responsibility of making and enforcing rules and regulations relating to the administration and enforcement of California's Unclaimed Property Laws. Pursuant to the Code of Civil Procedure section 1577, persons or entities that fail to report or to pay or deliver unclaimed property to the State Controller's Office within the time prescribed are liable for interest at 12 percent per annum on the value of the property involved. Assembly Bill 378 (Chapter 304, section 5, of the Statutes of 2003) amended that section to allowing those holders of unclaimed property to be exempt from liability for 12 percent interest if the failure was due to reasonable cause.

The proposed regulations define the term "reasonable cause" thereby clarifying under what circumstances or conditions the Office of the State Controller may abate interest under Code of Civil Procedure section 1577, and also inform holders of the unclaimed property of their burden of proving reasonable cause and how to set forth any claim of reasonable cause.

**COSTS TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The State Controller's Office has determined that the proposed action: (1) does not impose a mandate on school districts or local agencies, (2) does not involve costs or savings to any state agency, (3) does not involve a cost or savings imposed on any local agencies or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (4) does not involve costs or savings in federal funding to the State, and (5) does not impose other nondiscretionary costs or savings on local agencies.

IMPACT ON HOUSING COSTS

The matter proposed herein will have no significant effect on housing costs.

ADVERSE ECONOMIC IMPACT STATEMENT

The State Controller's Office has made an initial determination that the proposed regulation will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT

The State Controller's Office has made an assessment that the proposed regulation WILL NOT: (1) create or eliminate jobs within the State of

California, (2) create new businesses, or eliminate existing businesses in the State of California, AND (3) effect the expansion of businesses currently doing business in the State of California.

COST IMPACT STATEMENT

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.

SMALL BUSINESS STATEMENT

The proposed regulations do not create any new requirements, but are intended to clarify an existing voluntary procedure, provided for by law, and will not, therefore, affect small businesses.

ALTERNATIVES CONSIDERED

The State Controller's Office 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.

CONTACT PERSON

Inquiries, comments, and requests concerning the proposed administrative action may be addressed to Ronald Placet, Senior Staff Counsel, Office of the State Controller, 300 Capitol Mall, Suite 1850, Sacramento, CA 95814. (Telephone: (916) 445-7217; mailing address: Office of the State Controller, Attention: Ronald V. Placet, Legal Division, P.O. Box 942850, Sacramento, CA 94250). If unable to reach the above-listed contact person, the backup contact person is; Shawn Silva, Staff Counsel, Office of the State Controller, 300 Capitol Mall, Suite 1850, Sacramento, CA 95814. (Telephone: (916) 324-8534; Mailing address: Office of the State Controller, Attention: Shawn Silva, Legal Division, P.O. Box 942850, Sacramento, CA 94250; E-mail: ssilva@sco.ca.gov).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person above. The comment period expires on May 31, 2004, at 5:00 p.m. All comments must be made prior to the expiration of the written comment period.

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

The State Controller's Office will accept written comments transmitted by e-mail, to: rplacet@sco.ca.gov. The State Controller's Office will also accept written comments transmitted by facsimile

provided that they are directed to the attention of Ronald V. Placet and sent to the following facsimile number: (916) 322-1220. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. **Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PUBLIC HEARING NOT SCHEDULED

A public hearing regarding this proposal has not been scheduled. Any interested party, or his or her duly authorized representative, may request a public hearing no later than fifteen (15) days prior to the close of the written comment period. All requests for a public hearing must be submitted in writing to the contact person as specified above.

TEXT OF THE PROPOSED REGULATION

The full text of the proposed regulation, the Initial Statement of Reasons, and any information relied upon, are available at the State Controller's Office. This information is available upon request.

Should the proposed regulation go through substantial changes, a full copy of the modified text will be made available to the public, upon request, at least 15 days before the State Controller's Office adopts the resulting regulation. Any changes to the text will be clearly indicated. The State Controller's Office will respond to written comments regarding any changes in the Final Statement of Reasons.

When available, a copy of the Final Statement of Reasons can be obtained upon request from the State Controller's Office.

WEBSITE POSTING

Documents concerning this proceeding are available on the State Controller's Website at www.sco.ca.gov; click 'Proposed Unclaimed Property Regulations' on the opening screen. For those without web access, documents are available from the contact person listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Sections 1380.19(p) and 1442.7 of the regulations in Title 3 of the California Code of Regulations pertaining to melons other than cantaloupes.

Notice is also given of a written public comment period. Any interested person may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on June 1, 2004. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

A public hearing is not scheduled but will be if any interested person, or his or her duly authorized representative, submits a written request for public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Section 1380.19, subsection (p) of the California Code of Regulations describes the dimensions of six existing standard containers used for melons other than cantaloupes (hereinafter referred to as melons).

The specific purpose of amending Section 1380.19, subsection (p) is to adopt a new standard container, 44Q, for melons having specified dimensions of an inside depth, and an outside width and length.

Section 1442.7 requires that all melons, except as otherwise provided for, be packed in one of six standard containers. The specific purpose of amending Section 1442.7 is to adopt 44Q as a new standard container for shipping of melons.

FISCAL IMPACT STATEMENTS

The Department has initially determined that these proposed regulations would have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department determined that these proposed regulations do not impose a mandate on local agencies or school districts.

EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by these proposed changes. This is based on the fact that the proposal offers an additional alternative for shipping melons, a new standard container that meets the needs of the affected commodity groups without requiring change on the part of industry.

EFFECT ON HOUSING COSTS

The Department has initially determined that the amendments of the proposed regulation would have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Department has initially determined that these proposed changes would have no statewide adverse economic impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESS**

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

ALTERNATIVES

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

AUTHORITY AND REFERENCE

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407 and 42682 of the Food and Agricultural Code, and to implement, interpret, and make specific Section 42941 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

CONTACT

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Gary Manning. Inquiries pertaining to the substance of the proposed regulation may be directed to Gary Manning. The contact persons may be reached at the Department of Food and Agriculture, Inspection and Compliance Branch, 1220 N Street, Sacramento, CA 95814, (916) 445-2180, fax (916) 445-2427. Written comments may also be submitted via e-mail to sdame@cdfa.ca.gov.

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

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained on request from the Department of Food and Agriculture. These documents are available on our website at www.cdfa.ca.gov/cdfa/regs.

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in the notice. The Final Statement of Reasons, when available, may also be obtained from the agency contact persons named in the notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

**TITLE 4. SCHOOL
FINANCE AUTHORITY**

**Article 1, Sections 10151 to 10164
Title 4, Division 15
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (the "Authority"), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code (the "Act"), proposes to adopt and amend the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 10152 through 10162 and adopt Sections 10163 and 10164 of Title 4 of the California Code of Regulations (the "Regulations"). The Regulations implement the Authority's responsibilities related to the Charter School Facilities Program (the "Program") established pursuant to Article 12 of Chapter 12.5 of Part 10 of the Education Code.

AUTHORITY AND REFERENCE

Authority: Section 17078.57, Education Code. The Regulations are authorized by Section 17078.57 of the Education Code.

Reference: Sections, 17078.52, 17078.53, 17078.54, 17078.56, 17078.57, and 17078.58, Education Code, and Title 2, Division 4, Part 26.8 (commencing with section 47600), Education Code. The Regulations implement, interpret or make specific Sections 17078.52, 17078.53, 17078.54, 17078.56, 17078.57, and 17078.58 of the Education Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

In 2002, the Program was created pursuant to Assembly Bill 14, to “provide funding to qualifying entities for the purpose of establishing school facilities for charter school pupils.” (Education Code section 17078.52(a).) The Program provides for \$100,000,000 to be set aside from the bonds issued under the Kindergarten-University Public Education Facilities Bond Act of 2002 (Proposition 47, passed on November 5, 2002) and \$300,000,000 from bonds issued under the Kindergarten-University Public Education Facilities Bond Act of 2004 (Proposition 55, passed on March 2, 2004), for the purposes of financing charter school construction projects. A charter school, or school district acting on behalf of a charter school, may apply for financing under the Program to fund specified costs relating to charter school construction projects. The applicants are required to provide a local matching share of 50% of total project cost that may be provided through a lump sum payment, lease payments, or a combination of both.

A first round of applications was reviewed in 2003 to distribute the initial \$100,000,000 in Program funding. A second application round began on April 1, 2004, and is scheduled to end on July 29, 2004. The State Allocation Board (“Board”) approve preliminary apportionments to applicants based on a number of preference items, such as geographical diversity, size of school diversity, nonprofit status, and whether a school is overcrowded. Prior to the Board taking action on the preliminary apportionments, the Authority is required to determine whether applicants are “financially sound,” defined as “a charter school that has demonstrated over a period of time determined by the authority, but not less than 24 months immediately preceding the submission of the application, that it is a financially capable concern, as measured by criteria established by the authority.” (Education Code section 17078.52(d)(4).)

In connection with its role in the Program, the Authority is authorized to:

“adopt regulations establishing uniform terms and conditions that shall apply equally to all projects for funding . . . including, but not limited to, all of the following:

(1) The process for determining the manner in which the applicant will pay its local matching share, including the method for determining any lease payments to be made in lieu of the local matching share. The regulations shall comply with all of the following criteria:

(A) The payment process set forth in Section 17199.4 may be used.

(B) The payment process shall permit lump-sum local matching payments and shall permit establishment of a schedule for lease payments to be made in lieu of the local matching share.

(C) The lease payment schedule shall be calculated by amortizing one-half of the total approved project costs, minus any lump-sum payments, over the entire payment period as set forth in Section 17078.58.

(D) The payment schedule for lease payments in lieu of the local matching funds pursuant to this section shall be based upon payment, within a reasonable period of time not to exceed a 30-year period, of one-half of the total eligible project costs, and shall be calculated in a manner that is designed to result in full payment of that portion, together with interest thereon at the rate paid on moneys in the Pooled Money Investment Account as of the date of disbursement of the funding.

(2) The method for determining whether a charter school is financially sound. In the case of a charter school chartered by a school district that is located outside of the school district that chartered it, the method developed by the authority shall include, but shall not be limited to, a site visit to the school facility currently being used by the charter school during hours when pupils are present and instruction is being provided.

(3) (A) Security provisions, including, but not limited to, the requirement that title to project facilities be held by the school district in which the facility is to be physically located, in trust, for the benefit of the state public school system.

(B) The authority shall adopt a mechanism whereby a person or entity who provides a substantial contribution that is applied to the costs of the project in excess of the state share and the local matching share may be granted a security interest to be satisfied from the proceeds, if any, realized when the property is ultimately disposed of as set forth in paragraph (5) of subdivision (b) of Section 17078.62.

(4) The method for integrating funding pursuant to this article with the authority’s general procedures pursuant to subdivision (i) of Section 17180 for otherwise funding projects eligible for funding under this chapter, if appropriate. (Education Code section 17078.57(a).)

In addition to the preliminary apportionment, the Board also will make a final apportionment to each eligible applicant once it has finalized its project. Because the time between preliminary and final apportionment could be up to three years, the Authority will review the financial soundness of each eligible applicant prior to the final apportionment.

The Regulations implementing section 17078.57, providing the criteria and process by which the Authority will evaluate each applicant's financial soundness, and includes the application which each applicant must submit, were initially adopted by the Authority in June 2003.

Pursuant to Senate Bill 15, enacted during the 2003-04 legislative session, a number of changes were made to the Program. The proposed amendments set forth in this rulemaking address the changes made by SB 15 and also clarify a number of issues which arose during the first round of applications.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to the Authority or to any specific regulation or class of regulations pursuant to 11346.5(a)(4) of the California Government Code pertaining to the proposed regulations or to the Authority.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Authority has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Authority has determined that the emergency regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

While the Authority will incur additional expenses in implementing and administering the portion of the Program that is the responsibility of the Authority, Education Code section 17078.54(e) provides that the Authority may charge such additional expenses against the Charter School Facilities Account (Account) which is established pursuant to Education Code section 17078.52(b). The Account consists of \$100,000,000 and \$300,000,000 set aside for the Program out of proceeds of the general obligation bonds authorized by the voters in November 2002 and

March 2004 with the passage of Proposition 47 and Proposition 55, respectively. Section 17078.54(e) allows the Authority, with Department of Finance approval, to access up to 2.5% of the \$400,000,000 for the Authority's administrative costs. Therefore, there is no fiscal impact on the State's General Fund or requirement of additional appropriations by the Legislature. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code sections 11346.1(b) or 11346.5(a)(6).

INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Authority has made an initial determination that the Regulations will not have any significant, state-wide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the Regulations will not affect small business. Its purpose is to interpret and implement those portions of the Program that are the Authority's responsibility. The Program is a voluntary financing program available to charter schools to develop charter school facilities.

COST IMPACTS

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

ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Authority has determined, pursuant to Government Code section 11346.3(b), that the Regulations will not have an effect on jobs and business expansion, elimination or creation.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Regulations considered

by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Regulations are proposed or would be as effective and less burdensome to affected private persons than the Regulations.

The Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Regulations shall be submitted or directed to:

Katrina Johantgen, Acting Executive Director
California School Finance Authority
304 S. Broadway, Suite 550
Los Angeles, CA 90013-1224
(213) 620-4467

The following person is designated as a backup contact person for inquiries only regarding the Regulations:

Mark Paxson, Senior Staff Counsel
State Treasurer's Office
(916) 651-6846

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations will end at 5:00 p.m. on June 4, 2004. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time for them to be considered by the Authority. In the event that changes are made to the Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

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

Pursuant to the California Government Code, the Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall during normal

business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's website at

<http://www.treasurer.ca.gov/csfa>.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the Hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING**

File No. RH04036604

Notice Date: April 1, 2004

Proposed Revisions to the Insurance Commissioner's Regulations pertaining to workers' compensation insurance Pure Premium Rates to be effective July 1, 2004.

SUBJECT OF HEARING

Notice is hereby given that the insurance commissioner will hold a public hearing to consider (1) the approval of pure premium rates developed by the designated rating organization; (2) amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, and (3) amendments to the California Workers' Compensation Experience Rating Plan—1995. The hearing will consider a filing to be submitted by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB") before the date of the hearing.

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation statistical reporting regulations are set forth in Title 10, California Code of Regulations, Section 2318.6. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. The regulations were promulgated by the insurance commissioner pursuant to the authority granted by Insurance Code Section 11734.

Pure Premium Rates

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium rates for submission to the insurance commissioner for issuance or approval.

Advisory Rating Plans

Pursuant to Insurance Code Sections 11750.3(a) and 11750.3(c), a licensed rating organization may promulgate advisory plans in connection with pure premium rates and the administration of classification and rating systems and present them to the insurance commissioner for review.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or

arguments, orally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

**April 29, 2004—9:30 AM
22nd Floor Hearing Room
45 Fremont Street
San Francisco, California**

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the insurance commissioner has designated the WCIRB as his rating organization and statistical agent. As the designated rating organization and statistical agent, the WCIRB will develop and submit for the insurance commissioner's approval pure premium rates and revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995 and the California Workers' Compensation Experience Rating Plan—1995. Adherence to the regulations contained in the California Workers' Compensation Uniform Statistical Reporting Plan—1995 and the California Workers' Compensation Experience Rating Plan—1995 is mandatory.

The pure premium rates recommended by the WCIRB to be effective July 1, 2004, as well as amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, and the California Workers' Compensation Experience Rating Plan—1995, will be detailed in the WCIRB's filing letter to be submitted before the date of the hearing, if reform legislation is enacted before that date.

APPROVE PURE PREMIUM RATES

Pursuant to California Insurance Code Section 11750.3, the WCIRB will propose pure premium rates for approval by the insurance commissioner to be effective July 1, 2004 with respect to new and renewal policies with anniversary rating dates on or after July 1, 2004, to reflect the impact of workers' compensation legislation enacted on or before the date of the hearing. The proposed pure premium rate change, if any, will be based on (1) reform legislation enacted before the date of the hearing (2) insurer losses incurred during 2003 and prior accident years valued as of December 31, 2003, and (3) insurer loss adjustment expenses for 2002 and prior years.

**AMEND THE CALIFORNIA WORKERS'
COMPENSATION UNIFORM STATISTICAL
REPORTING PLAN—1995**

The Uniform Statistical Reporting Plan will be amended to reflect the pure premium rate changes adopted, if any.

AMEND CALIFORNIA WORKERS'
COMPENSATION EXPERIENCE
RATING PLAN—1995

The California Workers' Compensation Experience Rating Plan eligibility requirement will be revised to reflect the changes in pure premium rates that have occurred since the eligibility requirement was last amended, if changes are to the pure premium rates are made.

COST OR SAVINGS AND MANDATE TO LOCAL
AGENCIES AND SCHOOL DISTRICTS

The insurance commissioner has determined that there will not be a cost increase and there will not be any new programs mandated on any local agency or school district as a result of the proposed regulations, if adopted as proposed herein.

IMPACT ON HOUSING COSTS

The insurance commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON SMALL BUSINESSES

The insurance commissioner has determined that the proposed regulations will not have a significant effect on small businesses.

COST IMPACT ON PRIVATE PERSONS
OR ENTITIES

The insurance commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. At this time, the insurance commissioner expects that the proposed regulations will not have a significant effect on private persons or entities since the proposed regulations are advisory only.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

NON-DISCRETIONARY COSTS OR SAVINGS

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, except for the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

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

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR
WRITTEN COMMENTS

All persons are invited to submit written comments to the insurance commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attention: Larry C. White, Senior Staff Counsel
45 Fremont Street, 24th Floor
San Francisco, California 94105
(415) 538-4423

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the insurance commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the insurance commissioner at the address listed above no later than 5:00 PM on April 29, 2004.

TEXT OF REGULATIONS AND STATEMENT
OF REASONS AVAILABLE

The insurance commissioner has prepared an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. The express terms of the proposed regulations as contained in the WCIRB's filing, the Notice of Proposed Action and Notice of Public Hearing and the Initial Statement of Reasons will be made available at the date of the hearing. The filing, upon submission to the insurance commissioner, may be accessed on the WCIRB's website at wcirbonline.org.

ACCESS TO RULEMAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to this filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file

will be available for inspection at 45 Fremont Street, 22nd Floor, San Francisco, California 94105, between the hours of 9:00 AM and 4:30 PM, Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all persons on the insurance commissioner's Bulletins and Rulings, and California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the insurance commissioner may adopt or approve regulations substantially as described in this Notice and informative digest or he may adopt or approve modified regulations. He also may refuse to adopt or approve the regulations. Notice of the insurance commissioner's action will be sent to all persons on the insurance commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the commissioner's action.

**TITLE 11. COMMISSION ON
PEACE OFFICER STANDARDS
AND TRAINING**

**NOTICE OF PROPOSED REGULATORY ACTION
TO AMEND THE *TRAINING AND TESTING
SPECIFICATIONS FOR PEACE OFFICER
BASIC COURSES***

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Penal Code Sections 13503 (powers of the Commission on POST) and 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Penal Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST regulations 1005 and 1007, is used by academies and training presenters to teach and test the POST mandated instruction and testing for

basic training courses. As necessary, POST Basic Training Bureau staff convenes a group of subject matter experts (SMEs) to develop amendments to specific learning domains contained in the training specification document. Their purpose is to update the curriculum to reflect emerging training needs, new legislatively mandated subject matter, changes in law, and to resolve any curriculum, testing, and/or evaluation problems. In addition to amending the learning domains for the aforementioned reasons, the SMEs also propose non-substantive changes at the same time to improve clarity and readability of the domains. Upon completion of the work done by the SMEs, the proposed text is forwarded to the Consortium of Basic Academy Directors for approval. As the next level of approval, these amendments are presented to the Commission. The Commission approved the proposed amendments at its February 5, 2004 meeting. The Learning Domains affected are: #1—History, Professionalism & Ethics; #2—Criminal Justice System, #3—Community Relations, #21—Patrol Techniques, #22—Vehicle Pullovers, and #37—People with Disabilities. The effect of the proposed amendments will require academies and presenter to teach and test to the updated curriculum when it is adopted. The proposed effective date is August 15, 2004.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on May 31, 2004. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax number (916) 227-2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8 any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should

be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

TEXT OF PROPOSAL; RULEMAKING FILE;
INTERNET ACCESS

Detailed information regarding the proposed regulatory action is provided on the POST Internet website at www.post.ca.gov, select Regulations, then Notice of Proposed Regulation Changes to view documents related to this proposal. Documents posted are: the *Notice of Proposed Regulatory Action*, the *Text of Proposed Regulatory Action*, and the *Initial Statement of Reasons*. Anyone who does not have Internet access may request the aforementioned documents by calling (916) 227-4847 and referring to Bulletin #04-04, or by submitting a request in writing to the contact person at the address below. The Rulemaking file, which contains the above-mentioned documents as well as all the information upon which this proposal is based, will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The *Final Statement of Reasons* will be available on June 15, 2004 by requesting it via the above phone number, writing to the address at the end of this notice, or by viewing the documents on the POST Internet website.

ESTIMATE OF ECONOMIC IMPACT

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

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendment of Regulations 1005 and 1007 and the *Testing and Training Specifications for Peace Officer Basic Courses* publication will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

To take this action, 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.

CONTACT PERSONS

Inquiries or comments pertaining to the proposed action should be directed to Patricia Cassidy, Staff Services Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-4847, fax number (916) 227-5271 or e-mail at pat.cassidy@post.ca.gov. The back-up contact person concerning the substance of the proposed action/text for the proposed curriculum revisions to the Regular Basic Course is Anna Del Porto, Associate Program Governmental Analyst; she can be reached by telephone at (916) 227-4854, or e-mail at anna.delporto@post.ca.gov.

**TITLE 13. DEPARTMENT OF
MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Chapter 1, Division 1, Article 3.2, Registration of Vessels, Sections 190.32, 190.34, 190.36, and 190.38 of Title 13, California Code of Regulations, concerning Undocumented Vessel Registration Agents.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly

authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on May 31, 2004, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 9858, in order to implement, interpret or make specific Vehicle Code sections 9858, 9858.1, and 9859.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 9858 permits the department to assign agents to issue certificates of number for vessels. The department has combined two of its existing forms into the Application for Appointment and Agreement as a Non-Public Undocumented Vessel Registration Agent. The department proposes to amend Title 13, Article 3.2, Sections 190.32, 190.34, 190.36, and 190.38, of the California Code of Regulations to support the changes in the forms.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory 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. The proposal merely accommodates the combining of two existing forms. No studies or data were relied upon in support of this proposal.

- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. This regulation combines two existing forms and adds no new requirements.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public

records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Notice, Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department 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 full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 159.00 in Chapter 1, Division 1, Article 3 of Title 13, California Code of Regulations, Vehicle Classification.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., MAY 31, 2004, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by section 1651 of the Vehicle Code and 10752 of the Revenue and Taxation Code in order to implement, interpret or make specific

sections 10751, 10752, 10752.1, 10753, and 10754 of the Revenue and Taxation Code and section 5014.1 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulation will provide the department with a standard method for depreciating a vehicle's market value in order to assess vehicle license fees. Without this regulation, there would be no objective method to determine the declining market value, and the assessment of the vehicle license fee may not be equitable.

The department proposes to adopt section 159.00 to establish the current vehicle market value structure in a regulation because the California Supreme Court has rendered Revenue and Taxation Code section 10753.2 inoperative. Section 10753.2 was the statutory depreciation schedule enacted by the Legislature and used by the department to assess vehicle license fees due to the department each year as a vehicle depreciates in market value. This proposed regulation is intended to replace the inoperative provisions of Revenue and Taxation Code section 10753.2.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: Without this regulation, significantly higher vehicle license fees would be charged to private persons and businesses because vehicles will not depreciate in value under any recognized law or regulation, and therefore, the vehicle license fees will be artificially inflated over time until resold to reflect a true market value.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action proposed by the department will maintain the current market value schedule to determine vehicle license fees due the department. The failure to adopt the proposed regulatory action will substantially increase the vehicle license fee because vehicles will not depreciate in value.

- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. The regulatory action will maintain the current depreciating market value schedule to determine the vehicle license fees due the department. The failure to adopt the proposed regulatory action will substantially increase the vehicle license fees because vehicles will not depreciate in value.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Bonnie DeWatney, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8954, or bdewatney@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate

deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov. Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department 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 full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF FISH AND GAME

NOTICE BY THE DEPARTMENT OF FISH AND GAME TO CONSIDER THE ADOPTION OF AMENDMENTS TO EXISTING REGULATIONS

NOTICE IS HEREBY GIVEN that the Department of Fish and Game ("Department") proposes to amend existing regulations pertaining to fees for lake or streambed alteration agreements under Fish and Game Code sections 1600-1616.

PROPOSED REGULATORY ACTION

The Department proposes to amend the following section of title 14, subdivision 3, of the California Code of Regulations:

Chapter 3, section 699.5. Fees for Lake/Streambed Alteration Agreements.

PUBLIC HEARING

The Department will conduct one public hearing to receive comments, objections, and recommendations regarding its proposed regulatory action. The hearing will be held:

June 2, 2004
9:00 a.m.
Resources Building
Auditorium, 1st Floor
1416 Ninth Street
Sacramento, California

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed amendments to the above-listed regulations. Written comments must be received no later than 5:00 p.m. on June 2, 2004, in order for the Department to consider them before adopting the proposed amendments to the above-listed regulations.

Please send or deliver any written comments to:

Joyce Young
 Department of Fish and Game
 1830 S Street
 Sacramento, California 95814

INFORMATIVE DIGEST/PLAIN ENGLISH
 POLICY STATEMENT OVERVIEW

A. Summary

Fish and Game Code section 702 authorizes the Department of Fish and Game (“Department”) to administer and enforce the provisions of the Fish and Game Code through regulations adopted by the Department. Fish and Game Code section 1609 authorizes the Department to establish a schedule of fees and mandates that the fees charged pay the total costs the Department incurs to administer and enforce Fish and Game Code sections 1600–1616, including, but not limited to, preparing lake and streambed alteration agreements (“agreements”) and conducting inspections. The Department’s existing fee schedule is in section 699.5 of title 14 of the California Code of Regulations.

On January 1, 2004, legislation that repealed Fish and Game Code sections 1600–1607 and added Fish and Game Code sections 1600–1616 took effect (S.B. 418, Ch. 736). Some of the changes the legislation made that affect the existing fee schedule are described below.

Former Fish and Game Code section 1601 specified certain activities that a state or local governmental agency or public utility could not begin without first notifying the Department. Former Fish and Game Code section 1603 was similar to former section 1601, except former section 1603 applied only to persons. The existing fee schedule is based on former Fish and Game Code sections 1600–1607. Hence, it distinguishes between “1601 Applications” and “1603 Applications.” That distinction no longer applies because the legislation combined the provisions in former Fish and Game Code sections 1601 and 1603 described above into existing Fish and Game Code section 1602.

The legislation authorized the Department to issue agreements for a term longer than five years, if the applicant meets specified requirements, including the submittal of a status report every four years. Former Fish and Game Code sections 1600–1607 did not

allow the Department to issue an agreement for a term longer than five years. The Department refers to an agreement with a term of five years or less as a “regular” agreement, and refers to an agreement with a term greater than five years as a “long-term” agreement.

The legislation replaced Fish and Game Code section 1607 with Fish and Game Code section 1609. Former Fish and Game Code section 1607 imposed a fee limitation of \$2,400 for an agreement. Under Fish and Game Code section 1609, the fee limitation is \$5,000 and applies only to regular agreements. There is no fee limitation for long-term agreements. Except for those differences, former Fish and Game Code section 1607 and Fish and Game Code section 1609 are similar.

Finally, the legislation authorized the Department to suspend or revoke an agreement if the entity is not in compliance with the terms of the agreement or the entity does not submit a timely status report. Former Fish and Game Code sections 1600–1607 did not expressly authorize the Department to suspend or revoke an agreement.

B. Purpose/Effect of Proposed Amendments

The purpose of the proposed amendments to section 699.5 of title 14 of the California Code of Regulations is to restructure the fee schedule by 1) changing the existing fee categories; 2) adding new fee categories and fees; and 3) increasing the fees the Department currently charges applicants for agreements. Restructuring the fee schedule as described will enable the Department to make it current with the legislative changes described above. For example, unlike the existing fee schedule, the proposed fee schedule does not include separate fee categories for “1601 Agreements” and “1603 Agreements”; includes a new fee category for status reports; and includes a new fee category related to suspensions. Making the fee schedule current with the legislation will avoid any confusion among applicants and Department staff when trying to determine the appropriate fee an applicant must pay the Department.

Restructuring the fee schedule will also enable the Department to recover the total costs it incurs to administer and enforce Fish and Game Code sections 1600–1616. If the Department does not increase the fees, it will continue to experience a shortfall in its budget which currently affects the Department’s ability to administer and enforce Fish and Game Code sections 1600–1616, the purpose of which is to protect and conserve the State’s fish and wildlife resources. If, because of the shortfall, the Department had to eliminate positions in its Lake and Streambed Alteration Program, it would be even more difficult for the Department to meet that objective. The budget

shortfall also affects other Department programs and activities because staff who work in those programs have been used to support the Lake and Streambed Alteration Program.

The fees in the existing fee schedule are not much higher than the fees the Department has been charging since May 14, 1992, which was the second to last time the Department amended the fee schedule. The last time it amended the fee schedule was on March 24, 2000, and that was for the limited purpose of increasing the fees 16.75 percent to account for inflation. Hence, the fee increases proposed by the Department are necessary and long overdue.

DUPLICATION OF FEDERAL LAW

The Department's proposed amendments to the regulations do not duplicate existing federal law or regulations.

ENVIRONMENTAL ANALYSIS

The Department has determined that its proposed regulatory action will not result in a direct physical change, or a reasonably foreseeable indirect physical change, in the environment, and therefore is not a project subject to the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*). As a result, the Department has not, and does not intend to, prepare any environmental documents or complete any environmental analyses before adopting the proposed amendments to section 699.5 of title 14 of the California Code of Regulations.

FINANCIAL IMPACTS AND IMPACTS ON BUSINESS

The Department has determined that adoption of the proposed amendments to section 699.5 of title 14 of the California Code of Regulations will result in an economic impact on those businesses that must obtain agreements from the Department, including small businesses, because of the proposed fee increases. The extent of the impact, however, will depend on the business itself and the economic benefit of the project for which an agreement is required.

Applicants will still be responsible for the fees the Department charges pursuant to the fee schedule in section 699.5 of title 14 of the California Code of Regulations. The proposed amendments to section 699.5 of title 14 of the California Code of Regulations would increase the fees for standard agreements to between 33% for projects that cost less than \$5,000 to over 700% for projects that cost over \$500,000. However, the actual fee an applicant must pay will depend not just on the cost of the project, which establishes the base fee, but also the number of activities the project includes. For the purpose of the fee schedule, "activity" is defined to mean any activity that by itself would require the applicant to

notify the Department in accordance with subdivision (a) of Section 1602 of the Fish and Game Code, and, if necessary, obtain an agreement before beginning the activity. Such an activity is one that, generally speaking, will substantially alter a river, stream, or lake. The proposed amendments to section 699.5 of title 14 of the California Code of Regulations would impose an additional fee of \$250 for each activity over one that the applicant describes in its notification to the Department. However, because Section 1609 of the Fish and Game Code imposes a fee limitation of \$5,000 for a regular agreement, an applicant would not pay more than \$5,000 for such an agreement regardless of the project cost and number of activities described in the notification.

To illustrate the above, under the proposed amendments to section 699.5 of title 14 of the California Code of Regulations, the Department would charge an applicant a base fee of \$300 if the project cost between \$5,000 and \$10,000 if the project includes only one activity. If the project included more than one activity the Department would charge an additional \$250 for each additional activity. Hence, if the applicant's project included two activities, the Department would charge a total of \$500. Under the existing fee schedule, the Department would charge that same applicant \$154, regardless of the number of activities the project includes. The Department would charge an additional \$250 additional fees would be added in increments of \$250 for each additional activity site.

Overall, the proposed amendments to section 699.5 of title 14 of the California Code of Regulations would increase the existing fees the Department charges applicants an average of 340%. Although that represents a substantial increase over the fees in the existing fee schedule, the increase is necessary for the Department to fully recover its costs to administer and enforce Fish and Game Code sections 1600–1616, and to comply with the cost recovery mandate in Fish and Game Code section 1609. Also, as mentioned above, the Department has not substantially increased the fees it charges applicants for agreements since May 14, 1992.

Based on the foregoing, the Department has determined that adoption of the proposed amendments to the above-listed regulations will have the following effects:

- (a) Mandates on local agencies and school districts: Adoption of the proposed amendments will not impose any mandates on local agencies or school districts.
- (b) Cost to any local agency or school district for which reimbursement is required: Adoption of the proposed amendments will not result in costs to any local agency or school district that are required to be reimbursed pursuant to Part 7

(commencing with section 17500) of Division 4 of the Government Code, other nondiscretionary cost or savings on local agencies, or any cost or savings in federal funding to the state.

- (c) Cost or savings to any state agency: Adoption of the proposed amendments will not result in savings to any state agency, but will increase a state agency's cost to obtain a lake or streambed alteration agreement from the Department. However, as discussed above, if the fees in the fee schedule are not adjusted by amending section 699.5 of title 14 of the California Code of Regulations, the Department will not be able to fully recover the cost it incurs to administer and enforce Fish and Game Code sections 1600–1616, and not be able to meet the cost recovery mandate in Fish and Game Code section 1609.
- (d) Significant adverse economic impact on businesses: Adoption of the proposed amendments will have an economic impact on those businesses that must obtain an agreement from the Department. The extent of the economic impact depends on the business itself and the economic benefit of the project for which an agreement is required. In any case, increasing the fees in the fee schedule will not affect the ability of California businesses to compete with businesses in other states.

As stated above, adoption of the proposed amendments will only affect those businesses that will need to obtain lake or streambed alteration agreements from the Department for particular projects in the future. In Fiscal Year 2002/03, the Department issued a total of 2,888 agreements statewide, of which 1,608 were issued to private individuals or businesses. The Department cannot determine how many of those agreements were issued to private individuals and how many were issued to businesses without manually retrieving those agreements from its six regional offices and reviewing each one of them. Even then, it would be difficult to discern whether the applicant was a private individual or business.

This problem derives in part from the fact that former Fish and Game Code sections 1600–1607 distinguished between state and local governmental entities and public utilities (former section 1601) and persons (former section 1603), and the Fish and Game Code defines “persons” to include businesses (Fish & G. Code, § 67). Hence, the holder of a “1603” agreement could be either a person or a business, and the agreement might not identify whether the holder is a person or business.

Based on the above, the Department assumed that all 1,608 of the agreements described above were issued to businesses for the purpose of estimating

the economic impact the proposed amendments would have on businesses. The Department further assumed that it would issue the same number and type of agreements to businesses under the proposed fee schedule. Using those assumptions, the Department calculated that the proposed amendments could result in total cost increase of \$2,241,532 to businesses, which represents an average increase of approximately \$1,141 per business. The Department derived those figures as follows:

Step 1:

Table I (attached), which the Department's Lake and Streambed Program staff prepared, divides the 1,608 agreements described above into three categories:

- “1603 Private” = 1,288
 - “1603 Gravel” = 60
 - “1603/1606 Timber Harvest” = 260
- Total = 1,608

Each category corresponds to a specific fee listed in Table 1. The fee was calculated for each “1603” category. The Department then calculated the total fees for all “1603” categories to be \$852,817.

Step 2:

The fee categories for standard agreements in the existing fee schedule do not correspond overall to the fee categories in the proposed fee schedule (e.g., the proposed fee schedule does include separate fee categories for “1601 Agreements” and “1603 Agreements” because the legislation described above (S.B. 418, Ch. 736) combined former Fish and Game Code sections 1601 and 1603 into new section 1602 and the proposed fee schedule includes eight fee categories based on project cost instead of three categories in the existing fee schedule). As a result, the Department used a ratio of 0.5567 to estimate the fees the Department would charge businesses under the new fee schedule. The Department derived the ratio by dividing the number of “1603” agreements for Fiscal Year 2002/03 by the total number of agreements issued for all categories during that same period.

Step 3:

To estimate the economic impact on businesses, the Department multiplied the ratio (0.5567) by the total estimated revenue the Department would receive under the proposed fee schedule if it issued 1,608 agreements to businesses (\$4,828,475) to arrive at an estimated \$2,688,012.

Step 4:

By subtracting the \$852,817 calculated in Step 1 above from \$2,688,012, the Department determined the total cost increase to businesses under the proposed fee schedule would be \$1,835,195.

Step 5:

The Department determined the average cost increase per business would be approximately \$1,141 by dividing the total increase in cost to businesses calculated in Step 4 above (\$1,835,195) by the total number of "1603" agreements the Department issued in Fiscal Year 2002/03 (1,608). However, because the Department assumed that all "1603" agreements were private businesses the actual values should be considerably less.

- (e) Statement of potential cost impact on private persons and businesses: In order to estimate the potential economic impact on private persons and businesses, the Department assumed that all 1,608 agreements described in the section on "Significant adverse economic impact on businesses" above were issued to private persons and businesses. The Department further assumed that it would issue the same number and type of agreements to private persons and businesses under the proposed fee schedule. Using those assumptions, the Department calculated that the proposed amendments could result in total cost increase of \$1,835,195 to private persons and businesses, which represents an average increase of approximately \$1,141 per private person or business. That represents a significant increase over the fees the Department charges private persons and businesses under the existing fee schedule to obtain an agreement from the Department.
- (e) Adoption of the proposed amendments will not have an adverse impact on:
 - (1) creation or elimination of jobs within California;
 - (2) creation of new businesses or the elimination of existing businesses within California; or
 - (3) expansion of businesses currently doing business within California.
- (f) Significant effects on housing costs: Adoption of the proposed amendments will not have any significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

According to Government Code section 11346.5(a)(13), the Department must determine that no alternative it considers would be more effective in carrying out the purpose for which the amendments to section 699.5 of title 14 of the California Code of

Regulations are proposed or would be as effective and less burdensome to affected private persons than adoption of the proposed amendments. The Department has made this determination, and the explanation for the Department's determination is contained in the Initial Statement of Reasons for the proposed amendments to the regulations, available from the contact person below.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons providing an explanation of the purpose, background, and justification for the adoption of the proposed amendments to the regulations and the Department's Form Std. 399. The statement and any documents upon which the Department's proposed amendments are based are available upon request from the Department's contact person, Joyce Young, at (916) 445-2187. A copy of the express terms of the proposed amendments to the regulations, as well as any other information in the Department's rulemaking file, is also available from the Department's contact person and the Department's website at www.dfg.ca.gov. A copy of the Department's final statement of reasons once it has been prepared will also be available from the Department's contact person and the Department's website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified amendment to the regulations will be available to the public at least fifteen (15) days prior to the date on which the Department considers the proposed amendments to the regulations for adoption unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. (Gov. Code, § 11346.8(c).)

AUTHORITY

The authority for the Department to adopt these amendments to the regulations is provided in Fish and Game Code section 702.

Reference: Sections 702 and 1609, Fish and Game Code.

TITLE 14. STATE MINING AND GEOLOGY BOARD

ANNUAL FEE SCHEDULE

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to adopt the regulations described below after considering all comments and recommendations regarding the proposed action.

REGULATORY ACTION

The SMGB proposes to amend § 3698 and § 3699 of Article 8, California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1. These regulations clarify and make specific changes to the Annual Fee Schedule as a result of Legislative changes to Public Resources Code (PRC) § 2207.

PUBLIC HEARINGS AND WRITTEN COMMENTS

The SMGB has not scheduled a public hearing on this proposed action; however, the SMGB will hold a hearing to receive comments if it receives a written request for a public hearing from any interested person, or his/her authorized representative, no later than 15 days before the close of the written comment period. The hearing facility will be barrier free in accordance with the Americans with Disabilities Act. 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 SMGB requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

Any interested person may submit written comments relevant to the proposed regulatory action to the SMGB. The Written Comment Period closes at 4:00 P.M., June 1, 2004. The SMGB will consider only relevant comments received at the SMGB office by that time. Late submittals will not be considered.

AUTHORITY AND REFERENCE

The SMGB proposes to adopt the regulations that amend § 3698 and § 3699 to Article 8 of the California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, pursuant to its authority granted in PRC § 2207(d). Reference: § 2207(d).

INFORMATIVE DIGEST

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code § 2710 et seq.) was enacted to ensure that significant adverse impacts of mining to the environment are prevented or mitigated and public health and safety are protected. Under SMARA, surface mining operators are required to submit to their respective lead agencies (cities and counties) for approval, a plan for reclaiming mined lands as well as proof of financial assurances to ensure those mined lands are reclaimed in accordance with the approved reclamation plan. Lead agencies are responsible for ensuring their surface mining operators are in compliance with SMARA's permit and reclamation requirements. The Department of Conservation (Department) and the State Mining and Geology Board (SMGB) provide SMARA lead agency assistance and oversight.

Public Resources Code (PRC) § 2207 requires the SMGB to adopt regulations, by either emergency or non-emergency processes (reference PRC § 2207[d][2][B]), that impose an annual reporting fee on each active and idle surface mining operation in the State. Active and Idle surface mining operations are defined in PRC §§ 2207(f), 2714, 2727.1, and 2735, and in the California Code of Regulations (CCR) § 3501, and include operations conducted by public agencies.

PRC § 2207(d)(2)(A) requires reporting fees to be established on an equitable basis reflecting the size and type of the operation. The SMGB must consider total assessed value of the operation, total acreage disturbed, and acreage subject to the reclamation plan. The SMGB is not restricted from considering other issues such as mineral production.

On October 10, 2003, the Governor signed Senate Bill (SB) 649 (Kuehl), that made changes to PRC § 2207. These changes became effective on January 1, 2004. Specifically, the approved changes affect: (a) the minimum and maximum fees that can be assessed; (b) the maximum revenue that can be generated by the fees; and, (c) new fees to be assessed on the production of gold and silver in addition to the Annual Reporting Fees. These statutory changes require amendments to affected regulations under 14CCR § 3698 (Fee Calculation), and § 3699 (Low Gross Exemption).

(a) Minimum and Maximum Reporting Fee Amounts: Existing statute sets the minimum annual fee amount at \$50, and the maximum annual fee amount at \$2,000. SB 649 resets these amounts at \$100 and \$4,000, respectively. These new amounts are to be adjusted annually for the cost of living as measured by the California Consumer Price Index for all urban consumers, using the percentage change in the previous calendar year, beginning with the 2005–06 fiscal year and annually thereafter.

(b) Maximum Revenue That Can Be Generated by Annual Reporting Fees: Existing statute established the maximum revenue that could be generated from Annual Reporting Fees at one million dollars, as adjusted for the cost of living beginning with the 1991–92 fiscal year. SB 649 resets this amount at \$3.5 million, as adjusted for the cost of living, beginning in the 2005–06 fiscal year.

(c) Annual Production Fee on Gold and Silver: SB 649 establishes a new fee imposed on the production of gold and silver mined within the State. This fee is in addition to the Annual Reporting Fee imposed on surface mines. Specifically, the statute provides that the SMGB shall collect five dollars (\$5) per (Troy) ounce of gold and ten cents (\$0.10) per (Troy) ounce of silver. Revenues collected from these

sources shall be deposited into the Abandoned Mine Reclamation and Minerals Fund Subaccount, which was created within the Mine Reclamation Account.

POLICY STATEMENT OVERVIEW

The proposed language in these regulations clarifies and makes specific the methods and values to be employed when establishing the annual mine reporting fees that are mandated in statute (PRC § 2207). The proposed language modifies already existing regulatory language, in order to bring the existing regulations into agreement with recent legislative changes to statute (reference: Senate Bill (SB) 649 (Kuehl), October 10, 2003). This regulation is necessary in order to protect the California public and environment by providing funds to the Department of Conservation to operate its programs mandated by the Surface Mining and Reclamation Act (SMARA, Public Resources Code § 2710 et seq.). Specifically, this regulation addresses PRC § 2207.

CEQA COMPLIANCE

The SMGB staff have determined that this rule making project is either not a project under Title 14, CCR § 15378 of the CEQA Guidelines, or is Categorically Exempt under Title 14, CCR § 15308 of the CEQA Guidelines.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB staff has made the following preliminary determinations:

Mandate on local agencies and school districts: The SMGB staff determined that adoption of this regulation does not impose any new mandates on local agencies or on local school districts.

Costs or savings to any State agency: The SMGB staff determined that this proposed regulation imposes no savings or additional expenses to state agencies.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The SMGB staff determined this proposed regulation does not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary costs or savings imposed upon local agencies: The SMGB staff determined that no other non-discretionary costs or savings to local agencies are imposed by the proposed regulations.

Cost or savings in Federal funding to the State: The SMGB staff determined that there are no costs or savings in Federal funding to the State.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: SMGB staff determined that no state-

wide adverse impacts to California businesses result from the adoption of this proposed regulatory language.

Potential cost impact on private persons or directly affected businesses: The SMGB staff is not aware of any cost impacts on private persons or directly affected businesses by the adoption of the proposed regulations. The fee changes addressed in the regulation are mandated in statute.

Creation or elimination of jobs in California: The SMGB staff has determined that the adoption of these regulations will not:

- Create nor eliminate jobs within California;
- Create new nor eliminate existing businesses within California;
- Expand businesses currently doing business in California.

Significant effect on housing costs: The SMGB staff has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses: SMGB staff has determined that there is no additional impact on private persons or businesses; this proposed regulation serves to clarify and make specific existing requirements contained in statute. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statute.

CONSIDERATION OF ALTERNATIVES

The SMGB must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the SMGB 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. SMGB staff has not identified any adverse impacts resulting from these proposed regulations.

No alternatives have been considered by the SMGB at this time that would be more effective in carrying out the purpose for which these regulatory changes are proposed, nor have any other alternatives been proposed that would be as effective and less burdensome to affected private persons, lead agencies, or small businesses.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

An interested person may request a copy of the proposed regulations and the Initial Statement of Reasons, or direct questions about the proposed regulations and Initial Statement of Reasons and inspect all supplemental information, upon which the regulation is based, contained in the rulemaking file. The rulemaking file is available for inspection

at the SMGB Office at 801 K Street, Suite 2015, Sacramento, California, between 9:00 A.M. and 4:00 P.M., Monday through Friday except during state holidays. Copies of the proposed regulations and the Initial Statement of Reasons may be requested by writing to the above address, or viewed on the SMGB's Internet Web Site at:

<http://www.conservation.ca.gov/smgmb>

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public comment period, the SMGB may adopt, as final, the proposed regulations substantially as described in this Notice and Informative Digest. Copies of these regulations, as finally adopted, will be sent to all persons on the SMGB's public comment mailing list for this issue and others requesting copies. If, as a result of public comment, substantive changes to these regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who testified at the public hearing or submitted written comments during the comment period or at the public hearing, and to those who have requested copies of information regarding the regulation. Thereafter, the SMGB will accept written comments for a period of at least 15 days after the date upon which changes were made available. If adopted, the regulations will appear in CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 8, §§ 3698 and 3699. A copy of the Final Statement of Reasons may be obtained by contacting the SMGB office as described under the section Contact Person.

CONFLICT WITH FEDERAL REGULATIONS

This regulation does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department of Conservation, and the State Mining and Geology Board, SMARA and federal law are coordinated to eliminate duplication.

CONTACT PERSON

Inquiries concerning the substance of the adopted regulation should be directed to:

Ms. Kit Gonzales, Executive Assistant
(or as a backup)
John G. Parrish, Ph. D., Executive Officer
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814

GENERAL PUBLIC INTEREST

PHYSICAL THERAPY BOARD

**NOTICE OF EXTENSION OF PUBLIC
COMMENT PERIOD DEADLINE AND
ADDITIONAL PUBLIC HEARING FOR
CALIFORNIA CODE OF REGULATIONS**

**PHYSICAL THERAPY FEES
SECTIONS 1399.50, 1399.52**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California has extended the public comment period for the above proposed regulations. This proposal was originally noticed in the California Regulatory Notice Register, dated March 26, 2004. The original public comment period deadline for this proposal was May 10, 2004; however, the Board has extended the close of public comment period through May 31, 2004, at 5:00 p.m. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at 9:30 AM on May 11, 2004, at the Burbank Airport Hilton & Convention Center, 2500 Hollywood Way, Burbank, CA 91505, or at the hearing to be held at 9:30 AM on August 3, 2004, at 1424 Howe Avenue, Greg Gorges Conference Room, Sacramento, CA 95825.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 31, 2004. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the actions substantially as described below or may modify such actions if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for fifteen (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 testimony related to this action or who have requested notification of any changes to the action.

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 Physical Therapy Board of California at 1418 Howe Ave, Ste 16, Sacramento, California 95825-3204 or on the Board's website, www.ptb.ca.gov.

CONTACT PERSON

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

Michael McCormick
Physical Therapy Board of California
1418 Howe Ave Ste 16
Sacramento, CA 95825-3204
(916) 561-8200 x 8280; (916) 263-2560(FAX)
Mike_McCormick@dca.ca.gov

The backup contact person is:

Rebecca Marco
Physical Therapy Board of California
1418 Howe Ave Ste 16
Sacramento, CA 95825-3204
(916) 561-8200; (916) 263-2560 (FAX)

**RULEMAKING PETITION
DECISIONS**

DEPARTMENT OF SOCIAL SERVICES

March 4, 2004

Julie A. Ocheltree
Attorney-at-Law
Enright & Ocheltree, LLP
9100 Wilshire Boulevard
Seventh Floor, West Tower
Beverly Hills, California 90212-3423

Re: Petition To Repeal Title 22 California Code
of Regulations Section 35333(c)(1)(C)

Dear Ms. Ocheltree:

As required by Government Code Section 11340.7, this letter is a response to the December 19, 2003, petition filed by the Association of Regional Center Agencies (ARCA). The petition requests the repeal of Title 22 California Code of Regulations Section 35333(c)(1)(C), hereinafter referred to as "the Regulation."

At the outset, I should like to assure you that the California Department of Social Services (CDSS) is currently engaged in discussions with the Department of Developmental Services (DDS) to address the concerns stated in the petition. The DDS initially brought the content of the petition to our attention as an interagency matter, and we are now attempting to resolve the conflicts between our respective programs. Given the broader scope of these ongoing discussions, CDSS at this time denies the petition. The Regulation, instead of being repealed, is considered part of an

overall reform package that will focus on rates applicable to "dual agency" children and that will be developed by CDSS and DDS, with input from interested parties, by June 30, 2004. The departments are currently working on concepts and proposals.

I, nevertheless, should like to articulate CDSS's position regarding the premise of the Regulation, which provides:

"If the child is a client of a California Regional Center (CRC) for the Developmentally Disabled, the maximum rate shall be the foster family home rate formally determined for the child by the Regional Center using the facility rates established by the California Department of Developmental Services. CRC clients who leave California shall be able to continue to receive AAP benefits based on the most recent level of need assessed by the CRC."

The ARCA asserts that in attempting to control the activities of regional centers, the Regulation exceeds CDSS's jurisdiction. Contrary to ARCA's position, CDSS construes the Regulation as only instructing counties, for purposes of a child's Adoption Assistance Program (AAP) benefits, to use the facility rate set by DDS if the child is a consumer of regional center services. The Regulation is not intended to impose a duty on regional centers or procedures for regional centers to follow.

The CDSS adopted the Regulation pursuant to authority provided under Welfare and Institutions Code Sections 10553, 10554, and 16118(a) for purposes of its administration of public social services. The AAP, established by the federal Social Security Act, is among those public social services. Specifically, the AAP reduces the number of children in foster home care by providing payments to prospective adoptive parents to meet the needs of eligible children in stable and secure permanent homes. Otherwise, the children would continue to receive Aid to Families with Dependent Children (AFDC-FC) during long-term foster care placement.

The CDSS interprets the Regulation in the context of state statutes governing services to developmentally disabled children. Welfare and Institutions Code Section 4684, in part, states:

"Notwithstanding any other provision of law, the cost of providing 24-hour out-of-home nonmedical care and supervision in licensed community care facilities shall be funded by the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program pursuant to Section 11464, for children who are both AFDC-FC recipients and regional center clients."

Welfare and Institutions Code Section 11464, in part, provides:

“Notwithstanding any other provision of law, the State Department of Social Services shall use the residential facility rates established by the State Department of Developmental Services to determine rates to be paid for 24-hour out-of-home nonmedical care and supervision of children who are both regional center clients pursuant to Section 4684 and AFDC-FC recipients under the provisions of this chapter and placed in licensed community care facilities.”

The population of children described in these statutes includes many AAP-eligible children. Children who are both AFDC-FC recipients and regional center clients are known as “dual agency” children. If a “dual agency” child is subsequently adopted, he or she may be eligible for AAP benefits, which are funded, like AFDC-FC, under Title IV-E of the federal Social Security Act. The benefits are a negotiated amount of cash assistance limited to the amount of AFDC-FC that the child would have received for nonmedical care and supervision had he or she not been adopted. (42 United States Code Section 673 and Welfare and Institutions Code Section 16121) When a child moves from foster home care to an adoptive home, the benefits are essentially a negotiated amount not exceeding the child’s AFDC-FC payment.

Because of the relationship between AFDC-FC payments and AAP benefits for “dual agency” children, CDSS contends that referrals for regional center evaluations extend to AAP-eligible children. As the Regulation states, the subject rate is the rate determined for a regional center client based on the facility rate established by the DDS. Regional centers must provide initial intake and assessment for any person believed to have a developmental disability. (Welfare and Institutions Code Section 4642) Regional centers, moreover, must accept “referrals for evaluations of AFDC-FC-eligible children and assist county welfare and probation departments in identifying appropriate placement resources for children who are eligible for regional center services.” (Welfare and Institutions Code Section 4684) The CDSS thus believes that there are no limitations on regional center evaluations provided to children in foster care homes or to former foster care children who are receiving AAP benefits.

The discussions between DDS and CDSS have already resulted in our working together to address the perceived impact of the Regulation on regional centers, as well as to improve program implementation while protecting the interests of adoption assistance

recipients and regional center services consumers. I look forward to achieving a mutually acceptable resolution of the issues, including the concerns raised in the petition. In the interim, if you have any additional questions regarding this matter, please contact Glenn Freitas, Chief of the Foster Care Audits and Rates Branch, at (916) 274-0449.

Very truly yours,

Lawrence B. Bolton
General Counsel

c: Robert Baldo, Executive Director
Association of Regional Center Agencies
915 L Street, Suite 1050
Sacramento, California 95814

Clifford Allenby, Director
Department of Developmental Services

Marsha Jacobson, Assistant General Counsel
Department of Social Services

Glenn Freitas, Chief
Foster Care Audits and Rates Branch
Department of Social Services

PROPOSITION 65

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

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
APRIL 16, 2004**

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a ~~strikeout~~ were placed on the list with the date noted, and have subsequently been removed.

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CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER			CAS Number	Chemical	CAS Number	Date
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990	Benzo[j]fluoranthene	205823	July 1, 1987	
Acetaldehyde	75070	April 1, 1988	Benzo[k]fluoranthene	207089	July 1, 1987	
Acetamide	60355	January 1, 1990	Benzenofuran	271896	October 1, 1990	
Acetochlor	34256821	January 1, 1989	Benzo[a]pyrene	50328	July 1, 1987	
2-Acetylaminofluorene	53963	July 1, 1987	Benzotrithloride	98077	July 1, 1987	
Acifluorfen	62476599	January 1, 1990	Benzyl chloride	100447	January 1, 1990	
Acrylamide	79061	January 1, 1990	Benzyl violet 4B	1694093	July 1, 1987	
Acrylonitrile	107131	July 1, 1987	Beryllium and beryllium compounds	—	October 1, 1987	
Actinomycin D	50760	October 1, 1989	Betel quid with tobacco	—	January 1, 1990	
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987	2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987	Bis(2-chloroethyl)ether	111444	April 1, 1988	
Aflatoxins	—	January 1, 1988	N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987	
Alachlor	15972608	January 1, 1989	Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988	Bis(chloromethyl)ether	542881	February 27, 1987	
Aldrin	309002	July 1, 1988	Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	
Ahyl chloride	—	—	Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	
Delisted October 29, 1999	407051	January 1, 1990	Bracken fern	—	January 1, 1990	
2-Aminoanthraquinone	117793	October 1, 1989	Bromate	15541454	May 31, 2002	
p-Aminoazobenzene	60093	January 1, 1990	Bromodichloromethane	75274	January 1, 1990	
ortho-Aminoazotoluene	97563	July 1, 1987	Bromoethane	74964	December 22, 2000	
4-Aminobiphenyl	—	—	Bromoform	75252	April 1, 1991	
(4-aminodiphenyl)	92671	February 27, 1987	1,3-Butadiene	106990	April 1, 1988	
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997	1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989	Butylated hydroxyanisole	25013165	January 1, 1990	
2-Aminofluorene	153786	January 29, 1999	beta-Butyrolactone	3068880	July 1, 1987	
1-Amino-2-methylanthraquinone	82280	October 1, 1989	Cacodylic acid	75605	May 1, 1996	
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987	Cadmium and cadmium compounds	—	October 1, 1987	
4-Amino-2-nitrophenol	119346	January 29, 1999	Caffeic acid	331395	October 1, 1994	
Amitrole	61825	July 1, 1987	Captafol	2425061	October 1, 1988	
Analgesic mixtures containing phenacetin	—	February 27, 1987	Captan	133062	January 1, 1990	
Aniline	62533	January 1, 1990	Carbazole	86748	May 1, 1996	
Aniline hydrochloride	142041	May 15, 1998	Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	
ortho-Anisidine	90040	July 1, 1987	Carbon tetrachloride	56235	October 1, 1987	
ortho-Anisidine hydrochloride	134292	July 1, 1987	Carbon-black extracts	—	January 1, 1990	
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990	N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002	
Aramite	140578	July 1, 1987	Catechol	120809	July 15, 2003	
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	
Asbestos	1332214	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987	
Auramine	492808	July 1, 1987	Chlorambucil	305033	February 27, 1987	
Azacitidine	320672	January 1, 1992	Chloramphenicol	56757	October 1, 1989	
Azaserine	115026	July 1, 1987	Chlordane	57749	July 1, 1988	
Azathioprine	446866	February 27, 1987	Chlordecone (Kepone)	143500	January 1, 1988	
Azobenzene	103333	January 1, 1990	Chlordimeform	6164983	January 1, 1989	
Benz[a]anthracene	56553	July 1, 1987	Chlorendic acid	115286	July 1, 1989	
Benzene	71432	February 27, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	
Benzidine [and its salts]	92875	February 27, 1987	p-Chloroaniline	106478	October 1, 1994	
Benzidine-based dyes	—	October 1, 1992				
Benzo[b]fluoranthene	205992	July 1, 1987				

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
p-Chloroaniline hydrochloride	20265967	May 15, 1998	Daminozide	1596845	January 1, 1990
Chlorodibromomethane			Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992
Delisted October 29, 1999	424481	January 1, 1990	Daunomycin	20830813	January 1, 1988
Chloroethane (Ethyl chloride)	75003	July 1, 1990	DDD (Dichlorodiphenyldichloroethane)	72548	January 1, 1989
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010474	January 1, 1988	DDE (Dichlorodiphenyldichloroethylene)	72559	January 1, 1989
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988	DDT (Dichlorodiphenyltrichloroethane)	50293	October 1, 1987
Chloroform	67663	October 1, 1987	DDVP (Dichlorvos)	62737	January 1, 1989
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	N,N'-Diacetylbenzidine	613354	October 1, 1989
3-Chloro-2-methylpropene	563473	July 1, 1989	2,4-Diaminoanisole	615054	October 1, 1990
1-Chloro-4-nitrobenzene	100005	October 29, 1999	2,4-Diaminoanisole sulfate	39156417	January 1, 1988
4-Chloro-ortho-phenylenediamine	95830	January 1, 1988	4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
p-Chloro-o-toluidine	95692	January 1, 1990	2,4-Diaminotoluene	95807	January 1, 1988
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	Diaminotoluene (mixed)	—	January 1, 1990
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	Dibenz[a,h]acridine	226368	January 1, 1988
Chloroprene	126998	June 2, 2000	Dibenz[a,j]acridine	224420	January 1, 1988
Chlorothalonil	1897456	January 1, 1989	Dibenz[a,h]anthracene	53703	January 1, 1988
Chlorotrianisene	569573	September 1, 1996	7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Chlorozotocin	54749905	January 1, 1992	Dibenzo[a,e]pyrene	192654	January 1, 1988
Chromium (hexavalent compounds)	—	February 27, 1987	Dibenzo[a,h]pyrene	189640	January 1, 1988
Chrysene	218019	January 1, 1990	Dibenzo[a,i]pyrene	189559	January 1, 1988
C.I. Acid Red 114	6459945	July 1, 1992	Dibenzo[a,l]pyrene	191300	January 1, 1988
C.I. Basic Red 9			1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
monohydrochloride	569619	July 1, 1989	2,3-Dibromo-1-propanol	96139	October 1, 1994
C.I. Direct Blue 15	2429745	August 26, 1997	Dichloroacetic acid	79436	May 1, 1996
C.I. Direct Blue 218	28407376	August 26, 1997	p-Dichlorobenzene	106467	January 1, 1989
C.I. Solvent Yellow 14	842079	May 15, 1998	3,3'-Dichlorobenzidine	91941	October 1, 1987
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
Cidofovir	113852372	January 29, 1999	1,4-Dichloro-2-butene	764410	January 1, 1990
Cinnamyl anthranilate	87296	July 1, 1989	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988
Cisplatin	15663271	October 1, 1988	1,1-Dichloroethane	75343	January 1, 1990
Citrus Red No. 2	6358538	October 1, 1989	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Clofibrate	637070	September 1, 1996	1,2-Dichloropropane	78875	January 1, 1990
Cobalt metal powder	7440484	July 1, 1992	1,3-Dichloropropene	542756	January 1, 1989
Cobalt [III] oxide	1307966	July 1, 1992	Dieldrin	60571	July 1, 1988
Cobalt sulfate heptahydrate	10026241	June 2, 2000	Dienestrol	84173	January 1, 1990
Coke oven emissions	—	February 27, 1987	Diepoxybutane	1464535	January 1, 1988
Conjugated estrogens	—	February 27, 1987	Diesel engine exhaust	—	October 1, 1990
Creosotes	—	October 1, 1988	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
para-Cresidine	120718	January 1, 1988	1,2-Diethylhydrazine	1615801	January 1, 1988
Cupferron	135206	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Cycasin	14901087	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cytembena	21739913	May 15, 1998	Diisopropyl sulfate	2973106	April 1, 1993
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Red No. 8	2092560	October 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 9	5160021	July 1, 1990	Dimethyl sulfate	77781	January 1, 1988
D&C Red No. 19	81889	July 1, 1990			
Dacarbazine	4342034	January 1, 1988			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
4-Dimethylaminoazo-benzene	60117	January 1, 1988	Furan	110009	October 1, 1993
trans-2-[(Dimethyl-amino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738540	January 1, 1988	Furazolidone	67458	January 1, 1990
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Furmecyclohex	60568050	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Fusarin C	79748815	July 1, 1995
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Ganciclovir sodium	82410320	August 26, 1997
Dimethylcarbamoyl chloride	79447	January 1, 1988	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Gemfibrozil	25812300	December 22, 2000
1,2-Dimethylhydrazine	540738	January 1, 1988	Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Dimethylvinylchloride	513371	July 1, 1989	Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Glycidaldehyde	765344	January 1, 1988
1,6-Dinitropyrene	42397648	October 1, 1990	Glycidol	556525	July 1, 1990
1,8-Dinitropyrene	42397659	October 1, 1990	Griseofulvin	126078	January 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	Gyromitrin (Acetaldehyde methylformylhydrazone)	16568028	January 1, 1988
2,4-Dinitrotoluene	121142	July 1, 1988	HC Blue 1	2784943	July 1, 1989
2,6-Dinitrotoluene	606202	July 1, 1995	Heptachlor	76448	July 1, 1988
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136458	May 1, 1996	Heptachlor epoxide	1024573	July 1, 1988
1,4-Dioxane	123911	January 1, 1988	Hexachlorobenzene	118741	October 1, 1987
Diphenylhydantoin (Phenytain)	57410	January 1, 1988	Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Diphenylhydantoin (Phenytain), sodium salt	630933	January 1, 1988	Hexachlorodibenzo-dioxin	34465468	April 1, 1988
Direct Black 38 (technical grade)	1937377	January 1, 1988	Hexachloroethane	67721	July 1, 1990
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Hexamethylphosphoramide	680319	January 1, 1988
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Hydrazine	302012	January 1, 1988
Disperse Blue 1	2475458	October 1, 1990	Hydrazine sulfate	10034932	January 1, 1988
Diuron	330541	May 31, 2002	Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988
Epichlorohydrin	106898	October 1, 1987	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Erionite	12510428	October 1, 1988	Indium phosphide	22398807	February 27, 2001
Estradiol 17B	50282	January 1, 1988	IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990
Estragole	140670	October 29, 1999	Iprodione	36734197	May 1, 1996
Estrone	53167	January 1, 1988	Iron dextran complex	9004664	January 1, 1988
Estropipate	7280377	August 26, 1997	Isobutyl nitrite	542563	May 1, 1996
Ethinylestradiol	57636	January 1, 1988	Isoprene	78795	May 1, 1996
Ethoprop	13194484	February 27, 2001	Isosafrole	120581	October 1, 1989
Ethyl acrylate	140885	July 1, 1989	Isoxaflutole	141112290	December 22, 2000
Ethyl methanesulfonate	62500	January 1, 1988	Lactofen	77501634	January 1, 1989
Ethyl-4,4'-dichlorobenzilate	510156	January 1, 1990	Lasiocarpine	303344	April 1, 1988
Ethylene dibromide	106934	July 1, 1987	Lead acetate	301042	January 1, 1988
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lead and lead compounds	—	October 1, 1992
Ethylene oxide	75218	July 1, 1987	Lead phosphate	7446277	April 1, 1988
Ethylene thiourea	96457	January 1, 1988	Lead subacetate	1335326	October 1, 1989
Ethyleneimine	151564	January 1, 1988	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Fenoxycarb	72490018	June 2, 2000	Lynestrenol	52766	February 27, 2001
Folpet	133073	January 1, 1989	Mancozeb	8018017	January 1, 1990
Formaldehyde (gas)	50000	January 1, 1988	Maneb	12427382	January 1, 1990
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988			
Fumonisin B ₁	116355830	November 14, 2003			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990	1-Naphthylamine	134327	October 1, 1989
Medroxyprogesterone acetate	71589	January 1, 1990	2-Naphthylamine	91598	February 27, 1987
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994	Nickel (Metallic)	7440020	October 1, 1989
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994	Nickel acetate	373024	October 1, 1989
Melphalan	148823	February 27, 1987	Nickel carbonate	3333673	October 1, 1989
Merphalan	531760	April 1, 1988	Nickel carbonyl	13463393	October 1, 1987
Mestranol	72333	April 1, 1988	Nickel hydroxide	12054487; 12125563	October 1, 1989
Metham sodium	137428	November 6, 1998	Nickelocene	1271289	October 1, 1989
8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987	Nickel oxide	1313991	October 1, 1989
5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988	Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
2-Methylaziridine (Propyleneimine)	75558	January 1, 1988	Nickel subsulfide	12035722	October 1, 1987
Methylazoxymethanol	590965	April 1, 1988	Niridazole	61574	April 1, 1988
Methylazoxymethanol acetate	592621	April 1, 1988	Nitrotriacetic acid	139139	January 1, 1988
Methyl carbamate	598550	May 15, 1998	Nitrotriacetic acid, tri-sodium salt mono-hydrate	18662538	April 1, 1989
3-Methylcholanthrene	56495	January 1, 1990	5-Nitroacenaphthene	602879	April 1, 1988
5-Methylchrysene	3697243	April 1, 1988	5-Nitro-o-anisidine	99592	October 1, 1989
4,4'-Methylene bis(2-chloroaniline)	101144	July 1, 1987	o-Nitroanisole	91236	October 1, 1992
4,4'-Methylene bis(N,N-dimethylbenzenamine)	101611	October 1, 1989	Nitrobenzene	98953	August 26, 1997
4,4'-Methylene bis(2-methylaniline)	838880	April 1, 1988	4-Nitrobiphenyl	92933	April 1, 1988
4,4'-Methylenedianiline	101779	January 1, 1988	6-Nitrochrysene	7496028	October 1, 1990
4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	Nitrofen (technical grade)	1836755	January 1, 1988
Methyleugenol	93152	November 16, 2001	2-Nitrofluorene	607578	October 1, 1990
Methylhydrazine and its salts	—	July 1, 1992	Nitrofurazone	59870	January 1, 1990
Methyl iodide	74884	April 1, 1988	1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988
Methylmercury compounds	—	May 1, 1996	N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988
Methyl methanesulfonate	66273	April 1, 1988	Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988	Nitrogen mustard N-oxide	126852	April 1, 1988
N-Methylolacrylamide	924425	July 1, 1990	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
Methylthiouracil	56042	October 1, 1989	Nitromethane	75525	May 1, 1997
Metiram	9006422	January 1, 1990	2-Nitropropane	79469	January 1, 1988
Metronidazole	443481	January 1, 1988	1-Nitropyrene	5522430	October 1, 1990
Michler's ketone	90948	January 1, 1988	4-Nitropyrene	57835924	October 1, 1990
Mirex	2385855	January 1, 1988	N-Nitrosodi-n-butylamine	924163	October 1, 1987
Mitomycin C	50077	April 1, 1988	N-Nitrosodiethanolamine	1116547	January 1, 1988
Monocrotaline	315220	April 1, 1988	N-Nitrosodiethylamine	55185	October 1, 1987
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988	N-Nitrosodimethylamine	62759	October 1, 1987
Mustard Gas	505602	February 27, 1987	p-Nitrosodiphenylamine	156105	January 1, 1988
MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitrosodiphenylamine	86306	April 1, 1988
Nafenopin	3771195	April 1, 1988	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitroso-N-ethylurea	759739	October 1, 1987
Naphthalene	91203	April 19, 2002	3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990
			4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990
			N-Nitrosomethylethylamine	10595956	October 1, 1989
			N-Nitroso-N-methylurea	684935	October 1, 1987
			N-Nitroso-N-methylurethane	615532	April 1, 1988
			N-Nitrosomethylvinylamine	4549400	January 1, 1988

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N-Nitrosomorpholine	59892	January 1, 1988	Quinoline and its strong acid salts	—	October 24, 1997
N-Nitrosomonicotine	16543558	January 1, 1988	Radionuclides	—	July 1, 1989
N-Nitrosopiperidine	100754	January 1, 1988	Reserpine	50555	October 1, 1989
N-Nitrosopyrrolidine	930552	October 1, 1987	Residual (heavy) fuel oils	—	October 1, 1990
N-Nitrososarcosine	13256229	January 1, 1988	Saccharin		
o-Nitrotoluene	88722	May 15, 1998	<u>Delisted April 6, 2001</u>	81072	October 1, 1989
Norethisterone (Norethin- droned)	68224	October 1, 1989	Saccharin, sodium		
Norethynodrel	68235	February 27, 2001	<u>Delisted January 17, 2003</u>	128449	January 1, 1988
Ochratoxin A	303479	July 1, 1990	Safrole	94597	January 1, 1988
Oil Orange SS	2646175	April 1, 1988	Salicylazosulfapyridine	599791	May 15, 1998
Oral contraceptives, combined	—	October 1, 1989	Selenium sulfide	7446346	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989	Shale-oils	68308349	April 1, 1990
Oxadiazon	19666309	July 1, 1991	Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Oxazepam	604751	October 1, 1994	Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Oxymetholone	434071	January 1, 1988	Spironolactone	52017	May 1, 1997
Oxythioquinox	2439012	August 20, 1999	Stanozolol	10418038	May 1, 1997
Palygorskite fibers (>5µm in length)	12174117	December 28, 1999	Sterigmatocystin	10048132	April 1, 1988
Panfuran S	794934	January 1, 1988	Streptozotocin (streptozocin)	18883664	January 1, 1988
Pentachlorophenol	87865	January 1, 1990	Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Phenacetin	62442	October 1, 1989	Styrene oxide	96093	October 1, 1988
Phenazopyridine	94780	January 1, 1988	Sulfallate	95067	January 1, 1988
Phenazopyridine hydrochloride	136403	January 1, 1988	Talc containing asbestiform fibers	—	April 1, 1990
Phenesterin	3546109	July 1, 1989	Tamoxifen and its salts	10540291	September 1, 1996
Phenobarbital	50066	January 1, 1990	Terrazole	2593159	October 1, 1994
Phenolphthalein	77098	May 15, 1998	Testosterone and its esters	58220	April 1, 1988
Phenoxybenzamine	59961	April 1, 1988	2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988
Phenoxybenzamine hydrochloride	63923	April 1, 1988	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
o-Phenylenediamine and its salts	95545	May 15, 1998	Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
Phenyl glycidyl ether	122601	October 1, 1990	p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992	Tetrafluoroethylene	116143	May 1, 1997
o-Phenylphenate, sodium	132274	January 1, 1990	Tetranitromethane	509148	July 1, 1990
o-Phenylphenol	90437	August 4, 2000	Thioacetamide	62555	January 1, 1988
PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994	4,4'-Thiodianiline	139651	April 1, 1988
Polybrominated biphenyls	—	January 1, 1988	Thiodicarb	59669260	August 20, 1999
Polychlorinated biphenyls	—	October 1, 1989	Thiourea	62566	January 1, 1988
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Thorium dioxide	1314201	February 27, 1987
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Tobacco, oral use of smokeless products	—	April 1, 1988
Polychlorinated dibenzofurans	—	October 1, 1992	Tobacco smoke	—	April 1, 1988
Polygeenan	53973981	January 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Ponceau MX	3761533	April 1, 1988	ortho-Toluidine	95534	January 1, 1988
Ponceau 3R	3564098	April 1, 1988	ortho-Toluidine hydrochloride	636215	January 1, 1988
Potassium bromate	7758012	January 1, 1990	para-Toluidine		
Primidone	125337	August 20, 1999	<u>Delisted October 29, 1999</u>	106490	January 1, 1990
Procarbazine	671169	January 1, 1988	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Procarbazine hydrochloride	366701	January 1, 1988	Treosulfan	299752	February 27, 1987
Procymidone	32809168	October 1, 1994	Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Progesterone	57830	January 1, 1988	Trichloroethylene	79016	April 1, 1988
Pronamide	23950585	May 1, 1996	2,4,6-Trichlorophenol	88062	January 1, 1988
Propachlor	1918167	February 27, 2001	1,2,3-Trichloropropane	96184	October 1, 1992
1,3-Propane sultone	1120714	January 1, 1988			
Propargite	2312358	October 1, 1994			
beta-Propiolactone	57578	January 1, 1988			
Propylene oxide	75569	October 1, 1988			
Propylthiouracil	51525	January 1, 1988			
Pyridine	110861	May 17, 2002			

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Trimethyl phosphate	512561	May 1, 1996	Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997	Atenolol	developmental	29122687	August 26, 1997
Triphenyltin hydroxide	76879	July 1, 1992	Auranofin	developmental	34031328	January 29, 1999
Tris(aziridiny)-para-benzoquinone (Triaziquone)	68768	October 1, 1989	Azathioprine	developmental	446866	September 1, 1996
Tris(1-aziridiny)phosphine sulfide (Thiotepa)	52244	January 1, 1988	Barbiturates	developmental	—	October 1, 1992
Tris(2-chloroethyl) phosphate	115968	April 1, 1992	Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988	Benomyl	developmental, male	17804352	July 1, 1991
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988	Benzene	developmental, male	71432	December 26, 1997
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988	Benzodiazepines	developmental	—	October 1, 1992
Trypan blue (commercial grade)	72571	October 1, 1989	Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Unleaded gasoline (wholly vaporized)	—	April 1, 1988	Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Uracil mustard	66751	April 1, 1988	Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003
Urethane (Ethyl carbamate)	51796	January 1, 1988	Bromoxynil	developmental	1689845	October 1, 1990
Vinclozolin	50471448	August 20, 1999	Bromoxynil octanoate	developmental	1689992	May 18, 1999
Vinyl bromide	593602	October 1, 1988	Butabarbital sodium	developmental	143817	October 1, 1992
Vinyl chloride	75014	February 27, 1987	<u>1,3-Butadiene</u>	<u>developmental, female, male</u>	<u>106990</u>	<u>April 16, 2004</u>
4-Vinylcyclohexene	100403	May 1, 1996	1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990	Cadmium	developmental, male	—	May 1, 1997
Vinyl fluoride	75025	May 1, 1997	Carbamazepine	developmental	298464	January 29, 1999
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990	Carbon disulfide	developmental, female, male	75150	July 1, 1989
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991	Carbon monoxide	developmental	630080	July 1, 1989
Zileuton	111406872	December 22, 2000	Carboplatin	developmental	41575944	July 1, 1990
Zineb	42122677	January 1, 1990	Chenodiol	developmental	474259	April 1, 1990
Delisted October 29, 1999	42122677	January 1, 1990	Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998

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Acetazolamide	developmental	59665	August 20, 1999	Chlorambucil	developmental	305033	January 1, 1989
Acetohydroxamic acid	developmental	546883	April 1, 1990	Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
Actinomycin D	developmental	50760	October 1, 1992	Chlordecone (Kepone)	developmental	143500	January 1, 1989
All-trans retinoic acid	developmental	302794	January 1, 1989	Chlordiazepoxide	developmental	58253	January 1, 1992
Alprazolam	developmental	28981977	July 1, 1990	Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
Altretamine	developmental, male	645056	August 20, 1999	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
Amantadine hydrochloride	developmental	665667	February 27, 2001	Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
Amikacin sulfate	developmental	39831555	July 1, 1990	Cidofovir	developmental, female, male	113852372	January 29, 1999
Aminoglutethimide	developmental	125848	July 1, 1990	Cladribine	developmental	4291638	September 1, 1996
Aminoglycosides	developmental	—	October 1, 1992	Clarithromycin	developmental	81103119	May 1, 1997
Aminopterin	developmental, female	54626	July 1, 1987	Clobetasol propionate	developmental, female	25122467	May 15, 1998
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997	Clomiphene citrate	developmental	50419	April 1, 1990
Amitraz	developmental	33089611	March 30, 1999	Clorazepate dipotassium	developmental	57109907	October 1, 1992
Amoxapine	developmental	14028445	May 15, 1998	Cocaine	developmental, female	50362	July 1, 1989
Anabolic steroids	female, male	—	April 1, 1990	Codeine phosphate	developmental	52288	May 15, 1998
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992	Colchicine	developmental, male	64868	October 1, 1992
Anisindione	developmental	117373	October 1, 1992	Conjugated estrogens	developmental	—	April 1, 1990
Arsenic (inorganic oxides)	developmental	—	May 1, 1997	Cyanazine	developmental	21725462	April 1, 1990
				Cycloate	developmental	1134232	March 19, 1999
				Cyclohexanot	male	108930	November 6, 1998
				<u>Delisted January 25, 2002</u>			
				Cycloheximide	developmental	66819	January 1, 1989
				Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989

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Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cyhexatin	developmental	13121705	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Cytarabine	developmental	147944	January 1, 1989	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Dacarbazine	developmental	4342034	January 29, 1999	Filgrastim	developmental	121181531	February 27, 2001
Danazol	developmental	17230885	April 1, 1990	Fluazifop butyl	developmental	69806504	November 6, 1998
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Flunisolide	developmental, female	3385033	May 15, 1998
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Fluorouracil	developmental	51218	January 1, 1989
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Fluoxymesterone	developmental	76437	April 1, 1990
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999	Flurbiprofen	developmental, female	5104494	August 20, 1999
<u>Delisted January 25, 2002</u>				Flutamide	developmental	13311847	July 1, 1990
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992	Fluticasone propionate	developmental	80474142	May 15, 1998
Diazepam	developmental	439145	January 1, 1992	Fluvalinate	developmental	69409945	November 6, 1998
Diazoxide	developmental	364987	February 27, 2001	Ganciclovir sodium	developmental, male	82410320	August 26, 1997
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987	Gemfibrozil	female, male	25812300	August 20, 1999
Dichlorophene	developmental	97234	April 27, 1999	Goserelin acetate	developmental, female, male	65807025	August 26, 1997
Dichlorophenamide	developmental	120978	February 27, 2001	Halazepam	developmental	23092173	July 1, 1990
Diclofop methyl	developmental	51338273	March 5, 1999	Halobetasol propionate	developmental	66852548	August 20, 1999
Dicumaryl	developmental	66762	October 1, 1992	Haloperidol	developmental, female	52868	January 29, 1999
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003	Halothane	developmental	151677	September 1, 1996
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987	Heptachlor	developmental	76448	August 20, 1999
Diflunisal	developmental, female	22494424	January 29, 1999	Hexachlorobenzene	developmental	118741	January 1, 1989
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997	Hexamethylphosphoramide	male	680319	October 1, 1994
Diltiazem hydrochloride	developmental	33286225	February 27, 2001	Histrelin acetate	developmental	—	May 15, 1998
m-Dinitrobenzene	male	99650	July 1, 1990	Hydramethylnon	developmental, male	67485294	March 5, 1999
o-Dinitrobenzene	male	528290	July 1, 1990	Hydroxyurea	developmental	127071	May 1, 1997
p-Dinitrobenzene	male	100254	July 1, 1990	Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999
2,4-Dinitrotoluene	male	121142	August 20, 1999	Ifosfamide	developmental	3778732	July 1, 1990
2,6-Dinitrotoluene	male	606202	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Isotretinoin	developmental	4759482	July 1, 1987
Dinocap	developmental	39300453	April 1, 1990	Lead	developmental, female, male	—	February 27, 1987
Dinoseb	developmental, male	88857	January 1, 1989	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Levodopa	developmental	59927	January 29, 1999
Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999	Levonorgestrel implants	female	797637	May 15, 1998
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Linuron	developmental	330552	March 19, 1999
Doxycycline (internal use)	developmental	564250	July 1, 1990	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lorazepam	developmental	846491	July 1, 1990
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Endrin	developmental	72208	May 15, 1998	Mebendazole	developmental	31431397	August 20, 1999
Epichlorohydrin	male	106898	September 1, 1996	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Ergotamine tartrate	developmental	379793	April 1, 1990	Megestrol acetate	developmental	595335	January 1, 1991
Estropipate	developmental	7280377	August 26, 1997	Melphalan	developmental	148823	July 1, 1990
Ethionamide	developmental	536334	August 26, 1997	Menotropins	developmental	9002680	April 1, 1990
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Meprobamate	developmental	57534	January 1, 1992
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Mercaptopurine	developmental	6112761	July 1, 1990
Ethylene dibromide	developmental, male	106934	May 15, 1998	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methimazole	developmental	60560	July 1, 1990
Ethylene oxide	female	75218	February 27, 1987	Methotrexate	developmental	59052	January 1, 1989
Ethylene thiourea	developmental	96457	January 1, 1993	Methotrexate sodium	developmental	15475566	April 1, 1990
Etodolac	developmental, female	41340254	August 20, 1999	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
				Methyl chloride	developmental	74873	March 10, 2000
				Methyl mercury	developmental	—	July 1, 1987
				N-Methylpyrrolidone	developmental	872504	June 15, 2001
				Methyltestosterone	developmental	58184	April 1, 1990
				Metiram	developmental	9006422	March 30, 1999
				Midazolam hydrochloride	developmental	59467968	July 1, 1990
				Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992

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Misoprostol	developmental	59122462	April 1, 1990	Resmethrin	developmental	10453868	November 6, 1998
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990	Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents.	developmental	—	July 1, 1989
Myclobutanol	developmental, male	88671890	April 16, 1999	(NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)			
Nabam	developmental	142596	March 30, 1999	Ribavirin	developmental male	36791045	April 1, 1990
Nafarelin acetate	developmental	86220420	April 1, 1990	Rifampin	developmental, female	36791045	February 27, 2001
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992	Sodium dimethylthiocarbamate	developmental, female	13292461	February 27, 2001
Netilmicin sulfate	developmental	56391572	July 1, 1990	Secobarbital sodium	developmental	309433	October 1, 1992
Nickel carbonyl	developmental	13463393	September 1, 1996	Sermorelin acetate	developmental	—	August 20, 1999
Nicotine	developmental	54115	April 1, 1990	Sodium	developmental	128041	March 30 1999
Nifedipine	developmental, female, male	21829254	January 29, 1999	Sodium dimethylthiocarbamate	developmental, female	—	March 30 1999
Nimodipine	developmental	66085594	April 24, 2001	Sodium fluoroacetate	male	62748	November 6, 1998
Nitrapyrin	developmental	1929824	March 30, 1999	Streptomycin sulfate	developmental	3810740	January 1, 1991
Nitrofurantoin male	developmental	67209	April 1, 1991	Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989	Sulfasalazine	male	599791	January 29, 1999
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990	Sulindac	developmental, female	38194502	January 29, 1999
Norethisterone (Norethindrone)	developmental	68224	April 1, 1990	Tamoxifen citrate	developmental	54965241	July 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991	Temazepam	developmental	846504	April 1, 1990
Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990	Teniposide	developmental	29767202	September 1, 1996
Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990	Terbacil	developmental	5902512	May 18, 1999
Norgestrel	developmental	6533002	April 1, 1990	Testosterone cypionate	developmental	58208	October 1, 1991
Oxadiazon	developmental	19666309	May 15, 1998	Testosterone enanthate	developmental	315377	April 1, 1990
Oxazepam	developmental	604751	October 1, 1992	2,3,7,8-Tetrachlorodibenzo-paradoxin (TCDD)	developmental	1746016	April 1, 1991
Oxydemeton methyl	female, male	301122	November 6, 1998	Tetracycline (internal use)	developmental	60548	October 1, 1991
Oxymetholone	developmental	434071	May 1, 1997	Tetracyclines (internal use)	developmental	—	October 1, 1992
Oxytetracycline (internal use)	developmental	79572	January 1, 1991	Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991	Thalidomide	developmental	50351	July 1, 1987
Paclitaxel	developmental, female, male	33069624	August 26, 1997	Thioguanine	developmental	154427	July 1, 1990
Paramethadione	developmental	115673	July 1, 1990	Thiophanate methyl	female, male	23564058	May 18, 1999
Penicillamine	developmental	52675	January 1, 1991	Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Pentobarbital sodium	developmental	57330	July 1, 1990	Tobramycin sulfate	developmental	49842071	July 1, 1990
Pentostatin	developmental	53910251	September 1, 1996	Toluene	developmental	108883	January 1, 1991
Phenacemide	developmental	63989	July 1, 1990	Triadimefon	developmental, female, male	43121433	March 30, 1999
Phenprocoumon	developmental	435972	October 1, 1992	Triazolam	developmental	28911015	April 1, 1990
Pimozide	developmental, female	2062784	August 20, 1999	Tributyltin methacrylate	developmental	2155706	December 1, 1999
Pipobroman	developmental	54911	July 1, 1990	Trientine hydrochloride	developmental	38260014	February 27, 2001
Plicamycin	developmental	18378897	April 1, 1990	Triforine	developmental	26644462	June 18, 1999
Polybrominated biphenyls	developmental	—	October 1, 1994	Trilostane	developmental	13647353	April 1, 1990
Polychlorinated biphenyls	developmental	—	January 1, 1991	Trimethadione	developmental	127480	January 1, 1991
Potassium dimethylthiocarbamate	developmental	128030	March 30, 1999	Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Pravastatin sodium	developmental	81131706	March 3, 2000	Triphenyltin hydroxide	developmental	76879	March 18, 2002
Prednisolone sodium phosphate	developmental	125020	August 20, 1999	Uracil mustard	developmental, female, male	66751	January 1, 1992
Procarbazine hydrochloride	developmental	366701	July 1, 1990	Urethane	developmental	51796	October 1, 1994
Propargite	developmental	2312358	June 15, 1999	Urofollitropin	developmental	97048130	April 1, 1990
Propylthiouracil	developmental	51525	July 1, 1990	Valproate (Valproic acid)	developmental	99661	July 1, 1987
Pyrimethamine	developmental	58140	January 29, 1999	Vinblastine sulfate	developmental	143679	July 1, 1990
Quazepam	developmental	36735225	August 26, 1997	Vinclozolin	developmental	50471448	May 15, 1998
Quizalofop-ethyl	male	76578148	December 24, 1999	Vincristine sulfate	developmental	2068782	July 1, 1990
				Warfarin	developmental	81812	July 1, 1987
				Zileuton	developmental, female	111406872	December 22, 2000

Date: April 16, 2004

**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

CHEMICAL LISTED EFFECTIVE
April 16, 2004 AS KNOWN TO THE STATE OF
CALIFORNIA TO REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *1,3-butadiene* to the list of chemicals known to the State to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65, Health and Safety Code section 25249.5 et seq.). The listing of *1,3-butadiene* is effective **April 16, 2004**.

1,3-Butadiene (CAS No. 106-99-0) is listed as a chemical known to the State of California to cause reproductive toxicity for developmental, female reproductive and male reproductive toxicity endpoints. The listing of *1,3-butadiene* is based on a formal identification by authoritative bodies (i.e., the National Institute for Occupational Safety and Health [“NIOSH”] and the U.S. Environmental Protection Agency [“US EPA”]) that this chemical causes reproductive toxicity. Regulations governing the listing of chemicals under the “authoritative bodies” mechanism are published in Title 22, California Code of Regulations, section 12306.

The reader is directed to the Notice of Intent to List *1,3-butadiene* published in the October 31, 2003, issue of the *California Regulatory Notice Register* (Register 2003, No. 44-Z) for the documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for this chemical. The documentation was developed to explain the basis for listing *1,3-butadiene* via the authoritative bodies provision of Proposition 65. OEHHA analyses of dose response data to establish a maximum allowable dose level (MADL) for *1,3-butadiene* under Proposition 65 have not been conducted. The priority status of the development of such analyses will be announced in a future *OEHHA Proposition 65 Status Report for Safe Harbor Levels*, available at

<http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table

outlines the addition of *1,3 butadiene* to the Proposition 65 chemical list as known to the State to cause reproductive toxicity:

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
1,3-Butadiene	106-99-0	Developmental, female reproductive, and male reproductive toxicity	AB

¹ Listing mechanism:
AB—“authoritative body” mechanism (Title 22, California Code of Regulations, Section 12306)

**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.

**DEPARTMENT OF CHILD SUPPORT SERVICES
Compromise of Arrearages—Family Reunification**

This is the late certification of compliance for lapsed emergency regulations that establish the definitions, procedure, and forms that enable local child support agencies to compromise arrearages owed by a parent whose child received aid after the parent’s separation or desertion, in order to facilitate successful parenting by reducing the financial strain upon return of the child to the parent.

Title 22
California Code of Regulations
ADOPT: 119003, 119015, 119019, 119045, 119069,
119076, 119191
Filed 04/02/04
Effective 04/02/04
Agency Contact: Lucila Ledesma (916) 464-5087

**DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control**

The regulatory action is the Certificate of Compliance for the emergency regulatory action that removed the prohibition on the movement of plant articles and commodities within an area quarantined for Oak Mortality Disease. (Prior OAL File 03-1104-03E; Department of Food and Agriculture File PH0404.)

Title 3
 California Code of Regulations
 AMEND: 3700(d)
 Filed 04/01/04
 Effective 04/01/04
 Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF HOUSING AND
 COMMUNITY DEVELOPMENT**
 Income Limits

This is a nonsubstantive filing updating income limits for households of varying sizes as adopted by the U.S. Department of Housing and Urban Development. This action is submitted to OAL for filing with the Secretary of State and printing only and is exempt from the APA pursuant to Health and Safety Code section 50093.

Title
 California Code of Regulations
 AMEND: 6932
 Filed 04/06/04
 Effective 04/06/04
 Agency Contact:
 Richard Friedman (916) 323-7288

DEPARTMENT OF WATER RESOURCES
 Conflict of Interest

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

Title 23
 California Code of Regulations
 REPEAL: 595
 Filed 04/02/04
 Effective 05/02/04
 Agency Contact: Amanda Jack (916) 651-6851

ENVIRONMENTAL PROTECTION AGENCY
 Environmental Justice Small Grants Program

This rulemaking action specifies how grants funded to support projects that address environmental justice as authorized by Public Resource Code section 71116 shall be awarded and administered.

Title 27
 California Code of Regulations
 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056
 Filed 04/01/04
 Effective 04/01/04
 Agency Contact: Diane Trujillo (916) 327-7780

**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD**
 Tree Work—Safe Work Procedures

The regulatory action deals with safe work procedures for tree work. (Prior OAL File 03-1017-03S.)

Title 8
 California Code of Regulations
 AMEND: 3427
 Filed 04/01/04
 Effective 04/01/04
 Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN DECEMBER 3, 2003
 TO APRIL 7, 2004**

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
 03/29/04 ADOPT: 1395, 1398 AMEND: 1314, 1321, 1322, 1323, 1324, 1332, 1334, 1354, 1390, 1392

Title 2
 03/23/04 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
 03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28

03/23/04 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

03/22/04 AMEND: 1859.77.2
 03/22/04 ADOPT: 599.517
 03/11/04 AMEND: 18703.1, 18703.2, 18703.3, 18703.4, 18703.5

03/11/04 AMEND: Div. 8, Ch. 53, Section 54200
 03/09/04 ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519

03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2

03/01/04 AMEND: 1555
 02/26/04
 02/23/04 AMEND: 59150
 02/23/04 AMEND: 1181.1

02/20/04 ADOPT: 58600
 02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001
 02/09/04 ADOPT: 599.893, 599.898, 599.906,
 599.907, 599.909 AMEND: 599.894,
 599.895, 599.896, 599.898 (renumbered
 to 599.897), 599.903, 599.904, 599.905,
 599.906 (renumbered to 599.908),
 599.910
 02/05/04 AMEND: 20107
 01/23/04 ADOPT: 18531.6 AMEND: 18531.61
 01/22/04 AMEND: 18707.5
 01/15/04 ADOPT: 599.516
 01/15/04 AMEND: 2270, 2271
 01/14/04 AMEND: 18427.1
 12/29/03 REPEAL: Division 8, Chapter 20, Sec-
 tions 41001, 41002, 41003, 41004,
 41005, 41006, 41007, 41008, 41009,
 41010, 41011, 41012, 41013
 12/22/03 AMEND: 1859.61, 1859.105, 1859.106,
 1859.141, 1859.142, 1859.145, 1859.147,
 1859.148, 1859.150.1, 1859.151,
 1859.152, 1859.153
 12/19/03 ADOPT: 1859.70.1, 1859.71.3,
 1859.78.5, 1859.78.6, 1859.78.7,
 1859.93.1, 1859.120, 1859.121,
 1859.122, 1859.122.1, 1859.122.2,
 1859.123, 1859.124, 1859.124.1,
 1859.125, 1859.125.1, 1859.126,
 1859.127, 1859.128, 1859.129, 1859.130,
 1859.140, 1859.141, 185

Title 3

04/01/04 AMEND: 3700(d)
 03/23/04 AMEND: 3423(b)
 03/23/04 AMEND: 6462
 02/17/04 AMEND: 3430(b)
 02/05/04 AMEND: 3417(b)
 01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854,
 2855, 2856, 2857
 01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
 6784 AMEND: 6000 REPEAL: 6450,
 6450.1, 6450.2, 6450.3, 6784
 01/05/04 AMEND: 3700(c)
 12/26/03 AMEND: 3417(b)

Title 4

03/29/04 ADOPT: 10163, 10164 AMEND: 10152,
 10153, 10154, 10155, 10156, 10157,
 10158, 10159, 10160, 10161, 10162
 03/23/04 AMEND: 4001
 03/05/04 ADOPT: 12204, 12205, 12210, 12211,
 12212, 12213, 12214, 12224, 12225,
 12227, 12228, 12229, 12230, 12231,
 12232 AMEND: 12200, 12201, 12202,
 12203, 12206, 12207, 12208, 12209,
 12220, 12221, 12222, 12223, 12226
 02/27/04 ADOPT: 12270, 12271, 12272

02/20/04 ADOPT: 12300, 12301, 12301.1, 12302,
 12303, 12304, 12305, 12306, 12307,
 12308, 12309, 12310 AMEND: 12300,
 12301, 12302, 12303, 12304, 12305,
 12309 REPEAL: 12303, 12307
 02/05/04 AMEND: 12202, 12212, 12213, 12220,
 12221, 1222, 12223, 12224, 1225, 12226,
 12227, 12228, 12229, 12230, 12231,
 12232
 02/05/04 ADOPT: 12370, 12371
 01/22/04 AMEND: 1371 REPEAL: 1373.1
 12/15/03 ADOPT: 12250 AMEND: 12101, 12122

Title 5

03/15/04 ADOPT: 19810, 19811, 19812, 12913,
 19814, 19815, 19816, 19817, 19818,
 19819, 19820, 19821, 19822, 19823,
 19824, 19825, 19826, 19827, 19828,
 19829, 19830, 19831
 03/11/04 ADOPT: 19802
 03/08/04 AMEND: 30060
 02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014,
 6110, 6111, 6112, 6115
 02/10/04 AMEND: 11960
 02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853,
 589
 02/02/04 ADOPT: 42353.1 AMEND: 42354
 02/02/04 REPEAL: 41801
 02/02/04 AMEND: 41301
 01/16/04 ADOPT: 58509 REPEAL: 58509
 12/29/03 ADOPT: 18074, 18074.1, 18074.2,
 18074.3, 18075, 18075.1, 18075.2,
 18076, 18076.1, 18076.2 AMEND:
 18413, 18428 REPEAL: 18021

Title 8

04/01/04 AMEND: 3427
 03/22/04 AMEND: 1529(g)
 03/18/04 ADOPT: 5148
 02/03/04 AMEND: 1712
 02/02/04 ADOPT: 32017, 32018, 51096, 71010,
 71026, 71027, 71030, 71035, 71040,
 71050, 71055, 71060, 71070, 71080,
 71090, 71095, 71100, 71110, 71115,
 71120, 71130, 71140, 71200, 71210,
 71225, 71230, 71235, 71300, 71310,
 71320, 71330, 71340, 71680, 71685,
 71700, 71
 01/02/04 ADOPT: 9789.10, 9789.11, 9789.20,
 9789.21, 9789.22, 9789.23, 9789.24,
 9789.30, 9789.31, 9789.32, 9789.33,
 9789.34, 9789.35, 9789.36, 9789.37,
 9789.38, 9789.40, 9789.50, 9789.60,
 9789.70, 9789.80, 9789.90, 9789.100,
 9789.110
 12/31/03 ADOPT: 10250
 12/22/03 AMEND: 341.17

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12/18/03 ADOPT: 15611 AMEND: 15600, 15601, 15601.7, 15602, 15603, 15604, 15605, 15606, 15607, 15608 REPEAL: 15610

Title 9

03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5, 7006, 7006.3, 7009.1, 7013.2, 7013.6, 7014, 7014.1, 7017.2, 7017.5, 7017.7, 7018.4, 7019.5, 7021.5, 7024.7, 7028.1, 7028.6, 7028.8, 7029.1, 7029.6, 7029.7, 7029.9, 7035, 7037, 7038, 7098, 7128, 7129, 7130, 7130.5, 7

Title 10

03/25/04 ADOPT: 2695.40, 2695.41, 2695.42, 2695.43, 2695.44, 2695.45
 03/15/04 ADOPT: 2361
 03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 03/01/04 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.501,
 01/16/04 AMEND: 260.102.14
 01/02/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45
 12/31/03 AMEND: 2318.6, 2353.1
 12/31/03 AMEND: 2318.6, 2353.1, 2354
 12/30/03 ADOPT: 2699.6612, 2699.6827
 AMEND: 2699.6500, 2699.6600, 2699.6607, 2699.6611, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.6813, 2699.6815, 2699.6819
 12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
 12/26/03 REPEAL: 4035, 4036, 4037, 4038
 12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5323, 5324, 5326, 5327, 5328, 5329, 5330, 5340, 5341, 5342, 5343
 12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 4620
 12/26/03 REPEAL: 4550, 4551, 4552, 4553
 12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207

12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619

12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074 REPEAL: 4070, 4071, 4072, 4073, 4074

12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12

12/22/03 AMEND: 2190.05, 2190.7

12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3, 2591.4

Title 11

01/06/04 ADOPT: 2000, 2001, 2020, 2050, 2051, 2052, 2053, 2070, 2071, 2072, 2140, 2141, 2142

12/30/03 AMEND: 1005

12/05/03 AMEND: 1002(a)(8)

Title 13

03/01/04 ADOPT: 159.00

02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d), 1962

01/26/04 AMEND: 553.70

01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22

12/31/03 AMEND: 550, 551.1, 551.2, 551.11, 551.12, 551.13, 551.14, 551.15, 551.16, 551.17, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 565, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595, 598

12/23/03 ADOPT: 225.48

12/23/03 ADOPT: 220.20 AMEND: 220.00, 220.02, 220.04, 220.06, 220.08, 220.12, 220.14, 220.16, 220.18, 221.00, 221.02, 221.04, 221.06, 221.08, 221.10, 221.12,

Title 14

03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27

03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320, 2401, 2500, 2501, 2518

03/29/04 AMEND: 150, 150.02, 150.03, 150.05

03/08/04 AMEND: 3698, 3699

03/02/04 AMEND: 18464, 18465

02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50, 5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43, 195

02/09/04 AMEND: 630

02/02/04 AMEND: 112

01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58

01/15/04 AMEND: 150.06(c)

01/12/04 ADOPT: 17946, 17949

12/31/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08,

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4970.10, 4970.11, 4970.12, 4970.13,
4970.14, 4970.15, 4970.16, 4970.17,
4970.18, 4970.19, 4970.20, 4970.21.
4970.21, 4970.21, 4970.22, 4970.23,
4970.2

12/30/03 ADOPT: 1.18

12/26/03 AMEND: 7.50(b)(147)

Title 14, 27

12/26/03 ADOPT: 17387, 17387.1, 17387.5,
17388, 17388.1, 17388.2, 17388.3,
17388.4, 17388.5, 17389, 17390, 18223.6
AMEND: 24565, 21570

Title 15

03/03/04 AMEND: 2005

01/27/04 AMEND: 3426

01/09/04 ADOPT: 3000 AMEND: 3005, 3044,
3062, 3313, 3314, 3315, 3323, 3376

12/30/03 AMEND: 3044, 3092, 3138, 3190

Title 16

03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154,
4155

03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,
1877 REPEAL: 1815

01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4,
59, 60, 61, 68.2, 68.3, 68.4, 68.5
AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2,
98 REPEAL: 52.1

12/29/03 AMEND: 3830

12/18/03 AMEND: 1920

Title 17

02/05/04 ADOPT: 90800.75, 90800.9, 90804
AMEND: 90800.8, 90801, 90802, 90803

02/03/04 AMEND: 50604, 50608, 54326, 54370,
56003, 56082, 57540, 58510, 58671

01/23/04 AMEND: 54001, 54010

12/05/03 ADOPT: 94166, 94167 AMEND: 94010,
94011, 94163, 94164, 94165

12/04/03 AMEND: 70600, 70601

Title 18

01/26/04 AMEND: 1591

01/21/04 ADOPT: 1621

12/22/03 ADOPT: 1598.1

12/04/03 REPEAL: 24348 (a)

Title 20

01/14/04 ADOPT: 14.7

12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3,
1395.4, 1395.6

Title 22

04/02/04 ADOPT: 119003, 119015, 119019,
119045, 119069, 119076, 119191

03/26/04 AMEND: 66250.1, 66250.2, 66260.1,
66260.2, 66260.3, 66260.4, 66260.5,
66260.1, 66260.2, 66260.3, 66260.4,
66260.5

03/23/04 AMEND: 5200

03/22/04 AMEND: 66260.10

03/08/04 AMEND: 97232

02/26/04 AMEND: 66260.10, 66268.7, 66268.8,
66268.42

02/24/04 ADOPT: 51008.1 AMEND: 51104,
51520, 51521

02/03/04 ADOPT: 51200.01 AMEND: 51000.4,
51000.30, 51000.45, 51000.50, 51000.55,
51200, 51454

01/14/04 ADOPT: 51315 REPEAL: 51515

12/24/03 ADOPT: 1326-3 AMEND: 1251-1,
1253(a)-1, 1326-2, 1326-4, 1326-5,
1326-6

12/09/03 AMEND: 66262.32

Title 22, MPP

03/11/04 ADOPT: 102416.1 AMEND: 80001,
80019, 80019.1, 80019.2, 80054, 80061,
80065, 80066, 87101, 87219, 87219.1,
87454, 87565, 87566, 87801, 87819,
81819.1, 87854, 87861, 87865, 87866,
101152, 101170, 101170.1, 101170.2,
101195, 101212, 101216, 101217,
102352,

12/30/03 AMEND: 101170, 102370

12/29/03 ADOPT: 87701.2 AMEND: 87101,
87218, 87561, 87575.1, 87577, 87578,
87691, 87701, 87701.1, 87701.2, 87702,
87702.1, 87703, 87704, 87705, 87707,
87708, 87709, 87710, 8711, 87713

12/17/03 ADOPT: 85001(a)(2)-(4), 85001(d)(1),
85001(f)(1), 85001 (h)(1)-(4),
85001(t)(1); 85075.1, 85075.2, 85075.3
AMEND: 85075.4

12/10/03 ADOPT: 89002 AMEND: 80017, 87118,
87817, 88030, 89317, 110168, 102368

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04/02/04 REPEAL: 595

03/24/04 ADOPT: 3956

02/27/04 ADOPT: 3939.7

02/27/04 ADOPT: 3939.6

01/30/04 ADOPT: 3939.5

01/30/04 ADOPT: 3939.4

01/26/04 ADOPT: 3717

01/05/04 AMEND: 3977

12/23/03 ADOPT: 1061, 1062, 1063, 1064, 1065,
1066, 1067, 1068, 1069, 1070, 1071,
1072, 1073, 1074, 1075, 1076, 1077,
1078, 3833.1 AMEND: 655, 656, 676,
736, 791, 793, 812, 842, 871, 1010, 3833,
3867 REPEAL: 677

12/22/03 AMEND: 3926

12/18/03 ADOPT: 3927

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03/30/04 AMEND: 19200, 19205

03/22/04 AMEND: 7552

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04/01/04 ADOPT: 10050, 10051, 10052, 10053,
10054, 10055, 10056

Title 28

02/24/04 AMEND: 1000

Title MPP

02/26/04 ADOPT: 63-502.371 AMEND: 63-
502.371, 63-502.372, 63-502.373, 63-
502.374, 63-502.375, 63-502.376
REPEAL: 63-502.371(c)

02/25/04 AMEND: 63-503, 63-504, 63-505

02/02/04 ADOPT: 47-120, 47-430 AMEND: 40-
107, 40-131, 40-181, 42-711, 47-301

01/16/04 AMEND: 63-300, 63-407, 63-408, 63-
410, 63-411, 63-503, 63-505

12/31/03 AMEND: 42-207, 42-215, 63-501, 63-
1101

12/29/03 AMEND: 42-712, 42-719, 44-111

12/15/03 AMEND: 11-405.2, 11-406(f)

