



California Regulatory Notice Register

REGISTER 2004, NO. 17-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 23, 2004

PROPOSED ACTION ON REGULATIONS

TITLE 2. STATE ALLOCATION BOARD	<i>Page</i>
<i>Leroy F. Greene School Facilities Act of 1998—Notice File No. Z04-0413-05</i>	499
TITLE 14. FISH AND GAME COMMISSION	
<i>New Zealand Mud Snail—Notice File No. Z04-0413-04</i>	501
TITLE 14. FISH AND GAME COMMISSION	
<i>Upper Sacramento River—Notice File No. Z04-0413-03</i>	502
TITLE 18. FRANCHISE TAX BOARD	
<i>Penalty for Failure to File Return Upon Notice and Demand—Notice File No. Z04-0412-01</i>	504

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES	
<i>Public Meeting of the Drug Use Review Board</i>	505
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Arsenic in Drinking Water Public Health Goal</i>	506

RULEMAKING PETITION DECISIONS

AIR RESOURCES CONTROL BOARD	
<i>Regarding Petitioner Briggs & Stratton</i>	507
BOARD OF PRISON TERMS	
<i>Regarding Petitioner Ricky Milton</i>	508

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	509
Sections Filed, December 10, 2004 to April 14, 2004	511

*Time-Dated
Material*

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.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

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. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2 AND 1859.77.2, ALONG WITH AN ASSOCIATED FORM, AND TO ADOPT REGULATION SECTION 1859.77.3, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) 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 OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to two regulation sections and is adopting one regulation section under the authority provided by Section 17072.13 of the Education Code. The proposals interpret and make specific reference to Sections 17072.13 and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facility Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school

facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facility Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999. Amendments to Regulation Section 1859.77.2 and the adoption of new Regulation Section 1859.77.3 pertain to the use of new construction grants and are as follows:

Existing Regulation Section 1859.77.2 allows a school district to receive new construction grants that exceed the capacity of a project and to use grant eligibility determined at a grade level other than the proposed project. It also allows school districts to request to use a reasonable number of grants to construct needed facilities, some of which by their nature do not house students (i.e., gymnasiums, libraries, multi-purpose rooms). This Section also limits the number of school district requests for projects that can utilize use of grants and eliminates the method of multi-track year-round education as a means to house displaced students. The proposed amendments provide clarifying language changes for consistency purposes.

Proposed adoption of Regulation Section 1859.77.3 limits the usage of use of grants requests and controls the funding by utilizing a formula that curtails over-spending, and ensures that proposed use of grants requests have been discussed at districts' governing boards regularly scheduled public meetings so the public is aware of the projects and can see how the funds will be spent prior to filing the application. Additionally, districts must self-certify to the SAB that the approvable housing plan includes specific criteria. This ensures districts build what is presently needed and prevents over-building.

Existing Form SAB 50-04 is used when a school district is seeking funding for a new construction or modernization project. The proposed amendments provide direction to school districts when requesting the appropriate use of grants scenario.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from

the proposed regulatory actions and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS, AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory actions. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than June 7, 2004 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory actions, requests for a copy of the proposed regulatory actions

or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory actions should be addressed to:

Lisa Jones, Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Robert Young, at (916) 445-0083.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory actions. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.

2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 2118 and 2120, of the Fish and Game Code and to implement, interpret or make specific Sections 1002, 2116, 2118, 2118.2, 2118.4, 2119-2155, 2190, 2271, 3005.2 and 3005.92, of said Code, proposes to amend Section 671, Title 14, California Code of Regulations, relating to New Zealand Mud Snails, Restricted Species.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations restrict the importation, transportation, and possession of several animal species that could be detrimental to California ecosystems. The New Zealand mudsnail (NZMS), an invasive species that has the potential to significantly alter the aquatic ecosystem in many California streams, is not currently on the restricted species list in Section 671, Title 14, California Code of Regulations. Authority is

currently lacking for the Department to restrict the possession, transportation or importation of NZMS. The Department is proposing to add NZMS to the restricted species list in Section 671 to enhance regulatory authority for controlling its spread into and within the State.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, California on Tuesday, May 4, 2004, at 9:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Friday, June 25, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 18, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than June 25, 2004, at the hearing in Sacramento, CA. All written comments must include the true name and mailing address of the commentator.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding address or phone number. Dr. Ed Pert, Department of Fish and Game, phone (916) 445-3616 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full

compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

Impact of Regulatory Action:

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed change is expected to prevent potential declines in trout populations and their habitats.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:
The 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.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 206, 215 and 316.5, of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to the Klamath-Trinity River System.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations for the upper Sacramento River in the reach between Box Canyon Dam to Lake Shasta allow angling only during the general trout season from the last Saturday in April through November 15.

The City of Dunsmuir has proposed opening the upper Sacramento River to zero-limit, catch-and-release angling during the normal closure period, November 16 through the last Friday in April.

The Department supports the proposal by the City of Dunsmuir and recommends changing current regulations to allow angling in the Upper Sacramento River from November 16 through the last Friday in April, with a zero bag limit and the use of artificial lures and barbless hooks only.

The Department has reviewed existing data, and considered potential angler use, catch-rates and possible impacts to the wild trout population. It was determined that under the proposed zero-limit, artificial lure regulation, there would be no significant or measurable impacts to the wild trout population of the upper Sacramento River.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Elk Valley Rancheria, 2500 Howland Hill Road,

Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 18, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than June 24, 2004, at the hearing in Crescent City, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding address or phone number. Dr. Ed Pert, Department of Fish and Game, phone (916) 445-3616 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

Impact of Regulatory Action:

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed change is expected to improve angler opportunity and provide some economic benefit to the local area.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:
The 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.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 18. FRANCHISE TAX BOARD

NOTICE OF PROPOSED RULEMAKING

The Franchise Tax Board proposes to adopt the proposed regulation after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Franchise Tax Board will not hold a public hearing unless requested by interested persons or their representatives at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the officer named below.

WRITTEN COMMENT PERIOD

Any interested persons or their representatives may submit written comments to the officer named below. Written comments will be accepted until 5:00 p.m., June 7, 2004. The Franchise Tax Board will consider all relevant matters presented before the proposed regulatory action is taken.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), Part 10.7 (commencing with Section 21001) and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code. The proposed regulatory action implements, interprets and makes specific Section 19133 of the Revenue and Taxation Code, which is included in Part 10.2 of the Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Franchise Tax Board proposes to adopt California Code of Regulations, title 18, section 19133.

Revenue and Taxation Code section 19133 provides the Franchise Tax Board with the discretionary authority to assess a notice and demand penalty upon those taxpayers who fail to file a tax return upon notice and demand by the Franchise Tax Board.

The proposed regulation is to clarify under what circumstances the Franchise Tax Board will impose a notice and demand penalty upon individual taxpayers.

Under the proposed regulation, the Franchise Tax Board will impose the notice and demand penalty only upon those individual taxpayers who are determined to be "repeat nonfilers". A repeat nonfiler is an individual who has received a proposed assessment of tax after receiving and failing to respond to either a request for tax return or a demand for tax return within the previous four years. A repeat nonfiler who fails to respond to a current demand for tax return in the manner and within the time period specified on the demand for tax return will be subject to the imposition of the notice and demand penalty.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Franchise Tax Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

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

Cost or savings in Federal funding to the State: None.

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

Cost impacts on a representative private person or business: Because the proposed regulation addresses the limited circumstances under which the Franchise Tax Board imposes the notice and demand penalty, the Franchise Tax Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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

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

Significant effect on housing costs: None.

Effect on small business: Sole proprietors are taxpayers who file individual tax returns and are treated as individual taxpayers. Thus, the proposed regulation would affect sole proprietorships in the same manner as it affects individuals. Only those sole proprietors who are repeat nonfilers and who fail to respond to a current demand for tax return would be subject to the notice and demand penalty. This regulation is not applicable to any other business entity such as corporations, partnerships or limited liability companies.

CONSIDERATION OF ALTERNATIVES

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

The Franchise Tax Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

CHANGE OR MODIFICATION OF ACTIONS

The Franchise Tax Board may adopt the proposed regulatory action after consideration of any comments received during the comment period. Government Code section 15702, subdivision (b), provides for consideration by the three-member Board of any proposed regulatory action, if any person makes such a request in writing. If a written request is received, the three-member Board will consider the proposed regulatory action prior to adoption.

The regulation may also be adopted with modifications if the changes are nonsubstantive or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulation as modified could result from that originally proposed. The text of the regulation as modified will be made available to the public at least 15 days prior to the date on which the regulation is adopted. Requests for

copies of any modified regulation should be sent to the attention of the officer named below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

When the final statement of reasons is available, it can be obtained by contacting the officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the initial statement of reasons, and the express terms of the proposed regulation are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

ADDITIONAL COMMENTS

If a hearing is held, the hearing room will be accessible to persons with physical disabilities. Any person who is in need of a language interpreter, including sign language, should contact the officer named below at least two weeks prior to any scheduled hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov, or the designated backup, Craig Scott, Tel.: (916) 845-6510; Fax: (916) 0536; E-Mail craig.scott@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Craig Scott.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES

Notice is hereby given that the **Drug Use Review (DUR) Board** will conduct a public meeting on **Tuesday, May 18, 2004**.

Time: 10:00 A.M. to Noon

Location: Department of Health Services
1501 Capitol Avenue, Room 71.2011
Sycamore (Common)
Sacramento, CA 95814.

AGENDA

1. CALL MEETING TO ORDER and ROLL CALL
2. APPROVAL OF LAST MINUTES—Action
3. OPERATIONAL ISSUES—Discussion/Action
 - a. Review and approve policy for rotation of DUR Board members.
4. UNFINISHED BUSINESS
 - a. Report on status of Step Therapy—Information
 - b. Summary of potential projects, overall impact, timeline and resource requirements.—Information
 - c. Vote to approve new Target Drug List logic—Action
5. STATUS AND UPDATE OF DUR PROJECTS—Information
 - a. Arthritis
 - b. Asthma
 - c. Atypical Antipsychotics Education Project
 - d. AWARE
6. NEW BUSINESS
 - a. Vote to approve addition of 3 new atypical antipsychotics to the Target Drug List.—Action
 - b. Review Chronic Opioid Medication Use Evaluation—Discussion
7. VISITOR PRESENTATIONS

Anyone may address the DUR Board regarding any item which is not on this agenda as authorized by Gov. Code Section 54954.2. Presentations are limited to three (3) minutes per person, per topic. A maximum of 30 minutes will be allocated for this item.
8. DATE OF NEXT DUR BOARD MEETING—Discussion/Action
9. COMMENTS FROM THE BOARD
10. COMMENTS FROM THE AUDIENCE
11. ADJOURNMENT

Speaker Request Forms will be available at the meeting or may be obtained by contacting:

Electronic Data Systems
3215 Prospect Park Drive
Rancho Cordova, CA 95670.
Attention: Jude Simon-Leack, Pharm.D., and MSW.

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

NOTICE TO INTERESTED PARTIES

**ANNOUNCEMENT OF PUBLICATION OF
THE FINAL PUBLIC HEALTH GOAL FOR
ARSENIC IN DRINKING WATER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency announces the publication of the final Public Health Goal (PHG) for arsenic. The first draft document was posted on the OEHHA Web site (www.oehha.ca.gov) in September 2002. A one-day public workshop was held in October 2002 to discuss the scientific basis and recommendations in the draft technical support document. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003(a) and 116365, for conducting the workshop and obtaining public input. Following the workshop, OEHHA revised the document as appropriate, and made it available for a 30-day public review and scientific comment period. OEHHA has considered the comments from the public at the workshop and during the public review and scientific comment periods, plus review comments from the University of California and U.S. Environmental Protection Agency (U.S. EPA), and finalized the document. This final document is posted on the OEHHA Web site (www.oehha.ca.gov), along with the responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), amended 1999, requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Ms. Catherine Caraway
(ccaraway@oehha.ca.gov)
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment

California Environmental Protection Agency
 Headquarters: 1001 I Street, 12th floor
 Sacramento, California 95814
 Mailing address: P.O. Box 4010
 Sacramento, CA 95812-4010
 Attention: Arsenic

**RULEMAKING PETITION
 DECISIONS**

AIR RESOURCES BOARD

DECISION DENYING PETITION

**IN THE MATTER OF A PETITION BY:
 BRIGGS & STRATTON**

On March 11, 2004, the Air Resources Board (ARB or Board) received a Petition for Rulemaking from Briggs & Stratton (“BS”). The Petition “. . . requests that the Air Resources Board schedule a public hearing to consider amendment and adoption of emissions control standards and test procedures for small off-road engines.”¹ Pursuant to Government Code section 11340.7, the ARB hereby responds to the Petition submitted by BS. As discussed below, the ARB denies the Petition.

The regulatory action addressed in the Petition was proposed by the ARB staff in a Notice and Initial Statement of Reasons released August 7, 2003. The Notice provided that the ARB would conduct a public hearing to consider amendments to the small off-road engine regulations and test procedures and adopt evaporative emissions standards, certification procedures and evaporative test procedures for small off-road engines. The Notice, Initial Statement of Reasons, proposed regulations, and subsequent rule-making documents can be found on the ARB internet site at:

<http://www.arb.ca.gov/regact/sore03/sore03.htm>

On September 25, 2003, the Board held a public hearing to consider the proposed regulatory action. At the hearing the Board did not take final action to adopt the proposed regulations. Instead, the Board approved Resolution 03-7-3, which states:

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the above amendments as set forth in Attachment A hereto, with the modifications set forth in Attachment B hereto and such other conforming modifications and technical amendments as may be appropriate, after

making the modified regulatory language and additional supporting documents and information available for public comment for a period of 30 days, provided that the Executive Officer shall consider such written comments regarding the modification and additional supporting documents and information as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if she determines that this is warranted.

The Board delegated final adoption authority to the Executive Officer in order to meet the requirements of the Administrative Procedure Act (APA; Government Code section 11340 et seq.). The APA requires that whenever an agency makes a significant change to a proposed regulation that has been made available for public review, it must provide an additional public comment period of at least 15 days (commonly known as a “15-day comment period”; see Government Code section 11346.8(c)). The APA further requires that an agency cannot take final action to adopt the regulation until all modifications to the originally proposed regulatory language have been made available for this additional 15-day comment period (Government Code section 11346.8(c)). This is why the Board delegated the responsibility to adopt the amendments to the ARB Executive Officer.² Under this process, which the ARB has followed for many years in rulemakings where 15-day modifications are made, the Executive Officer will sign an Executive Order that will formally adopt the regulations. The standard practice is for the Executive Order to be signed shortly before the regulatory action is submitted to the Office of Administrative Law, after all comments have been considered and the Final Statement of Reasons has been prepared.

The Petition, therefore, seems to be based on the incorrect assumption that the ARB has taken a final action to adopt the regulations at its September 25, 2003 public hearing. As described above, the ARB has not yet taken final action to adopt the proposed regulations. The regulatory adoption process under the APA is still ongoing and has not yet been completed. If the Executive Officer ultimately concludes that BS or some other commenter has raised valid issues and that additional regulatory modifications are appropriate, then the Executive Officer will either make such modifications or will return to the Board, as specified in the portion of Resolution 03-7-3 set forth above. At present, the Petition is premature; the ARB must complete the administrative process of adopting

¹ Petition at p.3.

² Health and Safety Code sections 39515 and 39516 authorize delegation to the Executive Officer.

regulations before the agency can consider repealing or amending them. Moreover, the final text of the regulations is still under consideration and the petitioner may influence the final form of the regulations by commenting on the proposed modifications to the regulations.

Based on the reasons stated above, the Petition of Briggs & Stratton is denied. If the petitioner or others have any questions, the agency contact person is George Poppic, Senior Staff Counsel, (916) 322-3940. Interested persons may obtain a copy of the Petition from the ARB upon request.

BOARD OF PRISON TERMS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 2, Board of Prison Terms

PETITIONER

Ricky Milton's petition was received by the Board of Prison Terms (Board) on March 18, 2004. This petition is a duplicate of the petition submitted by Robert Gruner on December 31, 2003. Therefore, the issues and the Board's response, set forth below, are identical to the response submitted on behalf of Mr. Gruner.

AUTHORITY

Under authority established in Penal Code (PC) Sections (§§) 3041, 3052 and 5076.2, the Board may prescribe and amend regulations for the administration of parole.

CONTACT PERSON

Please direct any inquiries regarding this action to Lori Manieri, Regulations Coordinator, Board of Prison Terms, by mail at 1515 "K" Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 445-5277, by telefax at (916) 322-3475, or by E-mail to: "regcomment@bpt.ca.gov".

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Board's contact person.

SUMMARY OF PETITION

The petition submitted to the Board pursuant to Government Code section § 11340.6 declares that language at California Code of Regulations (CCR) § 2402(c)(1), "The prisoner committed the offense in an especially heinous, atrocious or cruel manner"—

was declared unconstitutional [vague] pursuant to the court's ruling in *People v. Superior Court of Santa Clara* (1982) 31 Cal.3d 797.

BOARD DECISION

Pursuant to Penal Code section 3041:

The board shall establish criteria for setting of parole release dates and in doing so shall consider the number of victims of the crime for which the prisoner was sentenced and other factors in mitigation or aggravation of the crime . . . The panel or board shall set a release date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of public safety requires a more lengthy period of incarceration.

California Code of Regulations § 2402 sets forth the criteria by which a prisoner will be found suitable or unsuitable for parole. Language at CCR § 2402(c), stating that the prisoner "committed the offense in an especially heinous, atrocious or cruel manner" is only a general guideline as to the grievous nature of the crime. If the hearing panel determines that the crime was committed in this manner, it refers to objective criteria set forth in CCR § 2402(c)(1), subsections (A) through (E), to further clarify the reasons upon which to base its decision. The panel's decision of unsuitability is not limited to the nature or details of the crime(s) involved.

In addition to these factors, the Board shall consider:

All relevant, reliable information including, the circumstances of the prisoner's social history; past and present mental state; past criminal history . . . ; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment of control, including the use of special conditions under which the prisoner may safely be released to the community; and any other information which bears on the prisoner's suitability for release. Circumstances which taken alone may not firmly establish unsuitability for parole may contribute to a pattern which results in a finding of unsuitability.

If after considering the above factors it is found that the prisoner poses an unreasonable risk of danger to society, then the panel would render a finding of unsuitability.

THE BOARD DENIES YOUR PETITION FOR THE FOLLOWING REASONS

The language in section 2402(c)(1), "especially heinous, atrocious or cruel manner," is merely a general guideline further clarified by criteria set forth

in subsections (A) through (E). These criteria are specific, and have not been held invalid by the court. The Board also considers all relevant information (described above) and renders a finding of suitability or unsuitability based upon those findings. The petition is therefore denied.

<p>SUMMARY OF REGULATORY ACTIONS</p>

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.

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Amend Application Revision Date

This action updates the Bureau's Form 61 A-2, used as an application for registration of appliance service contractors, to provide for the collection of information pertaining to the financial soundness or backing of service contractors now required as the result of amendments to Business and Professions Code sections 9855 and 9855.2, effective January 1, 2004.

Title 16
 California Code of Regulations
 AMEND: 2756
 Filed 04/12/04
 Effective 04/12/04
 Agency Contact: Linda Shaw (916) 574-0283

CAL-PERS

Minimum Standards for Health Benefits Plans

In this emergency regulatory action, the California Public Employees' Retirement System (CalPERS) amends a regulation pertaining to "Minimum Standards for Health Benefit Plans" to allow health benefits plans to charge contracting agency employees and annuitants rates that are based on regional variations in the costs of health care services, subject to the approval of the CalPERS Board.

Title 2
 California Code of Regulations
 AMEND: 599.508
 Filed 04/15/04
 Effective 04/15/04
 Agency Contact: Marilyn Clark (916) 326-3007

CAL-PERS

Alternative Benefit Plans

This emergency rulemaking defines the term "alternative benefit plan," identifies the standards such plans must meet, and the basic procedural requirements and timetable for contracting agencies intending to offer alternative health benefit plans.

Title 2
 California Code of Regulations
 ADOPT: 599.511 AMEND: 599.500
 Filed 04/13/04
 Effective 04/13/04
 Agency Contact: Marilyn Clark (916) 326-3007

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Penalty Guidelines

This emergency regulatory action incorporates penalty guidelines for use in disciplinary actions under the Alcoholic Beverage Control Act and Administrative Procedure Act.

Title 4
 California Code of Regulations
 ADOPT: 144
 Filed 04/13/04
 Effective 04/13/04
 Agency Contact: Theresa Laster (916) 419-2526

DEPARTMENT OF CORPORATIONS

Electronic Filings—Offer and Sale of Securities

In this Certificate of Compliance regulatory action relating to the Corporate Securities Law of 1968, the Department of Corporations provides for the electronic filing of notices under the "limited offering exemption" of Corporations Code section 25102(f).

Title 10
 California Code of Regulations
 AMEND: 260.102.14
 Filed 04/13/04
 Effective 04/13/04
 Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF DEVELOPMENTAL SERVICES

Community Services—Definition of Substantial Disability

This rulemaking action makes permanent the emergency regulations that revise the criteria to be used by a regional center to assess the eligibility for ongoing regional center services to require that a person must have a developmental disability that constitutes a substantial disability. "Substantial disability" is defined so as to require the existence of significant functional limitations in three or more of the following areas of major life activity, as appropriate to the person's age: receptive and expressive language, learning, self-care, mobility, self-direction,

capacity for independent living, and economic self-sufficiency. The revision also provides that any reassessment of substantial disability for purposes of continuing eligibility shall use the same criteria under which the individual was originally made eligible.

Title 17
California Code of Regulations
AMEND: 54001, 54010
Filed 04/12/04
Effective 04/12/04
Agency Contact: John Ellis (916) 654-2190

DEPARTMENT OF MOTOR VEHICLES
Driver Education Pilot Program

This is a nonsubstantive action repealing the Driver Education Pilot Program, a non-classroom driver education program for persons under 18 years of age. The statutory authority for this program, Vehicle Code section 12814.8, was repealed by its own terms on January 1, 2004.

Title 13
California Code of Regulations REPEAL: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06
Filed 04/09/04
Effective 04/09/04
Agency Contact:
Christie Patrick (916) 657-5567

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Hoists

The California Occupational Safety and Health Standards Board is amending sections 5044, 5046, and 5049; they are further amending Table S-1, Table S-1a, Table S-11, Table S-12, Table S-13, and Table S-14. These amendments are editorial changes.

Title 8
California Code of Regulations
AMEND: 5044, 5046, 5049. and Table S-1, Table S-1a, Table S-11, Table S-12, Table S-13, and Table S-14.
Filed 04/13/04
Effective 04/13/04
Agency Contact: Marley Hart (916) 274-5721

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Specific Regulatory Levels Posing No Significant Risk

This action implements Proposition 65 by adopting "No Significant Risk Levels" for benzene and bromoform.

Title 22
California Code of Regulations
AMEND: 12705

Filed 04/12/04
Effective 05/12/04
Agency Contact: Susan Luong (916) 327-3015

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This action updates the list of "Chemicals Known to the State to Cause Cancer or Reproductive Toxicity" and is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 24249.8.

Title 22
California Code of Regulations
AMEND: 12000
Filed 04/12/04
Effective 11/14/03
Agency Contact: Cynthia Oshita (916) 322-2068

STATE WATER RESOURCES CONTROL BOARD
Certification of Individuals Working With Underground Storage Tanks

This rulemaking action concerns training and certification requirements for individuals working with underground storage tank systems, requirements for monitoring of pressurized piping, and requirements on compatibility of underground storage tank components with materials they contain. The action requires an underground storage tank owner to sign a statement indicating that the owner understands and is in compliance with all applicable underground storage tank requirements and has identified to the local agency the designated operator for the facility. The action requires the designated operator to have a certification from the International Code Council (ICC), which must be renewed every 24 months, to perform and document a monthly visual inspection of the facility, and to annually train facility employees on the job. The action also requires installers and service technicians to be certified by the ICC. The action requires local agency inspectors or special inspectors to possess a current inspector certificate issued by the ICC and to renew the certificate every 24 months by passing the ICC exam or satisfying equivalent criteria. The action also requires piping to be equipped with monitoring that will stop the flow of product in the event of a leak, and requires owners or operators to submit a list of compatible products tested and the measured product permeation rates, if such testing is required by the industry code or engineering standard used to evaluate the component, upon request.

Title 23
California Code of Regulations
ADOPT: 2631.1, 2638, 2715 AMEND: 2611, 2630, 2635, 2636, 2636.1, 2637, 2641, 2712

Filed 04/08/04
 Effective 05/08/04
 Agency Contact: Scott Bacon (916) 341-5873

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN DECEMBER 10, 2003
 TO APRIL 14, 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

04/13/04 ADOPT: 599.511 AMEND: 599.500
 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
 03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
 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
 03/22/04 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: 1181.1
 02/23/04 AMEND: 59150
 02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001
 02/20/04 ADOPT: 58600

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, Sections 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: 6462
 03/23/04 AMEND: 3423(b)
 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

04/13/04 ADOPT: 144
 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,

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 17-Z

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 REPEAL: 41801

02/02/04 ADOPT: 42353.1 AMEND: 42354

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

04/13/04 AMEND: 5044, 5046, 5049. and Table
S-1, Table S-1a, Table S-11, Table S-12,
Table S-13, and Table S-14.

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

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

04/13/04 AMEND: 260.102.14

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, 2354

12/31/03 AMEND: 2318.6, 2353.1

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: 6200, 6201, 6202, 6203, 6204,
6205, 6206, 6207

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: 4610, 4611, 4612, 4613, 4614,
4615, 4616, 4617, 4618, 4619

12/26/03 REPEAL: 4035, 4036, 4037, 4038

12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029,
4030, 4031, 4032

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

12/26/03 REPEAL: 4550, 4551, 4552, 4553

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: 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: 4300, 4301, 4302, 4303, 4305

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

Title 13

04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04,
55.05, 55.06

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: 150, 150.02, 150.03, 150.05

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

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,
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

04/12/04 AMEND: 2756

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

04/12/04 AMEND: 54001, 54010

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

Title 18

01/26/04 AMEND: 1591

01/21/04 ADOPT: 1621

12/22/03 ADOPT: 1598.1

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

04/12/04 AMEND: 12705

04/12/04 AMEND: 12000

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

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

Title 23

04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND:
2611, 2630, 2635, 2636, 2636.1, 2637,
2641, 2712
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

Title 25

03/30/04 AMEND: 19200, 19205
03/22/04 AMEND: 7552

Title 27

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, 63407, 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)

