



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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

TITLE 2. 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/ADOPTION

California Insurance Pool Authority
 Dixon Regional Watershed Authority
 Eastern Water Alliance
 Gold Line #2 Construction Authority
 Voting Modernization Board

A written comment period has been established commencing on **January 7, 2005** and closing on **February 21, 2005**. 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 representative 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 **February 21, 2005**. 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.

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CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Oakdale Irrigation District

A written comment period has been established commencing on **January 7, 2005** and closing on **February 21, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

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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 11. DEPARTMENT OF JUSTICE

FIREARMS DIVISION

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) proposes to adopt Title 11, Division 5, Chapter 1, section 4001, 4002, 4003, 4004, 4005, 4006, and 4007, and amend Title 11, Division 1, Chapter 13, section 984.1 of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action. These regulations were previously adopted and amended as "emergency regulations" that

became effective November 1, 2004. This notice commences the regular rulemaking process as required to make the regulations permanent.

PUBLIC HEARING

The DOJ will hold a public hearing starting at 10:00 a.m. on Tuesday, February 22, 2005, at the EDD/Sacramento Works Mark Sanders Complex (training room #2) located at 2901 50th Street, 4949 Broadway, Sacramento, California. The hearing room is wheel chair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The DOJ requests but does not require that persons who make oral comments also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the DOJ. The written comment period closes at 5:00 p.m., on February 22, 2005. Only comments received at the DOJ offices by that time will be considered. Please submit written comments to:

Mail: Jeff Amador, Field Representative
 Department of Justice
 Firearms Licensing and Permits Section
 PO Box 820200
 Sacramento, CA 94203-0200

or

Email: jeff.amador@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Penal Code sections 832.15(c), 12054(a), 12071(a)(5), 12076(f)(i)(j), 12423, 12424, 13511.5 and Business and Professions Code section 7583.26(a).

Reference: Penal Code sections 832.15, 12054, 12071, 12071.1, 12072, 12076, 12078, 12083, 12084, 12086, 12289, 12420, 12423, 12424, 12424.5, 12425, 12426, 13511.5; Health & Safety Code section 12101; and Business and Professions Code section 7583.26.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing laws mandate the DOJ to charge fees sufficient to reimburse its costs for processing various licenses, reports, certifications and firearm (purchase, loan, sale or transfer) transactions. The proposed regulations raise fees at an amount commensurate with increases in the DOJ's processing costs in order to allow for the continued operation of these important programs.

Penal Code Section 12076(f) provides the DOJ with statutory authority to charge \$14 per Dealer Record of Sale (DROS) transaction to reimburse the DOJ for

costs specified in statute. This section also allows for adjustment of the fee at a rate not to exceed any increase in the California Consumer Price Index (CCPI). Additionally, fees specified under Penal Code Sections 13511.5, 832.15, 1207, 12054, and 12424, and Business and Professions Code Section 7583.26 also need to be raised to meet the costs of these statutorily mandated programs. Revenue from these fees is deposited into the Dealer Record of Sale Special Account. The DROS fee of \$14 has not been raised since 1991. Despite the gradual decline in revenue and a steady increase in workload, DOJ has continued to provide consistent and quality service to the public, law enforcement and firearms dealers through economies of scale.

Section 948.1. Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to administer the Certificate of Eligibility (COE) program. The proposed amendment raises the current \$17 fee to \$22, commensurate with the Firearms Division's processing costs of \$22 per COE.

Section 4001. DROS Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its Dealer's Record of Sale (DROS) processing costs, not to exceed \$14. Fee increases may not exceed any increase in the California Consumer Price Index (CCPI). The proposed regulation raises the current \$14 DROS fee to \$19. The proposed \$19 fee is commensurate with the Firearms Division's processing costs of \$19 per DROS, and does not exceed increases in the CCPI which equate to \$20.02 per DROS.

Section 4002. Miscellaneous Report Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its processing costs related to various firearms related forms and reports, not to exceed \$14. Fee increases may not exceed any increase in the California Consumer Price Index (CCPI). The proposed regulation raises the current \$14 fee to \$19. The proposed \$19 fee is commensurate with the Firearms Division's processing costs of \$19 per report or firearm, and does not exceed increases in the CCPI which equate to \$20.02 per report or firearm.

Section 4003. POST Certification Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its costs for determining whether a POST candidate is prohibited from possessing a firearm. The proposed regulation raises the current \$14 fee to \$19,

commensurate with the Firearms Division's processing costs of \$19 per POST firearms eligibility certification.

Section 4004. Peace Officer Candidate Firearms Clearance Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its costs for determining whether a peace officer candidate is prohibited from possessing a firearm. The proposed regulation raises the current \$14 fee to \$19, commensurate with the Firearms Division's processing costs of \$19 per peace officer candidate firearms clearance.

Section 4005. Security Guard Firearm Clearance Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its costs for furnishing firearm eligibility information upon submission of a Security Guard Firearm Card application/renewal. The proposed regulation raises the current \$28 fee to \$38, commensurate with the Firearms Division's processing costs of \$38 per security guard firearms clearance.

Section 4006. CCW Fees.

Current statutory language authorizes the Firearms Division of the DOJ to charge a fee sufficient to reimburse its costs for furnishing firearm eligibility information upon submission of an application or renewal of a firearm license to carry a concealed weapon (CCW). Fee increases may not exceed legislatively approved cost-of-living adjustments. The proposed regulation raises the current initial permit application fees ranging from \$17-\$68 to \$22-\$88. The proposed fees are commensurate with the Firearms Division's processing costs of \$22-\$88 and do not exceed annual cost-of-living adjustments which equate to \$24.03-\$97.22.

Section 4007. Tear Gas Permit Application Fees.

Current statutory language authorizes the DOJ to charge a fee sufficient to reimburse its costs for processing tear gas permit applications. Fee increases may not exceed legislatively approved annual cost-of-living adjustments for the department's budget. The proposed regulation raises the initial permit application fee from \$177 to \$229 and the annual renewal fee from \$43 to \$61. The proposed fees are commensurate with the DOJ's processing costs of \$229 (initial) and \$61 (renewal) and do not exceed annual cost-of-living adjustments which equate to \$252.92 and \$61.44 respectively.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following determinations:

Mandate on local agencies or school districts: None

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: Fee increases will have a cost impact on individuals seeking to obtain for the first time, or renew, various licenses, permits, and certifications issued by the DOJ, as well as persons acquiring a firearm(s). The \$5.00 DROS fee increase in Section 4001, could potentially have a minimal cost impact on gun dealers if there is a reduction in firearm sales. The fee increases do not exceed the DOJ's respective processing costs and do not exceed the respective increases in the California Consumer Price Index.

Significant effect on housing costs: None.

Small business determination: The DOJ has determined the fee increases will have a cost impact on individuals seeking to obtain for the first time, or renew, various licenses, permits, and certifications issued by the DOJ, as well as a cost impact on persons acquiring a firearm(s). The fee increases do not exceed the DOJ's respective processing costs and do not exceed the respective increases in the California Consumer Price Index.

Assessment regarding effect on jobs/businesses: The DOJ has determined the fee increases will have minimal, if any, impact on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the DOJ must determine that no reasonable alternative considered by the DOJ, or that has otherwise been identified and brought to the attention of the DOJ would be either 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 regulations. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Jeff Amador at (916) 227-3661. The backup contact person is Steven Teeters at (916) 227-0163. The mailing address for Jeff Amador and Steven Teeters is:

Department of Justice
 Firearms Licensing and Permits Section
 PO Box 820200
 Sacramento, CA 94203-0200

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, and all information upon which the rulemaking is based are available at the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain copies by contacting Jeff Amador at the telephone number or address above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the DOJ may adopt the proposed regulations substantially as described in this notice. If the DOJ makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the DOJ adopts the regulations as advised. The DOJ will accept written comments on the modified text for 15 days after the date on which they are made available. Copies of any modified text will be available at the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain a written copy of any modified text by contacting Steven Teeters at the telephone number or address above.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available at the DOJ website at <http://caag.state.ca.us/firearms/regs/>. You may also obtain a written copy of the final statement of reasons by contacting Steven Teeters at the telephone number or address above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in strikeout format, as well as the Final Statement of Reasons once it is completed, can be accessed through our website at <http://caag.state.ca.us/firearms/regs/>.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED MODIFICATIONS TO THE FLEET RULE FOR TRANSIT AGENCIES AND NEW REQUIREMENTS FOR TRANSIT FLEET VEHICLES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Fleet Rule for Transit Agencies. The amendments would establish new requirements for vehicles owned or operated by transit agencies that are not currently covered by the Fleet Rule, add a new definition for commuter service buses, add requirements for newly formed transit agencies, modify the urban bus particulate matter (PM) fleet standard to allow for fleet growth, modify the urban bus engine emission standard for 2004 to 2006 model year diesel hybrid-electric bus engines to clarify the standards, and make structural changes that move the existing Fleet Rule for Transit Agencies from sections devoted to new engine emission standards to a new section set aside for the regulation of fleet diesel particulate emissions. This notice summarizes the significant amendments. The Initial Statement of Reasons, or staff report, presents all of the proposed amendments in greater detail.

DATE: February 24, 2005
 TIME: 9:00 a.m.
 PLACE: California Environmental Protection Agency
 Air Resources Board
 Byron Sher Auditorium, Second Floor
 1001 I Street
 Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., February 24, 2005, and may continue at 8:30 a.m., February 25, 2005. This item may not be considered until February 25, 2005. Please consult the agenda for the meeting, which will be available at least ten days before February 24, 2004, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at

(916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of sections 2023, 2023.1, 2023.2, 2023.3, 2023.4; amendment of sections 1956.1, 2020, 2021; and repeal of sections 1956.2, 1956.3, 1956.4, title 13, California Code of Regulations (CCR).

BACKGROUND

In February 2000, the Board confirmed its continued commitment to improving emissions from public transportation by establishing a new fleet rule for transit agencies and more stringent emission standards for new urban bus engines and vehicles. The Board directed staff to report back regularly on implementation progress and to develop a test procedure to certify hybrid-electric urban buses (HEBs). Staff reported back to the Board at its September 20, 2001, and March 21, 2002, public meetings.

As instructed by the Board, staff developed modifications to the fleet rule for transit agencies and a new test procedure for certification of HEBs, which were adopted at the October 24, 2002, public hearing. Subsequently, the Board approved further modifications at the June 24, 2004, hearing, to allow any transit agency on the diesel path to purchase diesel hybrid electric buses at a higher oxides of nitrogen (NOx) emission level, provided that the transit agency offset the higher NOx emissions through actions to reduce NOx emissions from other buses in its fleet. In addition, the June 24, 2004, amendments adjusted the zero emission bus demonstration requirements to better reflect the actual evolution of the relevant technology and markets.

PROPOSED ACTIONS

Staff is proposing to expand the fleet rule to include smaller diesel and alternative-fueled buses, commuter buses, and heavy-duty trucks owned or operated by transit agencies. The affected vehicles are called transit fleet vehicles, and would be subject to a fleet average NOx limit and PM reduction requirement, phased-in between 2007 and 2010. These standards can be met by using verified retrofit technology, installing newer engines, or replacement of vehicles. About 4000 vehicles, which is about 25 percent of all the vehicles owned or operated by transit agencies, would be affected. The engines used in newly purchased transit fleet vehicles would remain subject to the on-road heavy-duty truck engine exhaust emission standards.

Staff's proposal would require transit agencies to reduce emissions from transit fleet vehicles. By December 31, 2007, transit agencies must reduce PM emissions of transit fleet vehicles by 40 percent relative to their January 1, 2005, baseline, and reduce average NOx emissions to 3.2 grams per brake horsepower-hour (g/bhp-hr). By December 31, 2010, the transit agencies would be required to reduce PM fleet emissions by 80 percent relative to their January 1, 2005, baseline, and achieve average NOx fleet emissions of 2.4 g/bhp-hr.

As a part of these changes, staff is proposing to add a definition for a commuter service bus, which is a subcategory of a transit fleet vehicle. A commuter service bus is a bus that would otherwise meet the definition of an urban bus except that its duty cycle includes very little of the stop-and-go operations of an urban bus. This definition is necessary to clarify existing policy regarding when a commuter service bus is not subject to the urban bus new engine emission standards and requirements in the fleet rule for transit agencies. In this case, a commuter service bus will be classified as a transit fleet vehicle, not an urban bus. This definition codifies existing policy based on a guidance issued in 2001.

Another proposed amendment concerns newly formed transit agencies. The fleet rule for transit agencies is currently silent on how a newly formed transit agency is to comply with the existing rule, which has requirements that began as early as 2001. The new proposed language will clarify how new transit agencies are to comply.

Staff is also proposing to amend the PM reduction schedule for urban buses. At its October 2002 hearing, the Board modified the mechanism used by transit agencies to reduce diesel PM emissions from urban buses in recognition of the lack of available retrofit technology originally projected to be available for PM reduction from all diesel fuelled urban buses. After working with the transit agencies, staff recognized that the new PM reduction requirements did not allow for fleet growth after 2007 (diesel path agencies) or 2009 (alternative-fuel path agencies) when the transit agencies were to have reduced total fleet PM emissions to 15 percent of their January 1, 2002, baseline PM emissions. Staff is proposing to modify the urban bus PM fleet standard to allow for fleet growth while maintaining emission reductions.

Another modification is being proposed to clarify standards that were inadvertently left out of the amendments adopted at the June 2004 Board hearing. The new engine emission standards for 2004 to 2006 model year diesel hybrid-electric urban buses provide specific language for NOx and PM engine exhaust emission standards, but are silent on exhaust emission standards for carbon monoxide, hydrocarbon, and

formaldehyde. Staff is proposing language to clarify the engine exhaust emission standards for these pollutants.

Finally, staff is proposing a codification change to move the existing fleet rule for transit agencies from title 13, CCR, sections 1956.2-1956.4, currently located with the engine emission standards, to new sections set aside for controlling diesel particulate emissions from fleets in title 13, CCR, section 2020, 2023 to 2023.4.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations that reduce emissions from in-use urban buses or other buses and vehicles owned or operated by transit agencies.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is titled: "Proposed Modifications to the Fleet Rule for Transit Agencies: Addition of Proposed Requirements for Transit Fleet Vehicles."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing February 24, 2005.

Upon its completion after the Board hearing, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Kathleen Mead, Air Pollution Specialist, by email at kmead@arb.ca.gov or by phone at (916) 324-9550, or to Dr. Nancy L.C. Steele, Manager, by email at nsteele@arb.ca.gov or by phone at (626) 350-6598.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/bus04/bus04.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local non-transit agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

The proposed regulation would impose fiscal impacts on local public transit agencies. All direct costs that will be required to comply with staff's proposal and achieve emissions reductions will only impact public transit agencies. Staff estimates that the proposed regulation will cost \$12.8 million to \$26.7 million overall, with an average estimate of just under \$19 million (in 2005 dollars) over the lifetime of the regulation. In addition, transit agencies can be expected to experience relatively minor impacts due to additional record-keeping and auditing requirements.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. It is possible that transit passengers may experience slight increases in fares or other fees as an indirect result of relatively small increases in transit agency costs.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. There are no associated costs for business, only for local public transit agencies. Staff expects there will be benefits to those businesses that produce or sell new vehicles or engines, and retrofit technology.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not result in the elimination of jobs within the State of California, or the elimination of existing businesses within the State of California. It is possible that the proposed regulatory action may lead to the creation of a few jobs

or new businesses, or the slight expansion of existing businesses, in California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the modifications do not directly affect any businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer finds that the reporting requirements of the regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, 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.

BENEFITS OF THE PROPOSAL

ARB staff estimates that in 2010 the proposed amendments would result in the reduction of 44 pounds per day (lbs/day) of diesel PM, 0.19 tons per day (tpd) of NOx, 0.04 tpd of HC, and 0.04 tpd of CO emissions. In 2020, staff estimates reductions of 47 lbs/day of diesel PM, 0.31 tpd of NOx, 0.07 tpd of HC, and 0.05 tpd of CO emissions. The PM reductions represent a 43 percent and 81 percent reduction in 2010 and 2020, respectively, from the 2000 baseline emissions. NOx is reduced 29 percent in 2010 and 83 percent in 2020 from the 2000 baseline emissions.

ARB staff estimates that approximately 11 premature deaths would be avoided by 2020 as a result of emission reductions obtained through this regulation. The proposed regulation will reduce PM emissions by a cumulative amount of 140 tons by the end of year 2020, and therefore prevent an estimated 10 premature deaths (5 to 15, 95 percent confidence interval (95% CI)) by year 2020. In addition, staff estimates that the proposed regulation will accrue a cumulative reduction of 620 tons of NOx by the end of 2020, therefore avoiding an estimated one premature death (0 to 1, 95% CI).

The estimated cost of the proposed regulatory amendments is \$0.90 to \$1.90 per pound of NOx and \$42 to \$88 per pound for PM. These values are within the range of recently adopted regulations.

Staff calculated the value of avoiding one premature death, arriving at a range from \$4 million to \$6 million

(in 2004 dollars). For the proposed regulation, the estimated cost of control per premature death prevented is about \$1.5 million to \$2 million for this proposal which is about three times lower the United States Environmental Protection Agency's benchmark for value of avoided death. This rule is, therefore, a cost-effective mechanism to reduce premature deaths that would otherwise be caused by diesel emissions without this regulation.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, February 23, 2005**, and addressed as follows:

Postal mail is to be sent to:

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

Electronic mail is to be sent to:

bus04@listserv.arb.ca.gov

and received at the ARB **no later than 12:00 noon, February 23, 2005**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon February 23, 2005**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 39659, 39667, 39701, 41511, 43013, 43018, 43100, 43101, 43104, 43701(b) and 43806, and section 28114 of the Vehicle Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39017, 39018, 39033, 39500, 39650, 39657, 39667-39675, 39700, 39701, 40000, 41510, 41511, 43000, 43000.5, 43009, 43013, 43018, 43101, 43102, 43104, 43105, 43700, 43701(b), 43801, 43806 of the Health and Safety Code, and sections 233 and 28114 of the Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 15.04 in Article 2, Chapter 1, Division 1, Title 13 of the California Code of Regulations, regarding the verification of social security account numbers on driver license and identification card applications.

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(s) 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 February 21, 2005, 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 Section 15.04 under the authority granted by Vehicle Code Sections 1651 and *Thomas Lauderbach et al. v. Frank S. Zolin*, 35 Cal. App. 4th 578; 41 Cal. Rptr. 2d 434 (1995) in order to implement, interpret or make specific Vehicle Code Sections 1653.5, 12506, 12800 and 12801.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law requires the department to utilize social security account numbers for establishing the identification of individuals served by the department and requires individuals to furnish the social security account number to the department upon request. Existing state law requires the department to request a social security account number on driver license and identification card application forms. Existing law requires every applicant submitting any departmental form containing a section for a social security account number to provide the social security account number. The proposed regulation will govern the verification of social security account numbers for applicants of a driver license or identification card.

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 businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department will provide for verification of a social security account number on an application for a driver license or identification card.
- The adoption of this regulation will not create or eliminate jobs or businesses in the state of California, nor will it result in the elimination of existing businesses, or reduce or expand businesses currently doing business in the state of California.

The regulatory action will ensure only qualified applicants receive a driver license or identification card.

- 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. Local agencies or school districts will not be impacted by this regulatory action.
- The proposed regulatory action will not affect small businesses. The regulatory action will establish verification of a social security account number in order to receive a driver license or identification card.

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, Maria Grijalva, Department of Motor Vehicles, Regulations Branch, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-9001, or mgrijalva@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 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, 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 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 16. BUREAU OF NATUROPATHIC MEDICINE

NOTICE IS HEREBY GIVEN that the Bureau of Naturopathic Medicine (Bureau), within the Department of Consumer Affairs, is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held as follows:

Date: February 23, 2005
Time: 10:00 a.m.
Location: 400 R Street, 1st Floor Hearing Room
Sacramento, CA 95814

Written comments, including those sent by mail, facsimile, or e-mail, must be addressed to the person listed under Contact Person in this Notice and must be received by the Bureau at its office not later than 5:00 p.m. on February 22, 2005 or received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for public comment 15 days prior to its adoption and can be obtained from the person designated in this Notice as the contact person.

Furthermore, the modified proposal will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Prior to the enactment of Senate Bill (SB) 907 (Chapter 485, Statutes of 2003), which is known as the Naturopathic Doctors Act (Act), the practice of naturopathic medicine was not regulated in California. However, the passage of SB 907 established the Bureau with the responsibility of licensing naturopathic doctors and enforcing the provisions of the Act. SB 907 creates a two-step implementation process: First, on or after January 1, 2004, the Bureau is authorized to establish fees for licensure and collect the appropriate fees. Secondly, on or after July 1, 2004, the Bureau shall administer and enforce the provisions of the Act.

These regulations enable the Bureau to meet both statutory obligations by specifying the contents of the application, the application and license renewal processes, and the appropriate fees for a naturopathic doctor's license. The funds collected from applicants will allow the Bureau to commence its administrative and enforcement responsibilities after July 1, 2004. In addition, the adoption of these regulations will make specific the following:

- minimum education and examination requirements for licensure;
- allowable and non-allowable functions as a licensed naturopathic doctor, including furnishing and ordering drugs;
- notice to potential licensees of the scope of unprofessional conduct that will result in disciplinary actions against his or her license;
- establish the authority to issue citations, specify citation processes, and establish administrative fines for citations;
- establish timelines to meet compliance with an order of abatement, as well as specifying the activities of unlicensed practice;
- set guidelines for public disclosure of information regarding licensed naturopathic doctors;
- address that the authority of the law relating to naturopathic corporations does not alter the responsibilities of a naturopathic doctor to his or her patients; and
- sets standards for naturopathic corporation insurance policies as well as naturopathic corporations' shares ownership and transfer.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by sections 104, 125.9, 142, 144, 148, 480, 481, 482, 700-704, 3620, 3622, 3623, 3630, 3671, 3675, 3680, and 3685 to make specific and interpret sections 104, 122, 125.9, 142, 144, 148, 480, 481, 482, 651, 700-704, 3610, 3620, 3623, 3624, 3630, 3631, 3633.1, 3634, 3635, 3636, 3640.5, 3650, 3651, 3651.5, 3652, 3662, 3663, 3670, 3671, 3672, 3673, 3674, 3675, 3680 and 3685 of the Business and Professions Code; Section 11164 of the Health and Safety Code; Section 6253 of the Government Code, and Sections 13401 and 13401.5 of the Corporations Code, the Bureau within the Department of Consumer Affairs proposes the adoption of a Division 40 of Title 16 of the California Code of Regulations, as follows:

Specific Description of Proposed Regulations

This regulatory action adds Division 40 to Title 16 of the California Code of Regulations. Specifically, this regulatory action:

Article 1. General Provisions

1. Adds Section 4200.

This section establishes the purpose of these regulations—to implement and make specific the statutory provisions of the Naturopathic Doctors Act.

2. Adds Section 4202.

This section specifies that the principal office of the Bureau is located in Sacramento, California.

3. Adds Section 4204.

This section requires persons issued a certificate or license by the Bureau to: 1) notify the Bureau of his or her current address and 2) notify the Bureau within fourteen (14) days of any changes of address.

4. Adds Section 4206.

This section establishes the regulatory definition of various terms.

5. Adds Section 4208.

This section establishes the conditions under which the Bureau will disclose complaint information.

Article 2. Applications

6. Adds Section 4210.

This section specifies that completed applications for licensure or certification are to be filed at the Bureau's principal office in Sacramento.

7. Adds Section 4212.

This section specifies the contents of an application for licensure as a naturopathic doctor and also specifies that the application fee is not refundable.

8. Adds Section 4214.

This section specifies the contents of an application for a certificate of registration and the duration of said certificate, and the renewal process for the certificate.

9. Adds Section 4216.

This section specifies that the Bureau shall notify applicants as to the completeness of their application within one hundred (100) working days of receipt. This section also specifies that within one hundred (100) working days of the filing of a complete application, the Bureau shall notify applicants whether the application has been approved or denied.

10. Adds Section 4218.

This section specifies under which conditions applications filed with the Bureau may be considered abandoned and that upon abandonment, the application fee is forfeited to the Bureau.

Article 3. Examinations

11. Adds Section 4220.

This section establishes the Naturopathic Physicians Licensing Examination (NPLEX) as the licensing examination.

Article 4. Licenses

12. Adds Section 4222.

This section specifies that the duration of a license is two years from the last day of the second birth month and establishes the requirements for license renewal.

13. Adds Section 4224.

This section specifies that a naturopathic doctor's license must be displayed under glass or other transparent material in an area frequented by patients.

14. Adds Section 4226.

This section specifies the requirements for a licensee to renew an expired license or certificate and the fees required for renewal.

15. Adds Section 4228.

This section specifies the requirements for a license to be placed on inactive status.

Article 5. Schools

16. Adds Section 4230.

This section addresses approval of naturopathic medical schools. Naturopathic medical schools that have been accredited by the California Naturopathic Medical Education are deemed approved by the Bureau. This section also requires the Bureau to maintain a list of approved schools.

Article 6. Practice of Naturopathic Medicine

17. Adds Section 4232.

This section specifies the requirements for giving a patient informed consent.

18. Adds Section 4234.

This section specifies that scope of the medical services that a licensed naturopathic doctor may provide or perform.

19. Adds Section 4236.

This section establishes the requirements for a licensed naturopathic doctor to prescribe drugs. This section also specifies the requirements for a drug order issued by a naturopathic doctor.

Article 7. Fees

20. Adds Section 4240.

This section establishes the fees that are required for applications, initial licensure, renewal of a current or expired license, duplicate licenses and the fee for processing fingerprint cards.

Article 8. Citations

21. Adds Section 4242.

This section establishes the authority to issue citations and timeframes for purging a citation. Also specifies that citations will be disclosed to the public upon request.

22. Adds Section 4244.

This section specifies the format of a citation and the process for issuing a citation.

23. Adds Section 4246.

This section establishes minimum and maximum amounts for the administrative fines contained in a citation.

24. Adds Section 4248.

This section specifies the factors that the Chief of the Bureau shall consider in assessing the amount of an administrative fine.

25. Adds Section 4250.

This section establishes the process for contesting a citation and establishes that a person issued a citation that has had the citation modified in an informal conference cannot request another informal conference to contest the same citation.

26. Adds Section 4252.

This section establishes the timeframes for complying with an order of abatement and specifies the consequences of failing to honor those timeframes.

27. Adds Section 4254.

This section establishes the authority for the Bureau to issue citations for unlicensed activity and fine amounts of such citations.

Article 9. Enforcement

28. Adds Section 4256.

This section defines the substantial relationship criteria for the Bureau to use when denying, suspending, or revoking a license based upon an act or crime committed by an applicant or licensee.

29. Adds Section 4258.

This section establishes the criteria that the Bureau must follow when considering the denial of a license or when evaluating the rehabilitation of the applicant.

30. Adds Section 4260.

This section defines unprofessional conduct for which the Bureau may take disciplinary action against a licensee.

Article 10. Advertising

31. Adds Section 4262.

This section authorizes licensees to advertise naturopathic medical services with the specified restrictions.

Article 11. Naturopathic Corporations

32. Adds Section 4264.

This section establishes that the authority of the laws relating to naturopathic corporations does not alter the responsibilities of a naturopathic doctor to his or her patients.

33. Adds Section 4266.

This section sets standards for naturopathic corporation insurance policies and establishes the liability of the shareholders of a naturopathic corporation under specified conditions.

35. Adds Section 4268.

This section establishes the requirements of ownership and transfer of ownership of the shares of a naturopathic corporation.

**ADOPTING OR AMENDING REGULATIONS
MANDATED BY FEDERAL LAW OR
FEDERAL REGULATIONS**

None

LOCAL MANDATE

The Bureau has determined the adoption of these regulations does not impose a mandate on local agencies or school districts.

FISCAL IMPACT

1. Cost to Any Local Agency or School District for Which Government Code Section 17500–17630 Requires Reimbursement: None.
2. Other non-discretionary cost or savings imposed upon local agencies: None
3. Costs or savings to any state agency. Bureau expenditures are estimated at \$280,000 for fiscal years 2004/05 and 2005/06. Licensing revenue is estimated at \$340,000 for fiscal years 2004/05 and 2005/06.
4. Costs or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

None

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

The Bureau has made an initial determination that the adoption of these regulations will not have any significant adverse economic impact on businesses.

**ASSESSMENT REGARDING EFFECT
ON JOBS/BUSINESS**

Adoption of these regulations will authorize the Bureau to license individuals as naturopathic doctors, which will create new jobs in the healthcare industry and will allow consumers to expand their health care options. Additionally, if new licensees choose to establish offices, then office support and medical assistant jobs may also be created.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The Bureau estimates that approximately 200 persons will initially seek licensure. For those persons who wish to be licensed as a naturopathic doctor, a \$400 application fee and an \$800 license fee will be set upon the adoption of the regulations. Other fees set within these regulations include \$800 biennial renewal fee; \$150 late renewal fee; and \$25 for a duplicate naturopathic doctor's license. In addition, applicants will have to pay fingerprinting fees for California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) criminal records check. These fees average about \$66.00 (\$32.00 for DOJ, \$24.00 for FBI, and usually \$10.00 for rolling fee; however, the rolling fees may be higher or lower depending on the site conducting the services).

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect existing small businesses because the Bureau will be licensing individuals and not businesses. However, as noted above under ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS, new licensees may choose to establish offices, which may result in the employment of office staff such as office manager, clerical support, and medical assistants.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which these regulations has proposed or would be as effective and less burdensome to affected private persons than these proposed regulations in this Notice.

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

CONTACT PERSON

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

Name: Joanne Davis
Address: Department of Consumer Affairs
Bureau of Naturopathic Medicine
400 R Street, Suite 3030
Sacramento, CA 95814
Telephone No.: (916) 445-8692
TDD No.: (916) 322-1700
E-Mail Address: naturopathic@dca.ca.gov
(Type in "Regulatory Comment" in Subject line.)

The backup contact person is:

Name: Kathy McKeever
Address: Department of Consumer Affairs
Bureau of Naturopathic Medicine
400 R Street, Suite 3030
Sacramento, CA 95814
Telephone No.: (916) 445-8692
E-Mail Address: naturopathic@dca.ca.gov
(Type in "Regulatory Comment" in Subject line.)

BUREAU WEBSITE

Materials regarding this proposal can be found at the Bureau's website at www.naturopathic.ca.gov.

AVAILABILITY OF STATEMENTS

Copies of the of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, can be obtained through the Bureau's website at www.naturopathic.ca.gov; at the hearing or prior to the hearing; or upon request by contacting the Bureau at the address and phone numbers listed above.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above. You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named above or by accessing the Bureau's website at www.naturopathic.ca.gov.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING:

MOBILEHOME PARK RESIDENT OWNERSHIP PROGRAM (MPROP)

Notice is hereby given that the Department of Housing and Community Development (HCD) proposes to amend the regulations of the Mobilehome Park Resident Ownership Program (MPROP).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to HCD relevant to the proposed regulatory action. The written comment period begins on January 7, 2005 and closes at 5:00 p.m. on February 21, 2005. HCD will consider comments received during this timeframe. No public hearing is currently scheduled; however, if there is sufficient interest in holding a public hearing, a hearing may be scheduled no later than 15 days prior to the close of the written comment period. A request for a public hearing should be made in writing to the contact person listed below.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity under the authority provided by Health and Safety Code (H&S) sections 50406(n) and 50786. These regulations implement, interpret, and make specific Chapter 11 of Part 2 of Division 31 of the Health and Safety Code, containing sections 50780-50786.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

MPROP was established by legislation in 1984. The program provides loans to facilitate the conversion of mobilehome parks to ownership by resident organizations, nonprofit entities and local government agencies, and to help lower income park residents purchase their spaces in parks converted to resident ownership. MPROP helps to maintain housing costs for lower income park residents at affordable levels, and protects park residents from physical and economic displacement that can be caused by the resale of parks for commercial reasons or by the conversion of parks to other land uses.

MPROP statutes have been amended nine times since their original enactment. The program's regulations were initially adopted in 1985, and were not amended until 2000/2001, when they were substantially revised and updated to bring them into conformance with the revised statutes. The regulatory definition of "rural area," however, has not been amended since the original adoption of the regulations.

The limitation of MPROP to a competitive periodic application and award process has also been a feature of the program since its origination.

There are no comparable federal regulations or federal laws that match or compare with the existing MPROP program as provided by existing state law.

IMPACT OF PROPOSED REGULATIONS

The MPROP regulatory definition of “rural area” will be amended by switching from the statutory definition of the term that the regulations currently adopt by reference (H&S section 50101), to an alternative statutory definition (H&S section 50199.21). The effect of the change will be to increase the number of places that can be considered rural, as the alternative definition allows for a larger population. This will increase the number of places that can apply for the 20 percent of MPROP funds set aside for rural areas, and reflect the real-world effects of California’s rapid population growth over the period of MPROP’s existence.

The change will make MPROP consistent in this respect with other HCD loan and grant programs, including the Predevelopment Loan Program (PDLP), the Multifamily Housing Program (MHP), the Joe Serna, Jr. Farmworker Housing Grant Program (JSJF-WHG), the HOME program and the CalHome program, that have adopted the same definition of “rural area.” It will also make these programs more consistent with the federal Low Income Housing Tax Credit Program, which uses the same definition. This consistency will facilitate the financing of affordable housing projects that typically must pursue funding from more than one source.

MPROP currently makes loans through a competitive process. Each Request for Proposals (RFP) includes a deadline date to submit applications. Applications are collected and held until the deadline, and then reviewed and compared in an intensive rating and ranking process. This amendment will authorize MPROP to also make loans through an “over-the-counter” continuous process, in which valid applications are evaluated when received, according to the program’s threshold criteria, and funded one at a time as, and if, they qualify. This change will mean quicker responses to applications, helping applicants to meet their many other deadlines, and will allow the reduced MPROP program staff to spread their workload more evenly.

EFFECT ON SMALL BUSINESS

The proposed regulations do not adversely affect small business. They offer, but do not mandate, positive effects in the form of low interest loans for the preservation of affordable housing in mobilehome parks. The only business impact of the program is on those entities, including park resident organizations,

public agencies and nonprofit corporations, that choose to apply for MPROP loans. Principal beneficiaries are the residents of mobilehome parks that receive MPROP loans, whether made to the park ownership or to individual residents. Applicants benefit from the below-market interest rate offered by the program, and participation in MPROP is voluntary.

LOCAL MANDATE

The proposed regulatory activity will not impose a mandate on local agencies or school districts. Local agencies are eligible for the program, but are not required to participate. It is not anticipated that school districts will be part of this applicant pool. In any case, participation in the program is voluntary.

FISCAL IMPACT

This regulatory activity does not impose any cost on any local agency or school district that is required to be reimbursed under Part 7 (commencing with sec. 17500) of Division 4 of the Government Code; neither does the regulatory activity result in any other nondiscretionary cost or savings imposed on local agencies or in any cost or savings to any state agency (other than the department) or in federal funding to the state. Public entities, including local governments, are eligible to apply for direct loans. However, participation is voluntary, not mandatory. The program was originally funded from the General Fund, and now utilizes repayments of past loans into the program’s special fund. There is no impact on federal funding to the state.

Since MPROP already exists, there will be only a minor fiscal impact to the State. Program workload capacity will be limited by current staff resources, which are not expected to change in the foreseeable future. These amendments do not mandate any increased costs, and among other benefits will even out the program’s workload distribution over time. It is anticipated that HCD will limit any additional costs within existing budgets and resources.

EFFECT ON HOUSING COSTS

This regulatory activity will lower the administrative cost to applicants of preserving affordable mobilehome parks by speeding up the processing of applications for MPROP funds. By spreading the processing of applications over time, it will increase the number of applications that can be handled by current reduced program staff. The change in the definition of “rural area” will improve the efficiency of fund use by correcting an accumulated imbalance in the numbers of urban and rural applicants, which has resulted in occasional shortages of qualified applicants from rural areas for the 20 percent MPROP rural set-aside.

FINDING OF ADVERSE ECONOMIC IMPACT

HCD has determined that the regulations 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.

ASSESSMENT STATEMENT

HCD has determined that the regulations will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program is voluntary.

STATEMENT OF POTENTIAL COSTS IMPACT
ON PRIVATE PERSONS AND BUSINESS
DIRECTLY AFFECTED

None. While private businesses (resident organizations and nonprofits) are eligible to receive program funds under the program, participation is voluntary. The proposed changes will not have a significant adverse economic impact on any business, including the ability of California businesses to compete with businesses in other states.

ALTERNATIVES

HCD 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 actions are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT
OF PROPOSED REGULATIONS
AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons (ISOR) prepared by HCD, which provides the reasons for the proposed amendments. All information HCD is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Lynne MacIntosh at the address and telephone number noted below.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the written comment period, HCD may adopt the proposed amendments substantially as described in this notice. If HCD makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before it adopts the regulations as revised. Please send requests for copies of any

modified regulations to the attention of Lynne MacIntosh at the address indicated below. HCD will accept written comments on the modified regulations for 15 days after the date on which they are made available.

CONTACT PERSON

HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Address inquiries concerning the substance of the proposed rulemaking action and any requests for the documents noted above to:

Lorraine French, Program Manager
Division of Community Affairs—MPROP
State of California
Department of Housing and
Community Development
P.O. Box 952054, MS 390-5
Sacramento, California 94252-2054
Telephone (916) 327-3579
Fax (916) 327-5942
lfrench@hcd.ca.gov

The back-up contact person is:

Lenora Frazier, Legal Analyst
(916)323-7288

FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons is prepared, it will be made available through the above-named contact persons.

INTERNET ACCESS

The various rulemaking documents can be accessed through our website at: www.hcd.ca.gov

DECISION NOT TO PROCEED

BOARD OF PRISON TERMS

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

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

PETITIONER

Tony Protopappas' petition to amend Title 15 CCR § 2402(a), submitted under Government Code section 11340.6, was received by the Board of Prison Terms (Board) on November 22, 2004.

AUTHORITY

Under authority established in Penal Code §§ 3041, 3052 and 5076.2, the Board may promulgate and amend regulations for the administration of parole.

CONTACT PERSON

Please direct any inquiries regarding this action to Kelly L. Winsor, Regulations Coordinator, Board of Prison Terms, by mail at 1515 K Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 324-9898, by facsimile at (916) 322-3475, or by email 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

First, the petition raises the argument that California's parole scheme creates a liberty interest in parole release. To support his argument, Petitioner cites *McQuillion v. Duncan*¹ and *In re Rosenkrantz*.² Second, Petitioner contends CCR § 2402(a) is unconstitutional in that it "overrules, conflicts with, and supercedes Penal Code section 3041(a)." Petitioner contends that CCR § 2402(a) "exceeds the scope of the authority conferred by the enabling statute." Petitioner states that "[u]niformity in sentencing is the overarching purpose of the USDA[UDSA][Uniform Determinate Sentencing Act] and that this interest does extend to individuals such as Petitioner, who is serving an indeterminate life term." Petitioner requests that regulation CCR § 2402(a) be amended "so that it comes into compliance with the UDSA to 'normally set a parole release date in a manner that will provide uniform terms for offenses of similar gravity and magnitude.'"

BOARD DECISION

The Board denies the petition to amend Title 15 CCR § 2402(a).

REASONS FOR BOARD'S DENIAL OF PETITION TO AMEND REGULATIONS

Government Code § 11340.6 requires that a petition to adopt, amend or repeal regulations shall state the following clearly and concisely: (a) the substance or nature of the regulation, amendment, or repeal requested; (b) the reason for the request; and (c) reference to the authority of the state agency to take the action requested.

Although the petition states the reason for the request and references the Board's authority to take the action requested in the petition, Petitioner is vague as

to the substance and nature of the adoption, amendment or repeal of regulations that he desires. Petitioner seeks that the Board amend Title 15 CCR § 2402(a) but does not state what specific amendments are desired; therefore, Petitioner has failed to carry his burden of specifying the substance and nature of the amendment that is desired.

Penal Code § 3041(a) requires that "[i]n the case of any prisoner sentenced pursuant to any provision of law, . . . ,the Board of Prison Terms . . . shall normally set a parole release date as provided in [Penal Code] section 3041.5." Penal Code § 3041(a) goes on to provide that "[t]he release date shall be set in a manner that will provide uniform terms for offenses of similar gravity and magnitude in respect to their threat to the public, and that will comply with the sentencing rules that the Judicial Council may issue and any sentencing information relevant to the setting of parole release dates."

Penal Code § 3041(a) further provides that "[t]he board shall establish criteria for the 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."

Penal Code § 3041(b) provides that "[t]he 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 the public safety requires a more lengthy period of incarceration . . ."

As directed in Penal Code § 3041(a), the Board established criteria and guidelines for determining suitability for parole and the setting of parole release dates; those criteria are contained in Title 15 CCR § 2402, entitled "Determination of Suitability."

CCR § 2402(a) states that "[t]he panel shall first determine whether the life prisoner is suitable for release on parole. Regardless of the length of time served, a life prisoner shall be found unsuitable for and denied parole if in the judgment of the panel the prisoner will pose an unreasonable risk of danger to society if released from prison."

Petitioner cites *McQuillion* in his argument that California's parole scheme creates a liberty interest in parole release. It should be noted that the Ninth Circuit Court of Appeals held in *McQuillion* that the Board violated the prisoner's liberty interest when it rescinded a previously granted parole date without following its own rules. CCR § 2451 lists four bases for making a "good cause" finding that a parole date may be rescinded. The court affirmed that only "some

¹ *McQuillion v. Duncan* (9th Cir. 2002) 306 F.3d 895

² *In re Rosenkrantz* (2002) 29 Cal.4th 616

evidence” supporting the recission panel’s findings was necessary to uphold the panel’s determination of prisoner unsuitability. In *McQuillion*, the court found that the recission panel did not meet the “some evidence” standard for any of the four bases upon which they rescinded the parole date. Thus, the Ninth Circuit Court of Appeals remanded the case to the district court. The court found no fault with the Board’s rules on parole suitability, but merely found that the Board must follow its own rules limiting the bases of parole date recissions to specified criteria, i.e. CCR § 2451.³ Therefore, while *McQuillion* interprets the California parole scheme as providing a presumption of parole, that court also recognizes the validity of Board regulations, i.e. providing suitability criteria and grounds for rescinding a parole date.

In addition, despite the presumption of parole presented in *McQuillion*, *In re Morrall* held that “[a] person convicted of crime has no inherent or constitutional right to conditional release before the expiration of a valid [life] sentence.”⁴ The court in *In re Morrall* further held that:

“Therefore, in establishing a parole system, a state may be as specific or general in defining the conditions for release and the factors to be considered as it believes will serve the public interest. (cite omitted.) It is thus not surprising that there is no prescribed or defined combination of facts which, if shown, would mandate release on parole In each case, the decision differs from the traditional mold of judicial decisionmaking in that the choice involves a synthesis of record facts and personal observation filtered through the experience of the decisionmaker and leading to a predictive judgment as to what is best both for the individual inmate and for the community. This latter conclusion requires the Board to assess whether, in light of the nature of the crime, the inmate’s release will minimize the gravity of the offense, weaken the deterrent impact on others, and undermine respect for the administration of justice In considering whether parole should be granted, the parole authority is not guided solely by the prisoner’s good conduct while he or she was incarcerated, but must consider a wide variety of factors, including the nature of his offense, his age, his or her prior associations, his habits, inclinations, and traits of character, the probability of his reformation, and the interests of public security. In this

³ *McQuillion*, at 902-903, noting Mr. McQuillion’s protected interest in freedom in accordance with the substantive criteria established by the Board.

⁴ *In re Morrall* (2002) 102 Cal.App.4th 280, 287 citing *Greenholtz v. Nebraska Penal Inmates* (1979) 442 U.S. 1, 7. *McQuillion*, at 901, also citing *Greenholtz* for the same proposition. *McQuillion* did not overrule *Morrall*.

respect, the discretion of the parole authority has been described as ‘great’ and is ‘almost unlimited.’ . . . The decision, and the discretion implicit in it, are expressly committed to the executive branch. (Pen. Code, § 3040 et seq.; Cal. Const., art. V, § 8). It is not a judicial decision.”⁵

As indicated above, the petition does not specifically state what amendments to Title 15 CCR § 2402(a) Petitioner desires. Petitioner simply requests that regulation CCR § 2402(a) be amended to come into compliance with the Uniform Determinate Sentencing Act (UDSA) to set a parole release date . . . in a manner that will provide uniform terms for offenses of similar gravity and magnitude”

For all of the reasons stated above and given that the Board’s existing regulation, Title 15, CCR § 2402(a), is consistent with statutory and case law, no regulatory action appears necessary at this time. Therefore, the Board denies the petition.

PROPOSITION 65

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

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**CHEMICALS UNDER CONSIDERATION FOR
POSSIBLE LISTING VIA THE AUTHORITATIVE
BODIES MECHANISMS: REQUEST FOR
RELEVANT INFORMATION**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act) which is codified at Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act provides two primary mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)).

One mechanism by which a chemical is listed is if a body considered to be authoritative by the state’s qualified experts has formally identified it as causing cancer or reproductive toxicity. For reproductive toxicity, the U.S. Environmental Protection Agency, the International Agency for Research on Cancer

⁵ *Morrall* at 287, citing *Greenholtz v. Nebraska Penal Inmates* in accord and *In re Schoengarth* (1967) 66 Cal.2d 295, 300.

solely as to transplacental carcinogenicity, the National Toxicology Program (NTP) solely as to final reports of the NTP's Center for Evaluation of Risks to Human Reproduction (NTP-CERHR), the U.S. Food and Drug Administration, and the National Institute for Occupational Safety and Health have been identified as authoritative bodies for purposes of the Act. The criteria for listing chemicals through the "authoritative bodies" mechanism are set forth in Title 22, California Code of Regulations, Section 12306.¹

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is investigating the possible listing of 2-bromopropane as a chemical known to cause reproductive toxicity (female and male endpoints), based upon information in the reference cited. Documentation summarizing the rationale for considering the evaluation of this chemical for possible administrative listing is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address:

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

OEHHA is committed to public participation and external scientific peer review in its implementation of Proposition 65, and welcomes public input on this listing process. As part of its efforts to ensure that regulatory decisions are based upon a thorough consideration of all relevant information, OEHHA is soliciting information concerning whether the criteria set out in Section 12306 have been met for this chemical.

A public forum to present oral comments and to discuss the scientific data and other information concerning whether this chemical meets the criteria for listing set forth in Section 12306 will be scheduled

¹ All further citations are to the California Code of Regulations unless otherwise indicated.

only upon request. Such request must be submitted in writing no later than 30 days before the close of the comment period on **Tuesday, March 8, 2005**. The written request must be sent to OEHHA at the address listed below no later than **Friday, February 4, 2005**. A notice for the public forum, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification. Written comments provided in **triplicate**, along with supporting information, should be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, March 8, 2005.

Following the review of all comments received, OEHHA will announce its intention to proceed with the listing of this candidate chemical that meets the regulatory criteria for administrative listing in a *Notice of Intent to List Chemicals*.

- A. A chemical which may meet the criteria set forth in Section 12306 for listing as known to cause **reproductive toxicity** via the "authoritative bodies" mechanism:

Chemical	CAS No.	Toxicological Endpoints	Chemical Use	Reference
2-Bromopropane	75-26-3	male reproductive toxicity Female reproductive toxicity	Intermediate in the synthesis of pharmaceuticals, dyes, and other organic chemicals; contaminant of 1-bromopropane	NTP-CERHR (2003)

REFERENCE

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of 2-Bromopropane*. NIH Publication No. 04-4480. U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, NTP, Research Triangle Park, NC.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code Sec. 11349.3, and
Cal. Code Regs., tit. 1, sec. 100)
OAL File No. 04-1102-01 N**

DECISION OF DISAPPROVAL OF PROPOSED CHANGES WITHOUT REGULATORY EFFECT

In re:

DEPARTMENT OF HEALTH SERVICES

ACTION: Amend sections 70577, 70717, 71517, 71545, 72303, 72315, 72319, 72461, 72471, 72515, 72525, 73303, 73315, 73409, 73517, 73519, 79315, and 79637, of title 22 of the California Code of Regulations

BACKGROUND

The Department of Health Services (Department) proposed changes to its regulations dealing with the scope of practice of clinical psychologists in the following health facilities: general acute care hospitals, acute psychiatric hospitals, skilled nursing facilities, intermediate care facilities, chemical dependency recovery hospitals and correctional treatment centers. The Department proposed the amendment of the above-captioned regulations to reflect the ruling of the California Supreme Court in *California Association of Psychology Providers (CAAP) v. Rank* (1990) 51 Cal.3d 1, 270 Cal.Rptr. 796 (*Rank*), and Health and Safety Code section 1316.5. On November 2, 2004, these changes were submitted to OAL for review as “changes without regulatory effect,” in accordance with the procedures set forth in section 100 of title 1 of the California Code of Regulations (“CCR”). On December 17, 2004, OAL disapproved the proposed changes. This Decision of Disapproval explains the reasons for OAL’s action.

December 24, 2004

Debra M. Cornez
Senior Counsel

for: William L. Gausewitz
Director

Original: Sandra Shewry, Director

cc: Barbara S. Gallaway

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.

AIR RESOURCES BOARD

Engine Manufacturer

This action adopts the Board’s engine manufacturer diagnostic system requirements for 2007 and subsequent model-year heavy-duty engines (EMD).

Title 13

California Code of Regulations

ADOPT: 1971

Filed 12/27/04

Effective 01/26/05

Agency Contact:

Michael L. Terris

(916) 327-2032

BOARD OF EQUALIZATION

Cigarette Tax: Expiration of Heat-Applied Decal Tax Stamps

In this emergency regulatory action, the State Board of Equalization adopts a regulation under the Cigarette and Tobacco Products Tax Law pertaining to the cigarette excise tax and the expiration of heat-applied decal tax stamps.

Title 18

California Code of Regulations

ADOPT: 4056.1

Filed 12/27/04

Effective 01/01/05

Agency Contact: Diane G. Olson

(916) 322-9569

BOARD OF OPTOMETRY

Continuing Education

This regulatory action amends the continuing education license renewal requirements to reflect the

change in the license renewal cycle from annual to biennial, amends the self-study continuing education requirements and the initial licensure exemptions.

Title 16
 California Code of Regulations
 AMEND: 1536
 Filed 12/22/04
 Effective 01/21/05
 Agency Contact: Rex Farmer (916) 322-0961

BOARD OF PRISON TERMS

Administrative Appeals

This action is the second emergency readoption of the Board's repeal of its internal administrative appeal system in order to comply with the Valdivia Remedial Plan Stipulated Order for Permanent Injunctive Relief. The prior emergency filings readopted by this emergency are OAL file numbers 04-0405-03E and 04-0819-01EE.

Title 15
 California Code of Regulations
 ADOPT: 2251.5 AMEND: 2041, 2072, 2073, 2074
 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701
 Filed 12/27/04
 Effective 12/27/04
 Agency Contact: Lori Manieri (916) 445-5277

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

School Program Requirements for VN and PTs

In this regulatory action, the Board of Vocational Nursing and Psychiatric Technicians amends regulations pertaining to school program requirements for vocational nurses and psychiatric technicians.

Title 16
 California Code of Regulations
 AMEND: 2526, 2529, 2532, 2533, 2534, 2581, 2584, 2586, 2587, 2588, 2588.1
 Filed 12/29/04
 Effective 01/28/05
 Agency Contact: Angela Hole (916) 263-7842

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Small Business Loan Guarantees

This emergency regulatory action increases access to capital for small business and makes technical corrections.

Title 10
 California Code of Regulations
 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 509, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5101, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267,

Filed 12/27/04
 Effective 12/27/04
 Agency Contact: Glenn Stober (916) 324-9538

**CALIFORNIA HIGHWAY PATROL
 Explosives Routes and Stopping Places**

This regulatory action amends the list of permissible places for trucks carrying explosives to stop.

Title 13
 California Code of Regulations
 AMEND: 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.6, 1151.7, 1151.8, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6, 1152.7, 1152.7.1, 1152.8
 Filed 12/23/04
 Effective 01/22/05
 Agency Contact: Gary Ritz (916) 445-1865

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Waste Tire Hauler Registration and Manifesting Regulations Regarding Retreaders

This rulemaking action allows retreaders to self-certify with the CIWMB and allows self-certified retreaders to substitute customer invoices for the manifest forms currently required by the California Uniform Waste and Used Tire Manifest system.

Title 14
 California Code of Regulations
 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462
 Filed 12/22/04
 Effective 12/22/04
 Agency Contact:
 Wendy Breckon (916) 341-6068

**CALIFORNIA SCHOOL FINANCE AUTHORITY
 Charter School Facilities Program**

In this regulatory action, the California School Finance Authority amends and adopts regulations pertaining to the Charter School Facilities Program.

Title 4
 California Code of Regulations
 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
 Filed 12/23/04
 Effective 12/23/04
 Agency Contact: Mark Paxson (916) 651-6846

**DEPARTMENT OF CORRECTIONS
 Work/Training Incentive Groups, Rule Violations**

This Certificate of Compliance implements bridging education programs designed to assist inmates in returning to society by amending provisions concern-

ing day-for-day credit, inmate discipline, and privilege group designations. (Previous OAL file ## 03-1221-01 EON and 04-0604-02 EON)

Title 15
California Code of Regulations
ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376 REPEAL: 3045.1
Filed 12/29/04
Effective 12/29/04
Agency Contact:
Randy Marshall (916) 324-6776

DEPARTMENT OF DEVELOPMENTAL SERVICES

Vouchered Respite

This emergency regulatory action permits a service provider to receive a voucher for the costs of respite care. (Previous OAL file # 04-0817-01E)

Title 17
California Code of Regulations
AMEND: 50604, 50604, 54302, 54310, 54320, 54320, 54326, 54332, 54355, 58533
Filed 12/22/04
Effective 12/22/04
Agency Contact: Lisa Primeaux (916) 654-2199

DEPARTMENT OF INSURANCE

Insurance Fraud

This is the fourth re-adoption of an emergency action that repeals the former regulations on special investigative units of insurance companies and adopts new regulations in their place in order to increase the detection and deterrence of insurance fraud, thereby protecting the public welfare.

Title 10
California Code of Regulations
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 REPEAL: 2698.42, 2698.43, 2698.44, 2698.45
Filed 12/28/04
Effective 12/30/04
Agency Contact: Debra Chaum (415) 538-4115

DEPARTMENT OF INSURANCE

Actuarial Opinion and Memorandum Regulation

This action updates the standards for statements of actuarial opinion submitted to the Commissioner by life and disability insurers.

Title 10
California Code of Regulations
AMEND: 2580.1, 2580.2, 2580.3, 2580.4, 2580.5, 2580.6, 2580.7, 2580.8, 2580.9
Filed 12/27/04
Effective 01/01/05
Agency Contact: George Teekell (415) 538-4390

DEPARTMENT OF INSURANCE

CAARP's Proposed Amendments to Rule 53

This action adds a rate entry for single limits to the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates (incorporated by reference in the CCR), Rule 53. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 11340.9(g).

Title 10
California Code of Regulations
AMEND: 2498.5
Filed 12/22/04
Effective 01/21/05
Agency Contact:
Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE

CAARP Uninsured Motorist Bodily Coverage

This nonsubstantive action revises the definition of an "uninsured motor vehicle" in the California Automobile Assigned Risk Plan of Operations manual (incorporated by reference in the CCR) to include a vehicle that is operated without the the insured's consent in a criminal activity. This and other revisions are being made to conform to requirements in Insurance Code section 11580.2 (Stats. 2001, Ch. 95).

Title 10
California Code of Regulations
AMEND: 2498.4.9, 2498.5
Filed 12/22/04
Effective 01/21/05
Agency Contact:
Michael Riordan (415) 538-4226

DEPARTMENT OF MOTOR VEHICLES

Refusal of Registration

This action adopts a regulation to clarify the statutory prohibition on the importation of vehicles that are not certified to meet California emission standards by residents and persons doing business in California.

Title 13
California Code of Regulations
ADOPT: 151.00
Filed 12/22/04
Effective 01/21/05
Agency Contact:
Christie Patrick (916) 657-5567

DEPARTMENT OF MOTOR VEHICLES

Conflict of Interest Code

The Department of Motor Vehicles is amending its conflict of interest code for which the note is found at Division 1, Chapter 1, Article 1, Section 1, Title 13, California Code of Regulations. The amendments were approved for filing by the Fair Political Practices Commission on October 18, 2004.

Title 13
 California Code of Regulations
 AMEND: 1
 Filed 12/28/04
 Effective 01/27/05
 Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
 Vehicle Description Requirement for Sale or Transfer

This action clarifies the information required in the vehicle description that is necessary as part of a report to DMV concerning the sale or transfer of a vehicle.

Title 13
 California Code of Regulations
 ADOPT: 150.06
 Filed 12/27/04
 Effective 01/21/05
 Agency Contact:
 Christie Patrick (916) 657-5567

DEPARTMENT OF SOCIAL SERVICES
 Implementation of the Quarterly Reporting/
 Prospective Budgeting System for the CalWORKs
 Program

The Department of Social Services (Department) is readopting those regulations contained in File No. 04-0624-04EP. The Department is readopting and reamending provisions found in its Manual of Policies and Procedures in order to implement AB 444 (Chapter 1022, Statutes of 2002), AB 692 (Chapter 1024, Statutes 2002), and AB 1402 (Chapter 398, Statutes of 2003) which provides authority for the Quarterly Reporting/Prospective Budgeting (QR/PB) reporting system. This regulation package contains a tandem regulation format to allow for the operation of both Monthly Reporting/Retrospective Budgeting (MR/RB) and QR/RB during counties' staggered implementation of Quarterly Reporting (QR) in accordance with the QR/RB Director's Declaration as specified in AB 444 (Chapter 1022, Statutes of 2002). This format is necessary to maintain current monthly reporting (MR) regulations for those counties that are pending QR implementation and will remain in place until all counties have implemented the QR system.

Title MPP
 California Code of Regulations
 ADOPT: 40-036 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115,
 Filed 12/24/04
 Effective 12/24/04
 Agency Contact: Alison Garcia (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
 Quarterly Reporting in the Food Stamp Program

This is an emergency readoption of the Department of Social Services' Quarterly Reporting and Prospective Budgeting in the Food Stamp Program (in the Manual of Policies and Procedures). Chapter 398, Statutes of 2003, section 71(b) allows the Department to adopt emergency regulations and one emergency readoption to implement this program. The bill declares that the regulations are deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. The bill exempts the emergency and readoption from review by OAL and allows the emergency to remain in effect for no more than 180 days.

Title MPP
 California Code of Regulations
 ADOPT: 63-508, 63-509 AMEND: 63-034, 63-102, 63-103, 63-300, 63-301, 63-410, 63-501, 63-503, 63-504, 63-505, 63-801, 63-804
 Filed 12/27/04
 Effective 12/29/04
 Agency Contact: Alison Garcia (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Addition to List of Common Electronic Hazardous
 Wastes

Adds LCD and Plasma televisions to the list of hazardous electronic waste. Requires manufacturers of products constituting hazardous electronic waste to notify retailers 10 days in advance of the introduction of a new such product to the market.

Title 22
 California Code of Regulations
 AMEND: 66260.201, Appendix X to chapter 11
 Filed 12/27/04
 Effective 12/27/04
 Agency Contact: Joan Ferber (916) 322-6409

EMPLOYMENT TRAINING PANEL
 Critical Proposal

The Employment Training Panel (Panel) provides funds for training the California workforce in the skills necessary for California businesses to remain viable and compete in both the national and global economies, while providing workers with good wages and secure employment. Existing regulations allow the Executive Director to designate certain projects as "Critical Proposals" in order to give such projects priority over other projects. This filing is a certificate of compliance for an emergency regulatory action which clarified what constitutes a "Critical Proposal" and allowed the Panel to modify certain regulatory criteria for these "Critical Proposal" companies on a case-by-case basis.

Title 22
California Code of Regulations
AMEND: 4402.2
Filed 12/27/04
Effective 12/27/04
Agency Contact:
Margie Miramontes (916) 327-5470

FISH AND GAME COMMISSION
Recreational Groundfish for 2005-06

This action adopts the recreational groundfish fishing regulations for 2005 and 2006.

Title 14
California Code of Regulations
AMEND: 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90
Filed 12/27/04
Effective 01/01/05
Agency Contact: Sherrie Koell (916) 653-4899

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**
Specific Regulatory Levels Posing No Significant Risk and Specific Regulatory Levels for Chemicals Causing Reproductive Toxicity

The regulatory action added one chemical and level to section 12705's list of "specific regulatory levels posing no significant risk" and added 7 chemicals and levels to section 12805's list of "no observable effect levels" for chemicals causing reproductive toxicity. The Office of Environmental Health Hazard Assessment withdrew the proposed adoption of the no significant risk level for the chemical naphthalene from Section 12705(b)(1) and the maximum allowable dose level for the chemical sodium dimethyldithiocarbamate from section 12805 and reserved the right to resubmit the proposed levels at a later time on or before July 2, 2005.

Title 22
California Code of Regulations
AMEND: 12705, 12805
Filed 12/23/04
Effective 01/22/05
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." This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8 and is submitted for filing with the Secretary of State and printing only.

Title 22
California Code of Regulations
AMEND: 12000
Filed 12/27/04
Effective 07/09/04
Agency Contact: Cynthia Oshita (916) 322-2068

PUBLIC EMPLOYMENT RELATIONS BOARD
Administrative Fees

As a result of the enactment of Senate Bill 1102 (Chapter 227, Statutes of 2004), effective August 16, 2004, the Public Employment Relations Board (PERB) has responsibility for the administration and enforcement of the Trial Court Employment Protection and Labor Relations Act (Trial Court Act) and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). This filing is a readoption of an emergency regulatory action which made extensive amendments to existing regulations and adopted a new Chapter 7 and Chapter 8 in order to provide for the filing and processing of unfair practice charges or representation petitions under the Trial Court Act and the Court Interpreter Act.

Title 8
California Code of Regulations
ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180, 81
Filed 12/27/04
Effective 12/29/04
Agency Contact:
Bernard McMonigle (916) 327-8386

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**
Ex Parte Communication

This action adopts the Commission's policies regarding and procedures for handling any ex parte communication with a Commission member on a pending adjudicatory action.

Title 14
California Code of Regulations
ADOPT: 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289 REPEAL: 11325
Filed 12/27/04
Effective 01/26/05
Agency Contact:
Jonathan T. Smith (415) 352-3655

STATE WATER RESOURCES CONTROL BOARD
Updated Total Dissolved Solids (TDS) and Nitrogen Management Plan

This amendment to the Water Quality Control Plan for the Santa Ana Region (Basin Plan) incorporates an updated total dissolved solids (TDS) and nitrogen management plan including revised groundwater subbasin boundaries, revised TDS and nitrate-nitrogen water quality objectives for groundwater, revised TDS and nitrogen wasteload allocations, revised reach designations, and TDS and nitrogen objectives, and beneficial uses for specific surface waters.

Title 23
California Code of Regulations
AMEND: 3978
Filed 12/23/04
Effective 12/23/04
Agency Contact: Ling Tseng (916) 341-5558

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN AUGUST 11, 2004 TO
DECEMBER 29, 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

10/13/04 ADOPT: 1015, 1019, 1048, 1050
AMEND: 1000, 1002, 1004, 1006, 1008,
1012, 1014, 1016, 1018, 1020, 1022,
1024, 1026, 1027, 1028, 1030, 1032,
1034, 1038, 1040, 1042, 1044, 1046
08/12/04 ADOPT: 1396 AMEND: 1314, 1321,
1323, 1324, 1334, 1354, 1390, 1392,
REPEAL: 1332

Title 2

12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83
12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:
1859.2, 1859.51, 1859.70, 1859.103,
12/06/04 AMEND: 1859.2, 1859.51
11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000
11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4,
1866.4.1, 1866.4.2, 1866.4.3, 1866.5,
1866.5.1, 1866.7, 1866.13
11/22/04 AMEND: 58700
11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5,
561.6, 561.7, 561.8, 561.9, 561.10,
561.11, 561.12, 561.13, 561.14

11/10/04 ADOPT: 1859.163.1, 1859.163.2,
1859.163.3, 1859.164.2, 1859.167.1
AMEND: 1859.2, 1859.145, 1859.145.1,
189.160, 1859.161, 1859.162, 1859.163,
1859.164, 1859.164.1, 1859.165,
1859.166, 1859.167, 1859.168, 1859.171
11/09/04 AMEND: 18530.8
11/04/04 AMEND: 1859.71.2, 1859.78.4
11/02/04 AMEND: 1859.51, 1859.105
11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,
1859.73.1, 1859.81, 1859.83, 1859.90,
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,
1859.129, 1859.130
10/26/04 ADOPT: 18361.1, 18361.2, 18361.3,
18361.4, 18361.5, 18361.6, 18361.7,
18361.8, AMEND: 18361.5, 18406,
18450.4, 18702.2, 18702.5, 18740,
18747, 18754, 18951 REPEAL: 18361
09/29/04 ADOPT: 20107
09/23/04 AMEND: 18401, 18421.1
09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4,
588.5, 588.6, 588.7, 588.8, 588.9,
5881.10
09/15/04 ADOPT: 599.511 AMEND: 599.500(t)
09/10/04 AMEND: 54300
09/09/04 AMEND: 18704.2
08/31/04 ADOPT: 599.517
08/20/04 ADOPT: 586, 586.1, 586.2

Title 3

12/20/04 REPEAL: 305, 306
11/29/04 AMEND: 3423(b)
11/17/04 AMEND: 1703.3
11/16/04 AMEND: Subchapter 1.1
11/10/04 AMEND: 3601(g)
11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000, REPEAL: 6450,
6450.1, 6450.2, 6250.3, 6784
10/25/04 AMEND: 3700(c)
10/14/04 AMEND: 3423(b)
10/13/04 AMEND: 3700(b)
10/06/04 ADOPT: 2042, 2100, 2101, 2102
10/06/04 AMEND: 3877(a), 3883, 3885(a)(b),
4603(f) REPEAL: 3902
10/04/04 AMEND: 1280.2
09/22/04 AMEND: 3430(b)
09/20/04 AMEND: 3700
09/09/04 AMEND: 6502
09/08/04 AMEND: 3423(b)
09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
09/02/04 AMEND: 3700(b)(c)
08/19/04 AMEND: 3700(c)

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12/23/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
12/20/04 ADOPT: 12200, 12200.1, 12200.3, 12200.5, 12200.6, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.15, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.
12/16/04 ADOPT: 144
12/16/04 ADOPT: 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, 10328, 10329, 10330, 10331, 10332, 10333, 10334,
11/29/04 AMEND: 1846.5
11/23/04 ADOPT: 2444 AMEND: 2241, 2242, 2243, 2245, 2250, 2270, 2271, 2272, 2300, 2401, 2422, 2423, 2424, 2425, 2426, 2441, 2442, 2443, 2505, 2507, 2511, 2512
11/08/04 ADOPT: 12360, 12370
10/18/04 ADOPT: 12270, 12271, 12272
10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102, 2103
10/13/04 AMEND: 1371
09/23/04 ADOPT: 144
09/20/04 AMEND: 12101, 12122, 12250
08/17/04 ADOPT: 12400, 12401, 12402, 12403, 12404, 12405, 12406

Title 5

12/08/04 ADOPT: 9517.1 AMEND: 9515, 9517
11/16/04 ADOPT: 80089.3, 80089.4
11/15/04 ADOPT: 6116, 6126 AMEND: 6100, 6115, 6125
11/09/04 ADOPT: 14105
11/04/04 AMEND: 11981, 11985
11/02/04 AMEND: 58311, 58316
09/30/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19837, 19837 AMEND: 19814
09/22/04 AMEND: 11530
09/14/04 AMEND: 58310, 58312, 58314
09/08/04 ADOPT: 58139
09/03/04 AMEND: 40000, 40050, 40650, 40900, 41302, 41304, 41901.5, 42501, 43000
09/02/04 ADOPT: 40402.1, 40405, 40405.1, 40405.2, 40405.3, 40405.4, 40901, 41301, 41906, 41910, and 42728. AMEND: 40500, 40501, 40503, 40505, 40506, 41600, 41601, 42395, 42705,

43600, 43601, 43602, 43603, 43604, 43660, 43661, 43662, 43663, 43664, 43665, 43666

Title 7

12/06/04 AMEND: 213, 218

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12/27/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180,
12/15/04 ADOPT: 9788.01, 9788.1, 97883.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91
12/15/04 AMEND: 9789.11
12/09/04 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6
12/08/04 AMEND: 1602(a)
12/08/04 AMEND: 3210, 3212
12/07/04 AMEND: 3314
11/09/04 AMEND: 6777
11/03/04 AMEND: 1541(l)(1)
11/03/04 AMEND: 15220, 15220.1, 15220.3, 15220.4
11/01/04 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14
10/19/04 ADOPT: 16421, 16422, 16423, 16424 AMEND: 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16433, 16434, 16435, 16436, 16437, 16438, 16439 REPEAL: 16430, 16435.5
10/07/04 AMEND: 5144
10/07/04 AMEND: 3456
10/06/04 AMEND: 344.30
10/04/04 AMEND: 5155
10/04/04 ADOPT: 10202, 10102.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204
10/01/04 ADOPT: 3241.1
10/01/04 AMEND: 5155
09/30/04 AMEND: 3381
08/30/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180,

08/27/04 AMEND: 3657

08/26/04 AMEND: 3427

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12/06/04 ADOPT: 9805, 9868 AMEND: 9801, 9801.5, 9804, 9812, 9820, 9824, 9848, 9867, 9878

10/28/04 AMEND: 9525

09/01/04 ADOPT: 9807, 9822, 9834, 9836 AMEND: 9800, 9802, 9878 REPEAL: 9830, 9834, 9836

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12/28/04 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 REPEAL: 2698.42, 2698.43, 2698.44, 2698.45

12/27/04 AMEND: 2580.1, 2580.2, 2580.3, 2580.4, 2580.5, 2580.6, 2580.7, 2580.8, 2580.9

12/27/04 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 509, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5101, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5

12/22/04 AMEND: 2498.4.9, 2498.5

12/22/04 AMEND: 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5

12/21/04 AMEND: 2498.4.9, 2498.5

12/17/04 ADOPT: 2194., 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8

11/19/04 ADOPT: 2361

10/27/04 AMEND: 260.102.14

10/26/04 AMEND: 2498.4.9, 2498.5

10/04/04 AMEND: 2632.13(e)

09/22/04 AMEND: 2731

09/16/04 AMEND: 2318.6, 2353.1

09/15/04 AMEND: 2695.8(b)

09/01/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2697.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42

08/31/04 ADOPT: 2698.95

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.3

08/25/04 ADOPT: 2498.4.9 REPEAL: 2400, 2401, 2403, 2404, 2405, 2406, 2407, 2408, 2420, 2421, 2421.1a, 2421.2, 2421.3, 2421.4, 2421.5, 2421.6, 2421.8, 2421.9, 2421.10, 2422, 2430, 2431, 2431.1, 2431.2, 2431.3, 2432, 2441, 2442, 2443, 2443.1, 2444, 2444.5, 2444.6

08/24/04 AMEND: 2498.6

Title 11

12/07/04 AMEND: 51.16

11/01/04 ADOPT: 4001, 4002, 4003, 4004, 4005, 4006 AMEND: 984.1

10/19/04 ADOPT: 2037, 2038 AMEND: 2010, 2037, 2050

08/26/04 AMEND: 1005, 1007, 1008, 1018

Title 12

10/08/04 AMEND: 503(f)

Title 13

12/28/04 AMEND: 1

12/27/04 ADOPT: 150.06

12/27/04 ADOPT: 1971

12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.6, 1151.7, 1151.8, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6, 1152.7, 1152.7.1, 1152.8

12/22/04 ADOPT: 151.00

12/16/04 AMEND: 2284

12/15/04 ADOPT: 154.00

12/09/04 ADOPT: 423.00

12/02/04 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2709

12/02/04 ADOPT: 120.01 AMEND: 120.00, 120.02, 120.04

11/10/04 ADOPT: 2477

10/28/04 ADOPT: 1230.5

10/25/04 AMEND: 190.32, 190.34, 190.36, 190.38

09/09/04 ADOPT: 15.07

09/02/04 ADOPT: 155.05 AMEND: 155.00, 155.02, 155.04, 155.08, 155.10 REPEAL: 155.06

Title 14

12/27/04 ADOPT: 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289 REPEAL: 11325

12/27/04 AMEND: 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90

12/22/04 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462

12/21/04 AMEND: 7.50(b)(180)

12/21/04 AMEND: 851.50, 851.51, 851.51.1, 851.54

12/13/04 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 1

12/13/04 AMEND: 180.1, 108.3

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12/07/04 AMEND: 195
 11/22/04 AMEND: 670.5
 11/10/04 AMEND: 630
 11/08/04 ADOPT: 3696.5
 11/08/04 ADOPT: 5.26 AMEND: 4.15, 5.25
 11/04/04 AMEND: 502
 11/04/04 AMEND: 550, 551, 552
 11/03/04 AMEND: 163, 164
 11/02/04 AMEND: 2525
 10/28/04 AMEND: 912.9, 932.9, 952.9
 10/21/04 AMEND: 300, 600
 10/18/04 AMEND: 1682, 1682.1, 1683, 1683.1,
 1683.6 REPEAL: 1681.2, 1681.3, 1681.2,
 1681.3
 10/14/04 AMEND: 10610(e) Appendix M and
 Appendix N
 10/12/04 ADOPT: 1052.4 AMEND: 895.1, 1052,
 1052.1
 10/07/04 AMEND: 851.1
 09/27/04 AMEND: 851.23
 09/22/04 AMEND: 1.74
 09/21/04 AMEND: 507.1
 09/09/04 AMEND: 27.60, 27.65, 27.82, 28.27
 09/07/04 ADOPT: 17913.5 AMEND: 17901,
 17902, 17905, 17910, 17911, 17913,
 17914, 17914.5
 09/07/04 ADOPT: 15333, Appendix L AMEND:
 15023, 15062, 15064, 15065, 15075,
 15082, 15085, 15087, 15088, 15088.5,
 15094, 15097, 15126.4, 15205, 15206,
 15252, 15313, 15325, 15330, 15333,
 15378, Appendices C, D
 09/01/04 AMEND: 671
 08/23/04 AMEND: 7.50
 08/23/04 ADOPT: 18456.2.1, 18460.2.1 AMEND:
 18449, 18450, 18451, 18456, 18459,
 18459.2.1, 18459.3, 18461, 18462
 08/12/04 AMEND: 7.50(b)(180)

Title 15

12/29/04 ADOPT: 3000 AMEND: 3005, 3044,
 3062, 3313, 3314, 3315, 3323, 3376
 REPEAL: 3045.1
 12/27/04 ADOPT: 2251.5 AMEND: 2041, 2072,
 2073, 2074 REPEAL: 2050, 2051, 2052,
 2054, 2055, 2056, 2701
 12/14/04 ADOPT: 3194, 3195 AMEND: 3006,
 3044, 3092, 3100, 3101, 3107, 3138,
 3161, 3190, 3191, 3192, 3193 REPEAL:
 3044, 3092, 3138, 3190
 12/09/04 AMEND: 2253
 11/05/04 ADOPT: 1059
 10/13/04 REPEAL: 4200, 4201, 4202, 4370, 4371,
 4374, 4376, 7381, 7382, 7393, 4394,
 4394, 4394.8, 4395, 4396, 4397, 4399,
 4400
 09/13/04 AMEND: 200, 2400, 2403

08/30/04 ADOPT: 2251.5 AMEND: 2005, 2057,
 2072, 2073, 2074 REPEAL: 2050, 2051,
 2052, 2054, 2055, 2056

Title 16

12/29/04 AMEND: 2526, 2529, 2532, 2533, 2534,
 2581, 2584, 2586, 2587, 2588, 2588.1
 12/22/04 AMEND: 1536
 12/20/04 ADOPT: 4123
 12/20/04 AMEND: 1567, 1568, 1569
 12/17/04 AMEND: 1397.60
 12/16/04 ADOPT: 1387.6, 1387.7, 1389.1, 1390.1,
 1390.2, 1390.3, 1390 AMEND: 1387,
 1387.1, 1387.2, 1387.3, 1387.4, 1387.5,
 1391.3, 1391.4, 1391.5, 1391.8, 1391.10,
 1391.11 REPEAL: 1390
 12/10/04 AMEND: 1397.62
 12/09/04 ADOPT: 1398.26.5 AMEND: 1398.26
 12/06/04 ADOPT: 643
 11/22/04 ADOPT: 4144
 11/08/04 ADOPT: 4200, 4202, 4204, 4206, 4208,
 4210, 4212, 4216, 4218, 4220, 4222,
 4224, 4226, 4230, 4232, 4234, 4236,
 4240, 4242, 4244, 4246, 4248, 4250,
 4252, 4254, 4256, 4258, 4260, 4262,
 4264, 4266, 4268
 11/02/04 ADOPT: 1746
 10/26/04 ADOPT: 4180, 4181, 4182, 4183, 4184
 10/25/04 AMEND: 1379.26
 10/22/04 ADOPT: 1382.6 AMEND: 1382.5
 10/08/04 ADOPT: 1399.16
 10/08/04 AMEND: 1079.2
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- 09/29/04 ADOPT: 51000.10.1, 51000.15.1, 51000.20.9, 51000.31, 51000.51, 51000.52, 51000.53, 51000.60 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000.35, 51000.40, 51000.45, 51000.50, 51000.55, 51051, 51451
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- 08/17/04 AMEND: 4402.2
- 08/16/04 ADOPT: 83702(a), 83072(b), 83072(c), 83072(c)(1)(A)1, 83072(c)(6)(A)1, 83072(c)(6)(A)2, 83072(c)(6)(A)3, 83072(c)(8)-(27)(H) et seq., 83072(d), 84072(a), 84072(b), 84072(c), 84072(c)(5)(B), 84072(c)(11)(A)1, 84072(c)(11)(A)2, 84072(c)(11)(A)3, 84072(c)1
- 08/12/04 AMEND: 51315
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