



# 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 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

#### PC 832 Arrest And Firearms Course Qualification Test Fees and Exemption

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) is proposing to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST), 13506 (authority for Commission on POST to adopt regulations), and 832(f) (authority for Commission on POST to charge exam fees). This proposal is intended to interpret, implement and make specific Penal Code sections 13510 (Commission on POST authority to adopt and amend rules establishing minimum standards for California local law enforcement officers), 13510.5 (Commission on POST authority to adopt and amend standards for certain other designated California peace officers), 832.3(b) (Commission mandate to develop a testing program and standardized tests), and 832(e)-(g) (Commission authority to charge exam fees not to exceed actual costs).

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

At its February 2004 meeting, the Commission approved revisions to Regulation 1080: PC 832 Arrest and Firearms Course Qualification. Currently, Regulation 1080 specifies PC 832 Arrest and Firearms Course qualification requirements and exemptions, qualification options, examination eligibility, and the examination process, including fees for the three PC 832 qualification examinations. The proposed changes to Regulation 1080 include referencing the new exemption added to Penal Code Section 832 (e)(2) in 2004 and the more specific, new examination titles (proposed in OAL Regulatory Action file #04-0715-02S). The proposed changes to Regulation 1080 will also eliminate the POST-specified examination fees, and allow the PC 832 Qualification Examination presenters to establish

their own examination fees, not to exceed actual test administration costs. The significance of these proposed changes are the following: an additional exemption to the requalification requirement is available, exam titles are more specific for clarity, fees may now vary by presenter, a presenter may now charge fees for immediate retesting, and all fees charged are subject to POST audit.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on October 4, 2004. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax number (916) 227-2801.

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

#### ADOPTION OF PROPOSED REGULATIONS

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

#### TEXT OF PROPOSAL RULEMAKING FILE; INTERNET ACCESS

The following detailed information regarding the proposed regulatory action is provided on the POST website at

[www.post.ca.gov/RegulationNotices/  
RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp)

- POST bulletin
- Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling (916) 227-4847 or by submitting a written request to the contact person listed below; please refer to Bulletin #04-11. The Rulemaking file, which contains the above-mentioned documents and all information upon which this proposal is based, will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The *Final Statement of Reasons* will be available on October 7, 2004 by requesting it via the above phone number, writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST Internet website.

#### ESTIMATE OF ECONOMIC IMPACT

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

**Non-discretionary Costs/Savings to Local Agencies:** None

**Local Mandate:** None

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

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

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

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

#### ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the

state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Inquiries or comments pertaining to the proposed action concerning the substance of the proposed action for the PC 832 Arrest and Firearms Course Requalification Test Fees and Exemption should be directed to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-4847, fax number (916) 227-5271, or by email at [Pat.Cassidy@post.ca.gov](mailto:Pat.Cassidy@post.ca.gov). The back-up contact person for this proposal is Anna Del Porto, Associate Analyst; Anna may be reached by telephone at (916) 227-4854 or by email at [Anna.DelPorto@post.ca.gov](mailto:Anna.DelPorto@post.ca.gov).

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

#### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 423.00, in Chapter 1, Division 1, Article 6, of Title 13, California Code of Regulations to identify the annual adjustment of specified fees.

#### PUBLIC HEARING

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

#### DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *October 4, 2004*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Sections 1678, 4604, 5014, 5036, 6700.25, 9102.5, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9702, 11515, 11515.2, 12814.5, 14900, 14900.1, 14901, 14902, 38121, 38232, 38255, 38260, and 38265 of the Vehicle Code; Section 488.385 of the Code of Civil Procedures; and Section 10902 of the Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California legislation (SB1055, Committee on Budget and Fiscal Review, Stats. 2003, Chapter 719) enacted to add Vehicle Code section 1678 requires the department to annually review and adjust a variety of department fees beginning January 1, 2005. The fees are to be adjusted in an amount equal to the increase in the California Consumer Price Index for the prior year as calculated by the Department of Finance. The fee would only be increased when the calculated amount equals or is greater than \$0.50 rounded to the next highest whole dollar.

The department proposes to adopt Section 423.00 to identify the Vehicle Code sections that authorize each fee identified in Vehicle Code section 1678, the dates the fee increases are effective and the amount of each adjusted fee.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents to be incorporated by reference.

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 aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The department is required by statute to adjust specific fees by increasing each fee in an amount equal to the increase in the California Consumer Price Index for the prior year, as calculated by the Department of Finance. Thirty-five different fees are proposed to be increased by one dollar over the base fee amounts indicated in statute.

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. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the state of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses because the proposed regulatory action identifies specific fees that will be increased based on the increase in the California Consumer Price Index for the prior year. This regulation proposes to increase thirty-five fees specified in statute by one dollar (\$1) over the base amounts indicated in statute.

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 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, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@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 e-mail [dbaity@dmv.ca.gov](mailto: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 (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

**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 fully 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 14. BOARD OF FORESTRY AND FIRE PROTECTION**

**NOTICE OF PROPOSED RULEMAKING**

Fuel Hazard Reduction, 2004

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

**Amend:**

- § 895.1 Definitions
- § 1052 Emergency Notice
- § 1052.1 Emergency Conditions

**Adopt Permanently:**

- § 1052.4 Emergency Notice for Fuel Hazard Reduction

**PUBLIC HEARING**

The Board will hold a public hearing on Wednesday, October 6, 2004, starting at 10:00 a.m., at the Resources Building Auditorium, 1<sup>st</sup> Floor, and 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, October 4, 2004. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

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

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

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

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

(916) 653-0989

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

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

**AUTHORITY AND REFERENCE**

Public Resources Code (PRC) 4551 authorizes the Board to adopt such Rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562, 4582, 4584 and 4592 of the Public Resources Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California State Board of Forestry and Fire Protection (Board) recognizes the urgent, extensive and on-going wildfire hazard existing on private forest lands resulting from the combination of increasing quantity and arrangement of natural vegetation. To address this situation, Board is proposing regulation necessary to provide regulatory relief for an emergency condition relating to wildfire threat and hazardous fuel conditions in the State's private timberlands. The regulation is promulgated in accordance with existing statute PRC 4592, Emergency notice; content. The proposed rule defines an Emergency Condition under 14 CCR § 1052.1 and specifies the location, treatments and environmental protection measures related to the removal of live and dead fuel (vegetation) hazards near communities, roads and infrastructure facilities. The rule allows filing an Emergency Notice instead of a Timber Harvest Plan when operations are conducted in accordance with the proposed rule conditions of § 1052.4, Emergency Notice for Fuel Hazard Reduction.

The general scope of the rule is private timberlands in and ¼ mile adjacent to "communities at risk", as listed by the California Fire Alliance. Additionally, 500 feet from certain roads, permitted structures outside of the community areas, infrastructure facilities, and approved fire suppression ridges are included for treatment. The primary target groups are small timberland owners, who often have the least means and capability to complete fuel reduction projects.

The general goal is reduction of the vertical and horizontal continuity of fuels by using vegetative manipulation methods that modify surface fuels, remove ladder fuels, and (to a lesser extent) thin the overstory canopy.

**REGULATION PURPOSE AND NECESSITY**

**14 CCR § 895.1 Definitions**

**SPECIFIC PURPOSE OF THE REGULATION**

The California Forest Practice Rules commonly utilize definitions of technical terms in the regulation text that are generally recognized by federal and state agencies, as well as the forest products industry representatives. However, the Forest Practice Rules under 14 CCR § 895.1 (Definitions) do not include a comprehensive listing of applicable definitions for

proposed for use in the regulation. Definitions are being added to allow for new terms and provide brevity and clarity in the proposed rule.

**14 CCR § 1052 Emergency Notice**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to list the Department form that will be used by those submitting a request to implement the proposed regulation and amend the conditions required for archaeological review.

14 CCR § 1052 specifies Form RM 65 (1052.4) (6/04) shall be used when submitting request to operate under an emergency notice for fuel hazard reduction.

14 CCR § 1052 (10)(A) states a person conducting archaeological review shall be certified pursuant to 14 CCR 929.4 (949.4, 969.4).

**14 CCR § 1052.1 Emergency Condition**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to add an additional description of what constitutes an emergency condition as declared by the Board under its authority stated in PRC4592. This subsection is needed to describe the nature of the emergency pursuant to 895.1 definition of emergency, so those filing an emergency notice can refer to this condition as the basis of conducting their operation.

**14 CCR § 1052.4 Emergency Notice for Fuel Hazard Reduction**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to describe the location, vegetative treatments, documentation requirements and protective requirements for those filing a Notice of Emergency Timber Operation Fuel Hazard Reduction which was authorized under the proposed amendment in 14CCR 1052.

14 CCR § 1052.4 (a) describes the documentation and field requirements an RPF must develop and apply. These include pre and post harvest stand structure analysis [§ 1052.4 (a)(1)]; criteria used to designate trees [§ 1052.4 (a)(2); designation methods [§ 1052.4 (a)(3)]; and post harvest compliance methodology [§ 1052.4 (a)(4)]. Post harvest compliance to the regulations relates to physical measurement, observations and comparison to a photo series depicting desired end results.

14 CCR § 1052.4(b) describes the operational limitation conformance. Such limitations have been previously listed in 1038 (b) and (f) and are commonly recognized and used.

14 CCR § 1052.4 (c) describes the geographic locations where operation are permitted. The specific locations include within ¼ mile legal structures within or adjacent to a community listed in the “California Fire Alliance list of Communities at Risk” [§ 1052.4 (c)(1)] (see attachment for list of communities or refer to web site listed in regulation); 500 feet of a legal structures outside the area defined in § 1052.4(c)(1); 500 feet of either side of a public or federal road [§ 1052.4 (c)(3)]; 500 feet on either side of a private road providing access to legal structures [§ 1052.4 (c)(4)]; 500 feet on either side of a mainline haul road identified by a public fire agency as necessary for fire suppression or evacuation and is approved by a public fire agency in a fire prevention plan [§ 1052.4 (c)(5)]; 500 feet on either side of ridges identified by a public fire agency as suitable for fire suppression and is approved by a public fire agency in a fire prevention plan [§ 1052.4 (c)(6)]; or within 500 feet of infrastructure facilities such [§ 1052.4 (c)(6)].

14 CCR § 1052.4 (d) describes the vegetative treatments permitted under the emergency notice. The treatments must target smaller trees and leave large trees as measured by increasing the quadratic mean diameter [§ 1052.4 (d)(1)]; be limited to trees less than 30 inches stump diameters [§ 1052.4 (d)(2)]; have minimum post harvest canopy closure requirements that vary by forest type [§ 1052.4 (d)(3)]; meet commercial thinning requirement of 14 CCR § 913.3 [933.3, 953.3] immediately upon completion of operations [§ 1052.4 (d)(4)]; removed to achieve a minimum clearance distance of 8 feet measured from the base of the live crown of the post harvest dominant and codominant trees to the top of the surface fuels [§ 1052.4 (d)(5)]; treat surface fuels to achieve the goal of an average of 4 foot maximum flame length height under average severe fire weather conditions [§ 1052.4 (d)(6)].

14 CCR § 1052.4 (e) specifies the wildlife habitat protection requirements to be implemented in the project.

14 CCR § 1052.4 (f) establishes a sunset date for the regulation of December 31, 2008. The regulation would terminate on this date and the Board would have to adopt an amendment to extend this date to continue the regulation.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

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

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.

- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.
- Potential cost impact on private persons or directly affected businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business. Small businesses should benefit from the reduction in regulatory requirements resulting from filing of an Emergency Notice instead of a Timber Harvest Plan for conducting operations under this regulation.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

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

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified

text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
 Attn: Christopher Zimny  
 Regulations Coordinator  
 P.O. Box 944246  
 Sacramento, CA 94244-2460  
 Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, Chief Environmental Protection and Regulation, Department of Forestry and Fire Protection, at the above address and phone number (916) 653 -5602.

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

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

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

A copy of the express terms of the proposed action using the following styles is also available from the contact person named in this notice:

- 1) language existing before 8/20/04 is shown in PLAIN TEXT,
- 2) language being proposed as either an amendment or new section is DOUBLE-SPACED AND SINGLE UNDERLINED,

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

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,

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

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

**TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION**

**NOTICE OF PROPOSED RULEMAKING  
 Road Management Plan, 2004**

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

**Amend:**

- |       |   |
|-------|---|
| § 895 | Abbreviations Applicable Throughout the Chapter |
|-------|---|

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

**Adopt Permanently:**

- |           |  |
|-----------|--|
| § 1093    | Road Management Plan   |
| § 1093.01 | Relations to Plans   |
| § 1093.02 | Management Unit  |
| § 1093.03 | Road Management Plan Assessment                              |
| § 1093.04 | Content of Road Management Plan                              |
| § 1093.05 | Limitation on Information Requirements                       |
| § 1093.06 | RMP, Effective Period  |
| § 1093.07 | Review of Road Management Plan                               |
| § 1093.08 | Review Team to be Established to Review Road Management Plan |
| § 1093.9  | Amendments   |
| § 1093.10 | Cancellation of an RMP                                       |
| § 1093.11 | Timber Harvest Plan Submitted With an RMP and Termination    |

**PUBLIC HEARING**

The Board will hold a public hearing on Wednesday, October 6, 2004, starting at 9:00 a.m., at the Resources Building Auditorium, 1<sup>st</sup> Floor, and 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in

writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

#### WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, October 4, 2004. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

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

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

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

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

(916) 653-0989

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

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

#### AUTHORITY AND REFERENCE

Public Resources Code (PRC) 4551 authorizes the Board to adopt such Rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, and 4582 of the Public Resources Code. PRC 4513(b) states that one of the goals of the Z'berg-Nejedly Forest Practice Act is to consider watershed, wildlife, and fisheries. These regulatory changes will further that goal.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Forestry and Fire Protection (Board) is proposing changes to the Forest Practice Rules (FPRs) for development of a *Road Management Plan (RMP)* as a supplement to the Timber Harvest Plan (THP) process. The RMP provides a means for addressing long-term issues of sustained timber production and cumulative watershed effects from the transportation system on fish, wildlife, the beneficial uses of water, and watersheds on a landscape basis. A RMP specifies measures to be applied to a forest transportation system to protect, maintain, and enhance the beneficial uses of water and other environmental resources consistent with the objectives of the timberland owner. Among the general ways the RMP contributes to the beneficial uses of water is the following:

- The RMP provides a regulatory opportunity for the California Department of Forestry and Fire Protection (Department), other responsible agencies, and timberland owners to identify site-specific conditions that are impacting the beneficial uses of water, including anadromous salmonid protection, within the broader context of a logical hydrologic or ownership unit.
- The RMP promotes consultation between the responsible agencies and the timberland owner to address specific limiting factors for anadromous salmonids and other beneficial uses of water related to roads within an evaluation area before the development and review of individual harvest plan proposals.
- The RMP provides timberland owners with an option to use the existing generic forest practice rules. These rules focus on harvest plan and mitigation design for site-specific factors related to roads that are limiting factors for anadromous salmonids and other beneficial uses of water within the evaluation area (THP plus appurtenant roads).

The proposed regulation includes specific contents for the RMP. These include a goals and objectives element (long term plans and desired future conditions), an evaluation element (history, existing conditions, and constraints), an operational element (construction and use), a verification element (tracking and monitoring), and an adaptive management element (goal comparison and revisions).

The RMP may be submitted by a timberland owner(s) for the Department Director's review and approval would meet California Environmental Quality Act (CEQA) requirements under the certification of the THP as a functional equivalent to an Environmental Impact Report.

In summary, the RMP provides the timberland owner and agencies a voluntary process to evaluate and reach solutions on limiting factors for anadromous fisheries and other beneficial uses of water. Those solutions are memorialized in a document that receives discretionary approval to allow subsequent tiering of THPs. The objective is a reduction in overall complexity and improved watershed level impact analysis.

**14 CCR § 895 Abbreviations Applicable Throughout the Chapter**

**SPECIFIC PURPOSE OF THE REGULATION**

The California Forest Practice Rules commonly utilize abbreviations of technical terms in the regulation text that are generally recognized by federal and state agencies, as well as the forest products industry representatives. However, the Forest Practice Rules under 14 CCR § 895 (Abbreviations) do not include a comprehensive listing of applicable abbreviations for these terms. Abbreviations are being added to represent the Road Management Plan (RMP) to allow some brevity in the rules and for clarity.

**14 CCR § 1093 Road Management Plan**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state the intent and authorization for creating a RMP. One to the intents is to permit the tiering between the RMP and other plans. By the Board's incorporation of subsections throughout the entire regulation such as:

- certain time limits for processing,
- longer time periods for public reviews (compared to THPs), and
- a process to accommodate changes to the plan over its life,
- An appeal process,
- Mandatory items needing evaluation,
- administrative remedies,
- alternatives language,

the RMP is yet another plan that meets the standards of PRC 21080.5 and the Secretary of Resources 1976 certification of the Forest Practice Rules. The rulemaking file, along with the rule language, contain specific components to meet the intent of PRC 21080.5 under the umbrella of the current THP certification. These documents represent a supplement to the THP. Individual THPs are still required, but may rely on information contained in the RMP to the degree issues are covered in them. The Board has established the general content of the requirements for RMPs as they relate long term protection of resources potentially impacted by road use, construction, reconstruction, maintenance, and abandonment; and identify protection for watershed values during logging operation.

Another purpose of this section 14 CCR § 1093 (d) is to state the intent of practicality and reasonableness in creation and submission of a RMP. This practicality and reasonableness is necessary to promote use of the RMP, provide for relevant information, and avoid unnecessary cost burden related information disclosure and analysis.

**14 CCR § 1093.01 Relation to Plans**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state the connection between the RMP and subsequent plans that use the RMP. It clarifies that the RMP does not replace plan, but a subsequent plan may use the information contained in the RMP. This is the fundamental premise of the utility of the RMP.

**14 CCR § 1093.02 Management Unit**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to define the term "Management Unit" for use of the term throughout the regulation. This definition clearly discloses the physical boundaries needed to be analyzed in the RMP.

**14 CCR § 1093.03 Road Management Plan Assessment**

**SPECIFIC PURPOSE OF THE REGULATION**

The Board establishes the RMP in this section and defines the goals and objectives to be achieved in the development of the plan. This section requires the RMP be prepared by a Registered Professional Forester (RPF).

**14 CCR § 1093.04 Content of Road Management Plan**

**SPECIFIC PURPOSE OF THE REGULATION**

The Board provides that if a person chooses to submit an RMP, it shall contain an evaluation, goals and objectives, operational, verification and adaptive management elements, along with other basic disclosure information such as name, address and legal locations. The Board has provided two options for section 1093.4 (c)(1)(B). These options provide different emphasis on how the landowner describes goals and objectives related to the landowner's desired future condition of the transportation system.

**14 CCR § 1093.05 Limitation on Information Requirements**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to limit the amount of information required in a RMP when there are ownerships other the RMP submitters' involved in the plan. These limits are necessary to provide confidentiality of

neighboring landowners information when those neighbors are not part of the RMP. The regulation is also necessary to ensure a Board determined level of practicality and reasonableness is used for information on past, present, and reasonably foreseeable future projects.

**14 CCR § 1093.06 RMP Effective Period**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state a time limit for the implementation of a RMP and to provide an opportunity to renew it. It ensures a reasonable certainty for operational use is provided.

**14 CCR § 1093.07 Review of Road Management Plan (RMP)**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state the Director shall review, approve or disapprove all submitted RMPs and describes the nature of the review including review by multi-disciplinary parties. Such a process not only helps the applicant receive fair treatment and the public an opportunity to comment, but it helps validate the relationship of a RMP to the California Environmental Quality Act, and the functionally equivalent THP process under which the RMP is established.

**14 CCR § 1093.08 Review Teams to be Established to Review Road Management Plan**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state that the review of submitted RMPs will incorporate review by multi-disciplinary parties and the nature of that review in accordance with exiting forest practice rule 14 CCR 1037.5.

**14 CCR § 1093.9 Amendments**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state the process under which amendments to the RMP will be considered.

**14 CCR § 1093.10 Cancellation of an RMP**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to state the process under which cancellation of a RMP will be processed.

**14 CCR § 1093.11 Timber Harvest Plan Submitted With an RMP and Termination**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section of the proposed regulation is to address the method in which the RMP and other plans (THP) will be used for tiered information when questions arise on minor or substan-

tial deviations that can potentially have significant impacts. The subsections directly states that the RMP can be relied upon to answer question and the RMP may be modified to address new information or the THP can be used to address new information when the RMP does not consider new information. The section also specifies conditions under which the RMP may be terminated.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

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

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The rule proposal may affect businesses and small business related to the timber industry by increasing the cost for timber harvesting. These potential extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, and additional cost of professional consultations. There may also be additional cost associated with additional inspections.

The preparation and use of an RMP with a THP is not required but is an opportunity provided to THP submitters. As such, it is the responsibility of the timber/land owner to determine if the economic balance is in favor of proceeding under existing operational and planning requirements or to design site related actions specific to the owner's property.

Given this use of the regulation at the discretion of the individual or business, the Board staff does not anticipate that any increased costs will result in a significant, statewide adverse economic impact directly affecting business, nor has it determined that it will affect the ability of California businesses to compete with businesses in other states.

- Potential cost impact on private persons or directly affected businesses: As indicated above, the rule proposal will affect businesses and large and small landowners with an interest in the timber products industry by increasing the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, and additional cost of professional consultations
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

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

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSON

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

Board of Forestry and Fire Protection  
 Attn: Christopher Zimny  
 Regulations Coordinator  
 P.O. Box 944246  
 Sacramento, CA 94244-2460  
 Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, Chief Environmental Protection and Regulation, Department of Forestry and Fire Protection, at the above address and phone number (916) 653-5602.

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

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

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

A copy of the express terms of the proposed action using the following styles is also available from the contact person named in this notice:

- 1) language existing before 8/20/04 is shown in PLAIN TEXT,
- 2) language being proposed as either an amendment or new section is DOUBLE-SPACED AND SINGLE UNDERLINED,

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

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

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

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

## TITLE 14. FISH AND GAME COMMISSION

### NOTICE OF PROPOSED CHANGES IN REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 240, 7071, 8587.1 and 8588 of the Fish and Game Code and to implement, interpret or make specific Sections 240, 8585.5, 8587.1 and 8588 of said Code, proposes to amend sections 52.10 and 150.16, Title 14, California Code of Regulations, relating to Cabezon Total Allowable Catch and Cumulative Trip Limits.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current regulations (Section 52.10, Title 14, CCR), the total allowable catch (TAC) for cabezon is 193,900 pounds with 118,300 pounds of the TAC allocated to the recreational fishery and 75,600 pounds of the TAC allocated to the commercial fishery. In addition, the commercial harvest is regulated by two-month cumulative trip limits for each individual permittee. The allowable amount per two-month period currently ranges from 100 to 1,000 pounds (Section 150.16, Title 14, CCR).

State regulation specifies that the cabezon TAC is equivalent to an optimum yield (OY) adopted in state or federal regulations when a stock assessment has been completed. A stock assessment was recently completed for cabezon in waters off California, and the federal Pacific Fishery Management Council (Council) recently adopted an OY for cabezon based on information from the stock assessment. Since a federal OY has been adopted for cabezon, it is necessary to adjust the state TAC to equal the federal OY and to change those regulations that are dependent on the value of the TAC.

The proposed regulations would reduce the statewide cabezon TAC to 152,100 pounds, and would reduce the recreational allocation to 92,800 pounds and commercial allocation to 59,300 pounds. The changes to the amounts provided to the recreational and commercial fisheries are proposed so their sum would not exceed the TAC, and would maintain the recreational/commercial allocation ratio in the current regulations. Commercial trip limits are proposed to be changed so the commercial fishery will not exceed its allocation. The proposed values per two-month period range from 0 to 1,000 pounds. The Commission may select values from that range which will provide for commercial fishing, yet ensure the commercial fishery does not exceed its allocation and which will align the cabezon season with the minor nearshore rockfish season set by the Council.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Veteran's Memorial Building, 209 Surf Street, Morro Bay, California on August 26, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Training Center, 935 Detroit Avenue, Concord, California on October 22, 2004 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 15, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than October 22, 2004, at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Tracy L. Reed at the preceding address or phone number. **Ms. Marija Vojkovich, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

### AVAILABILITY OF MODIFIED TEXT

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

tions prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

#### IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations will reduce recreational and commercial take of cabezon in California. This action may result in coastwide economic impacts which could impair the ability of California businesses to compete with businesses in other states. The proposed changes will mainly affect the business activities of commercial fishermen, all of which are small businesses as defined under California Government Code Section 11342.610, including: nearshore commercial cabezon businesses, and commercial passenger fishing vessel (CPFV) businesses. However, direct losses to small businesses may be offset, to some degree, by long-term improvements in the status (abundance, size, and quality) of the cabezon stock.

Commercial fishermen with nearshore permits who harvest cabezon will be directly impacted through reduced commercial catches in 2005, as compared with 2004 allowable catches. The proposed reduction from the current commercial allocation of 75,600 pounds to 59,300 pounds could mean projected ex-vessel revenue reductions of \$77,425 for California commercial fishermen. This is based on 2003 data for ex-vessel value of landings of commercial fish, which shows the average price of cabezon was \$4.75/pound. This \$77,425 reduction in ex-vessel landings translates into a \$155,702 reduction in overall economic output for the entire State (based on a California economic demand output multiplier of

x 2.011). However, this assumes that the price per pound will not increase in response to reduced cabezon catches by California fishermen.

The demand for California cabezon is driven by the market for live-fish, which offers high dollar prices for live cabezon. Total California commercial cabezon landings for year 2003 were 87,407 pounds, valued at \$415,345 (ex-vessel, year 2003 dollars), of these landings approximately 90 percent were for the live-fish market (calculated as 78,546 pounds live cabezon out of a total 87,407 pounds landed = 89.7 percent). But the trend in cabezon landings for California fishermen shows a decline of, on average, about 25 percent per annum over the last six years. This is due to management measures aimed at protecting fish populations from overfishing and at maintaining populations above critical levels. By reducing commercial cabezon landings from year to year, two events in California's live-cabezon market have occurred: an increase in average price per pound of about 13 percent annually from 1998 to 2004, and an increasingly unmet market demand. Growth in this unmet market demand in California, coupled with attractive prices paid for live cabezon, has spurred out-of-state suppliers to develop market distribution channels into California. As a result, the amount of live cabezon from Oregon is increasing in California's markets.

Data from the Oregon Department of Fish and Wildlife shows that live-fish landings (in pounds) have accounted for a large portion of the live-fish market in California. In 2003, live cabezon from Oregon accounted for 39 percent of the total amount sold in California. Oregon's deliveries of live cabezon to California have, on average, increased over the last six years at an average annual rate of 14.8 percent. Given the trends in California's and Oregon's live-fish landings, reducing the 2005 allowable commercial harvest for California fishermen to 59,300 pounds could increase Oregon's market-share to between 51 percent and 59 percent of California's live-cabezon market. Such an increase in market-share could make it more difficult for California fishermen to compete with Oregon fishermen. In addition, the live cabezon from Oregon are reportedly being offered at a lower price than California fishermen have received in the past for live cabezon. Thus, the projected direct impact to fishermen, a \$77,425 reduction in ex-vessel revenues for the 2005 season, could be greater in the long run.

Individual sport fishermen and small businesses that service California's ocean sportfishing activities also may be impacted. CPFVs that rely in

large part on taking passengers fishing for nearshore species, including cabezon, comprise a small-business sector that may be directly impacted. In addition, other businesses that depend on private boat and shore-based recreational angling opportunities such as bait and tackle manufacturers may be indirectly impacted. Since ocean sport fishing usually includes catch of assorted bottom fish species in the aggregate, it is difficult to ascertain the direct angling value of the cabezon resource. However, data from ocean sportfishing observations suggest that the cabezon may be a desirable species and is often caught in association with rockfish, greenlings, and lingcod. We generally assumed that reduction in one recreational groundfish species limit (for example, cabezon) would be made up in substituting alternative groundfish species comprising the aggregate bag. In a worst case scenario, a 21 percent reduction in the recreational harvest limit could result in some reduction in fishing activity for fishermen who prefer cabezon. However, we assume that fishermen substituting other species for the absence of cabezon in their catches may offset this impact.

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

**EFFECT ON SMALL BUSINESS**

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

**CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in

carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES IN REGULATIONS**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 206, 215 and 316.5 of said Code, proposes to amend Section 7.50(b)(180), Title 14, California Code of Regulations, relating to special fishing regulations on the Smith River.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Current sport fishing regulations for the Smith River in the reaches of: a) the main stem from the mouth to the confluence with the Middle and South forks, b) the Middle Fork from the mouth to Patrick Creek, c) the South Fork from the mouth to Jones Creek, and the North Fork from the mouth to Stony Creek allow fishing during September 1 through March 31. The use of barbed hooks is prohibited all year.

This proposal recommends regulation changes for the Smith River estuary (downstream of the confluence with the Middle and South forks) that would extend the open season one additional month from March 31 to April 30, and allow the use of barbed hooks from September 1 through April 30. This proposal also includes eliminating the barbless hook restriction during the period from September 1 through March 31 in the other three anadromous reaches of the Smith River identified above.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Training Center, 935 Detroit Avenue, Concord, California on October 22, 2004 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 15, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 22, 2004 at the hearing in Concord, CA. All written comments must include the true name and mailing address of the commentor.

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

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic

impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation provides additional fishing opportunities and is likely to have a positive affect on local businesses.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

**TITLE 16. BOARD OF  
PODIATRIC MEDICINE**

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites San Diego, 601 Pacific Highway, San Diego, CA, Santa Fe Room, at 9:00 AM, on October 8, 2004. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Mischa Matsunami in this Notice, must be received by the board at its office not later than 5:00 p.m. on October 6, 2004 or must be received by the board at

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

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 65, 2018 and 2415 of the Business and Professions Code, and to implement, interpret or make specific Sections 651, 651.3, 2270, and 2285 of said Code, the board is considering changes to Division 13.9 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations which are necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

##### 1. Amend section 1399.688

This proposal would implement the statutory requirement set forth in Business and Professions Code Section 2415, which requires the California Board of Podiatric Medicine to adopt and administer regulations specifying appropriate name designations for use by doctors of podiatric medicine who wish to practice under a fictitious name.

#### FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

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

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic

impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### AND

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

In accordance with subsection (i) of Section 2415 of the Business and Professions Code, this regulatory action would provide a clear interpretation of the guidelines set forth in part 3 of subsection (b) of said code.

This regulatory proposal would have an equal impact on all doctors of podiatric medicine licensed in California who wish to practice under a fictitious name and is consistent with statutory restrictions on podiatric medical name designations that were in place prior to January 1, 2004.

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

Cost Impact on Representative Private Person or Business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would not affect small businesses. New language is consistent with statutory restrictions on podiatric medical name designations that were in effect prior to January 1, 2004. B&P Code Section 2415 now requires the Board to adopt regulations that govern the use of fictitious names.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

CONTACT PERSON

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

Name: Mischa Matsunami  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-0315  
Fax No.: (916) 263-2651  
E-Mail Address: Mischa\_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-2647  
Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Mischa Matsunami, (916) 263-0315.

Materials regarding this proposal can be found at:  
<http://www.bpm.ca.gov/lawsregs/index.htm>

**TITLE 18. FRANCHISE TAX BOARD**

As required by Government Code section 11346.4, this is notice of intention to adopt amendments to California Code of Regulations, title 18, section 18001-1, subsection (c), removing text that limits the timing of when a taxpayer may claim a credit from California for income taxes paid to another state. There will not be a public hearing unless requested by an interested person at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the agency officer named below.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., on October 4, 2004. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), Part 10.7 (commencing with Section 21001) and Part 11 (commencing with Section 23001) of the Revenue and Taxation Code. The proposed regulatory action interprets, implements, and makes specific Revenue and Taxation Code section 18001.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

According to the current regulation language contained in California Code of Regulations, title 18, section 18001-1, subsection (c), the credit for income taxes paid to another state will only be applied against the "net tax" imposed on the same income in the same year. The governing statute, Revenue and Taxation Code section 18001, subdivision (a), however, does not require that the same income be taxed in the same year nor does it require that the credit be applied only against the "net tax" imposed on the income in the same year. The governing statute provides that the credit for taxes paid to another state may be properly claimed when the same income that was taxed by the other state is also taxed by California. The proposed amendments to California Code of Regulations, title 18, section 18001-1, subsection (c), will remove the text that requires that the same income be taxed in the same year in order for the credit to be available. These amendments will apply retroactively for all open years.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

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

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

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

Effect on small business: None. The proposed amendment only applies to individuals and not small businesses.

Significant effect on housing costs: None.

#### CONSIDERATION OF ALTERNATIVES

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

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The express terms of the proposed regulatory action, as well as the initial statement of reasons and all information upon which the proposed regulatory action is based, are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

#### CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

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

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

#### ADDITIONAL COMMENTS

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

#### CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at the Franchise Tax Board, Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: [colleen.berwick@ftb.ca.gov](mailto:colleen.berwick@ftb.ca.gov), or the designated backup, Doug Powers; Tel.: (916) 845-4962; Fax: (916) 845-3648; E-Mail: [doug.powers@ftb.ca.gov](mailto:doug.powers@ftb.ca.gov). In addition, all questions on the substance of the proposed regulation can be directed to Jeanne M. Sibert, Tel.: (916) 845-5554; Fax: (916) 845-3648; E-Mail: [jeanne.sibert@ftb.ca.gov](mailto:jeanne.sibert@ftb.ca.gov). This notice, the initial statement of reasons, and the express terms of the proposed regulation are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

## TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

#### ACTION

Notice of Rulemaking

#### SUBJECT

Amendments and additions to Article 8—*Data Reporting Requirements*, to implement the mandated collection and transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCal) system.

#### PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes amendments to Article 8—*Data Reporting Requirements*, Sections 97210–97213, 97215–97233, 97240, 97241, and 97244–97250, and the addition of new Sections 97251–97265 to Division 7, Chapter 10—*Health Facility Data*, Title 22 of the California Code of Regulations (CCR) to implement the mandated collection and transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCal) system in addition to the

discharge records (inpatient) that are currently collected and transmitted to OSHPD. Any interested Person, or his or her authorized representative, may submit written comments or questions relevant to the proposed regulatory action to the Patient Data Section of OSHPD at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m. on Monday, October 4, 2004. Written comments for OSHPD's consideration should be directed to Candace L. Diamond, Manager, Patient Data Section at [cdiamond@oshpd.ca.gov](mailto:cdiamond@oshpd.ca.gov) or to Irene Ogbonna, Analyst, at [iogbonna@oshpd.ca.gov](mailto:iogbonna@oshpd.ca.gov) or to the MIRCAl mailbox at [MIRCAl@oshpd.ca.gov](mailto:MIRCAl@oshpd.ca.gov). E-mail is the preferred means for the submission of public comments. Written comments may also be mailed to Candace L. Diamond, Manager, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514. NOTICE IS ALSO GIVEN that no public hearing will be held. However, a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person submits a written request to hold a public hearing to the Contact Person (see Contact Person below).

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action may be directed to Candace L. Diamond, Manager, by e-mail at [cdiamond@oshpd.ca.gov](mailto:cdiamond@oshpd.ca.gov) or may be addressed to Candace L. Diamond, Manager, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514 (telephone: (916) 324 2712; fax: (916) 327 1262). The backup contact person is Irene Ogbonna, Analyst, who may be contacted by e-mail at [iogbonna@oshpd.ca.gov](mailto:iogbonna@oshpd.ca.gov) or by mail addressed to Irene Ogbonna, Analyst, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514 (telephone: (916) 324 3851; fax: (916) 327 1262). The MIRCAl e-mailbox, at [MIRCAl@oshpd.ca.gov](mailto:MIRCAl@oshpd.ca.gov) may also be used. E-mail is the preferred means for the submission of public comments.

#### POLICY STATEMENT OVERVIEW

Proposed changes facilitate the mandated collection of Emergency Care data records (ED) and Ambulatory Surgery data records (AS) in addition to the discharge records (inpatient) that are currently submitted to OSHPD via the MIRCAl online transmission system. The Discharge Data program is renamed the Patient Data program to more accurately reflect its responsibilities.

#### INFORMATIVE DIGEST

In July, 2004, the Office of Statewide Health Planning and Development (OSHPD) gave notice of proposed amendments to Article 8—*Data Reporting*

*Requirements*, Sections 97210–97213, 97215–97233, 97240 and 97241, and 97244–97250, and the addition of new Sections 97251–97265 to Division 7, Chapter 10—*Health Facility Data*, Title 22 of the California Code of Regulations (CCR) to implement the collection and online transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCAl) system.

Quarterly reporting periods are established for the new Emergency Department (ED) and Ambulatory Surgery (AS) data. Due dates are established, extension days allowed, and MIRCAl online data transmission requirements are stated.

ED and AS data elements are defined in new sections 97251 through 97265, based upon the content of the 837 Health Care Service: Data Reporting Guide (837 HCSDRG). Version 4050 of the 837 is a national standard transaction set approved by the Accredited Standards Committee (ASC) X12N of the American National Standards Institute (ANSI). The HCSDRG was developed through the work of the Public Health Data Standards Consortium for use by public health agencies (including states like California with mandated programs) to collect data using national standards. The reporting guide is compatible with the format and data content of the 837 Health Care Claim transaction implementation guides (Institutional and Professional) used by all health facilities to file claims for payment. It may be found at the Washington Publishing website:

[www.wpc-edi.com/healthcarefinal.asp](http://www.wpc-edi.com/healthcarefinal.asp)

#### AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by the California Health and Safety Code, Sections 128810 and 128755. The reference citations are as follows: the proposed regulations implement, interpret, or make specific Health and Safety Code Sections 1250, 1250.1, 128700, 128735, 128736, 128737 and 128760.

#### FISCAL IMPACT ESTIMATES

- A. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code § 11346.5(a)(6)): None.
- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't § 11346.5 (a)(5)): None.
- C. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code § 11346(a)(6)): None.
- D. Cost or Savings in Federal Funding to the State (Cal. Gov't Code § 11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov't Code § 11346.5(a)(12)): None.

F. Potential Cost Impact on Private Persons or Affected Businesses, Other Than Small Businesses (Cal. Gov't Code § 11346.5(a)(9)): OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### DETERMINATIONS

As required by Government Code Section 11346.5(a)(5), OSHPD has determined that these regulations would not impose a reimbursable mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

As required by Government Code Section 11346.5(a)(8), OSHPD has made an initial determination that these regulations would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

As required by Government Code Section 11346.3(b)(1), the Office has determined that the regulation would not significantly affect the following:

- 1) The creation or elimination of jobs within the State of California.
- 2) The creation of new businesses or the elimination of existing businesses within the State of California.
- 3) The expansion of businesses currently doing business within the State of California.

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that these regulations will not significantly affect small businesses as defined in Government Code Section 11342.610. Approximately 112 Freestanding Ambulatory Surgery Clinics meet the definition of a small business because they reported Gross Annual Revenues of less than \$1,500,000. Reporting to MIRCAl requires the use of a computer and the ability to use the internet. Clinics already use both of these to submit data reports to OSHPD. The editing program that clinics will use is an online application that is available for use at no charge.

#### AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

OSHPD will post and make available for public review the text of the regulations, the Initial Statement of Reasons, and the supporting documentation upon which the regulations were based on the internet at the OSHPD website [www.oshpd.ca.gov](http://www.oshpd.ca.gov). Hardcopy documents are available upon request from OSHPD, Healthcare Information Division, Patient Data Section,

818 K Street, Room 100, Sacramento, CA 95814. The Final Statement of Reasons, once approved, will be available from the stated contact persons.

#### AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

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 proposed text, the fully modified text, with changes clearly indicated, shall be made available for public comment for at least 15 days prior to the date on which the department adopts the regulations. Modified and final documents will be available from the OSHPD website [www.oshpd.ca.gov](http://www.oshpd.ca.gov) or from the stated contact persons. Hardcopy documents are available upon request from OSHPD at the Healthcare Information Division, Patient Data Section, 818 K Street, Room 100, Sacramento, CA 95814.

#### PLAIN ENGLISH SUMMARY

Currently, hospitals licensed in California are required by law to file a Hospital Discharge Abstract Data Record with the Office for every patient discharged from a hospital. These regulation changes are needed to help OSHPD collect Emergency Care Data Records from hospitals licensed to provide emergency medical services and Ambulatory Surgery Data Records from hospitals and from surgical clinics licensed by the state as freestanding ambulatory surgical clinics and known as ambulatory surgery centers. Health and Safety Code Sections 1287236 and 128737 mandate the collection of these data records.

California hospitals submit Hospital Discharge Abstract Data Reports to the Office on specified due dates. This regulation change specifies due dates for the new Emergency Care Data Records and the new Ambulatory Surgery Data Records.

California hospitals submit Inpatient Hospital Discharge Abstract Data Reports (IP) consisting of specific data elements required by law and defined in regulations. These regulation changes define data elements for the new Emergency Care Data Records (ED) and the new Ambulatory Surgery Data Records (AS) based on a National Standard that has been approved for use by health data-collecting entities, including state departments.

California hospitals submit IP data online, using a computer and a secure, online, Internet connection. OSHPD has named the online transmission system "MIRCAl" (Medical Information Reporting for California). These regulation changes include the information that explains how facilities must send ED and AS data using MIRCAl.

Using MIRCal, data reports can be seen online within hours of transmission. Also, reports can be transmitted several weeks before the due date, at the reporting facility's convenience, and can be corrected online by the facility. Some hospitals submit data reports and have them approved on the same day. OSHPD analysts have been able to respond to hospital telephone questions more effectively because both OSHPD and the hospital can see the same report, at the same time, on their respective computer screens. The ED and AS program will have the same MIRCal system functions and staff support from the Patient Data Section of OSHPD.

The proposed implementation date for these regulations is for records covering October 1, 2004, through December 31, 2004, due in February of 2005.

#### ALTERNATIVES

According to Government Code Section 11346.5(a)(13), the Office must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. OSHPD has determined that using the existing MIRCal system to process ED and AS data is the most reasonable alternative.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

##### PUBLIC INTEREST NOTICE

##### CESA CONSISTENCY DETERMINATION FOR

Taylor Property Development Project,  
San Diego County

The Department of Fish and Game ("Department") received notice on July 23, 2004 that Lighthouse Ventures, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act ("CESA"). The project consists of the construction of 28 houses on 13.6 acres of a 30 acre parcel in the City of Oceanside, San Diego County, California. The project will impact native and non-native habitats on which the listed thread-leaved brodiaea occurs.

The U.S. Fish and Wildlife Service issued to the U.S. Army Corps of Engineers a no jeopardy federal biological opinion (FWS-SDG-2820.4) on April 15, 2003, and amendments to it on August 20, 2003,

November 20, 2003, and July 22, 2004. The biological opinion considers the federally threatened and state endangered thread-leaved brodiaea (*Brodiaea filifolia*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Lighthouse Ventures, LLC is requesting a determination that the federal biological opinion (FWS-SDG-2820.4), including the amendments, is consistent with CESA as to anticipated take of thread-leaved brodiaea.

If the Department determines that the federal biological opinion is consistent with CESA, Lighthouse Ventures, LLC will not be required to obtain an incidental take permit under CESA for the proposed project.

#### DEPARTMENT OF HEALTH SERVICES

##### 2004 BUDGET ACT REIMBURSEMENT RATE REDUCTION: REIMBURSEMENT OF DRUGS DISPENSED BY PHARMACY PROVIDERS

This notice is being given to provide information of public interest with respect to the changes being made by the Medi-Cal fee-for-service program, in compliance with SB 1103 (2004). It is the intent of the Department of Health Services to submit to the federal Centers for Medicare & Medicaid Services an amendment to California's Medicaid State Plan under Title XIX the Social Security Act to implement a change to pharmacy provider reimbursement rates, for dates of service on or after September 1, 2004.

The significant elements of the proposed amendment are as follows:

- Claims for legend and non-legend drugs dispensed by pharmacy providers will be excluded from the 5 percent reduction required by Welfare and Institutions (W&I) Code Section 14105.19.
- Claims for legend and non-legend drugs will not be reduced by 10-cents per dispensed prescription pursuant to W&I code Sections 14105.336 and 14105.337.
- The professional fee for dispensing drugs will increase from \$4.05 to \$7.25 per dispensed prescription.
- The professional fee for dispensing drugs to a beneficiary residing in a skilled nursing facility or intermediate care facility will increase from \$4.05 to \$8.00 per dispensed prescription.
- The "Estimated Acquisition Cost" will be reduced from Average Wholesale Price minus 10 percent to Average Wholesale Price minus 17 percent.
- The Department of Health Services intends to implement the use of "Selling Price" in determining

the "Estimated Acquisition Cost" in mid-2005. Providers will be notified 30 days prior to implementation.

- The total decrease in reimbursement to providers will generate \$52.1 million in General Fund savings in the Medi-Cal program in budget year FY 2004–2005.

#### PUBLIC REVIEW

The proposed amendment to the California's Medicaid State Plan, which details the changes discussed above will be available for review at local county welfare offices throughout the State. Copies of the proposed amendment may be requested from Kathleen Henry, Pharmaceutical Analyst, Pharmacy Policy and Contracting Section, Department of Health Services, 1501 Capitol Avenue, Suite 71.3041, MS 4600, Sacramento, CA 95814.

Written comments may be submitted as follows:

#### **Mailing Address via the U.S. Postal Office:**

California Department of Health Services  
Pharmacy Policy & Contracting Section  
(Attn: K Henry)  
MS 4600  
P.O. Box 997413  
Sacramento, CA 95899-7413

#### **Mailing Address for Courier Deliveries ONLY (UPS, FedEx, Golden State Overnight, etc):**

California Department of Health Services  
Pharmacy Policy & Contracting Section  
(Attn: K Henry)  
MS 4600  
1501 Capitol Avenue, Suite 71.3041  
Sacramento, CA 95814

**Email- [pharmrec@dhs.ca.gov](mailto:pharmrec@dhs.ca.gov)**

**By FAX :** (916) 552-9563

All comments should include the author's name, organization or affiliation, phone number and Provider ID number, if appropriate.

## FISH AND GAME COMMISSION

### NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of Notice Register 2004, No. 28-Z,  
and Meetings of June 24, 2004 and  
August 6, 2004)

(Note: The Commission is exercising its powers under sections 202 and 355 of the Fish and Game Code as the following changes [shown in bold type in the Updated Informative Digest] to the proposed regulations may not be available to the public for the full public comment period prior to adoption.)

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 202 and 355, of the Fish and Game Code, and to implement, interpret or make specific Sections 202, 355 and 356, of said Code, proposes to amend Section 502, Title 14, Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule).

#### UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the ~~eight~~ proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, modifying zone boundaries, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. ~~At~~ **Some** proposed changes (**numbers 1, and 9 through 12**) to State regulations (~~excluding proposal 2~~) require changes in the federal regulations and also must be approved by the Pacific Flyway Council at their meeting on July 23, 2004. ~~Proposal 2 is consistent with federal regulations as they are currently understood.~~ The Service will consider these and other recommendations at their meeting on July 29, 2004. The Department is anticipating that the Service will follow the pintail interim harvest strategy which allows a 1 bird daily bag limit throughout the general duck season and that the Service will also allow a 60 day canvasback season. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks. **At the time of the Initial Statement of Reasons, the 2004 California Breeding Pair Survey was not completed and the results were unavailable. The results are now available which cause the Department to modify the original proposal because local duck populations are down 23 percent from last year and 31 percent below the long-term average. Also, based on information from the Service, only a 60-day partial pintail season, or a "season within a season" will be allowed. In addition, alternative modifications, provided by the public, are included that are expected to result in similar biological responses by the harvested populations.**

1. ~~Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.~~

The proposed change retracts the Northeastern Zone boundary modification proposal. The Service decided that the boundary modification did not meet their criteria for a "minor" change. Instead, the Service will not consider the boundary modification until the "open season" scheduled for 2005. Under Service rules, this proposal can not be adopted until 2006.

2. ~~Modify the duck season in the Northeastern Zone from a 105-day split (2 segments) season to a 105-day continuous season.~~

The original proposal recommended a 105-day continuous duck season and a 100-day continuous goose season. The proposed modification provides two alternatives:

- 1) A continuous 86-day general duck season from the second Saturday in October; a pintail season from the second Saturday in October extending for 60 days and a canvasback season from the first Thursday in November extending for 60 days; goose season would be unchanged from the original recommendation; or
- 2) A split 93-day general duck season from second Saturday in October extending for 60 days and from the third Wednesday in December extending for 33 days, with a pintail season from the second Saturday in October extending for 60 days and a split 60-day canvasback season from the last Saturday in October extending for 39 days and from the last Monday in December extending for 21 days. Goose season in this alternative is a split 100-day season from the second Saturday in October extending for 53 days and from the second Wednesday in December extending for 47 days.

3. ~~Increase the Southern San Joaquin Valley and Balance of State Zone duck season length from 99 days (split) to a 100-day continuous season opening on the fourth Saturday in October.~~

The original proposal recommended a 100-day continuous duck season and a 100-day continuous goose season in the Southern San Joaquin Valley Zone. The proposed modification provides two alternatives:

- 1) A split 86-day general duck season from the third Saturday in October extending for a period of 14 days and from the third Saturday in November extending for a period of 72 days; a split 60-day pintail season from the third Saturday in October extending for a period of 7 days and from the second Thursday in December extending for a

period of 53 days; a continuous canvasback season from the first Thursday in December extending for 60 days; goose season is unchanged in this alternative; or

- 2) A split 94-day general duck season from the third Saturday in October extending for 22 days and from the third Saturday in November extending for 72 days; a split 60-day pintail season from the third Saturday in October extending for a period of 9 days and from the second Saturday in December extending for a period of 51 days; a continuous canvasback season from the first Thursday in December extending for 60 days; and a continuous 93-day goose season from the last Saturday in October.
4. ~~Increase the 60-day partial pintail season to a 100-day (full season) in all zones.~~
4. The original proposal recommended a continuous 100-day duck season and a continuous 100-day goose season in the Southern California Zone. The proposed modification provides 3 alternatives:
  - 1) a 86-day continuous duck season from the first Saturday in November; a continuous pintail season from the first Thursday in December extending for 60 days; no change in the originally proposed goose season;
  - 2) a 93-day continuous duck season from the last Saturday in October; 60-day continuous pintail and canvasback seasons from the first Thursday in December; and 93-day continuous goose season from the last Saturday in October; or
  - 3) a 100-day continuous duck season from the fourth Saturday in October; a split 60-day pintail season from the fourth Saturday in October extending for 9 days and from the second Saturday in December extending for 51 days; a 100-day continuous goose season from the fourth Saturday in October.
5. The proposed modification for the Colorado River Zone is as follows: The pintail season will be from the first Thursday in December extending for 60 days.
6. The original proposal recommended a 100-day continuous duck season and a 100-day continuous goose season in the Balance of State Zone. The proposed modification provides two alternatives:
  - 1) an 86-day split duck season from the fourth Saturday in October extending for a period of 14 days and from the third Saturday in November extending for a period of 72 days;

- a 60-day split pintail season from the fourth Saturday in October extending for a period 14 days and from the third Thursday in December extending for a period of 46 days; a 60-day continuous canvasback season from the first Thursday in December extending for 60 days; goose season is unchanged from the original proposal in this alternative;
- 2) a 93-day continuous duck season from the last Saturday in October; a 60-day split pintail season from the last Saturday in October extending for 9 days and from the second Saturday in December extending for 51 days; a 60-day continuous canvasback season from the first Thursday in December extending for 60 days; a continuous 93-day goose season from the last Saturday in October.
  7. The original proposal recommended a daily bag limit of 7 mallards. The proposed modification is to provide two alternative daily bag limits for mallards: either
    - 1) a daily bag limit of 5 mallards with 2 hens in 86-day seasons except the Colorado River Zone where federal regulations require that California's hunting regulations conform to those of Arizona, or
    - 2) a daily bag limit of 5 mallards with 1 hen in 93- or 94-day seasons except the Colorado River Zone where federal regulations require that California's hunting regulations conform to those of Arizona.
  8. The proposed change for pintail establishes a partial season, also known as a "season within a season" for pintail with a season length of 60 days (which may be split) in all zones. Based on information from the Service, only a 60-day partial pintail season, or a "season within a season" will be allowed.
  59. Lengthen the goose season from 86 to **either 93 or 100** days in the Southern San Joaquin Valley and Balance of State Zones.
  610. Increase the dark goose daily bag limit from 2 to 3 in the Southern San Joaquin Valley and Balance of State Zones.
  711. Increase the season length from 16 to **either 93 or 100** days for Canada geese in the North Coast Special Management Area.
  812. Increase the Small Canada goose daily bag limit from 1 to 2 but maintain the daily bag limit of 1 Large Canada geese in the North Coast Special Management Area.

13. The proposed modification for falconry season in the Southern California Zone will open concurrently with goose season extending for 107 days.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Veterans Memorial Building, 209 Surf Street, Morro Bay, California on August 27, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 22, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 27, 2004 at the hearing in Morro Bay, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. John Carlson, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Also, the Initial Statement of Reasons, as well as the notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Sections 202 and 355 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person

interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

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

**IMPACT OF REGULATORY ACTION**

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

- (c) Cost Impacts on a Representative Private Person or Business:

A private person or business will incur minor to moderate costs by being in compliance with the proposed action. Currently, a Junior Trapping License costs \$26.25, a Resident Trapping License costs \$78.50, and a Nonresident Trapping License costs \$394.75. These prices would not change under the Department's proposal.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

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

**CONSIDERATION OF ALTERNATIVES**

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

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**BOARD OF EDUCATION**

Vision Screening

This regulatory action updates vision screening requirements.

Title 5  
 California Code of Regulations  
 AMEND : 590, 591, 592, 593, 594, 595, 596  
 Filed 08/09/04  
 Effective 09/08/04  
 Agency Contact: Debra Strain (916) 319-0641

**BOARD OF PSYCHOLOGY**

Failure to Pay Initial License Fee

This action corrects an incorrect internal reference to another CCR section.

Title 16  
 California Code of Regulations  
 AMEND : 1381.5  
 Filed 08/11/04  
 Effective 08/11/04  
 Agency Contact: Kathy Bradbury (916) 263-0712

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

LEA Staffing Adequacy

Current regulations allow smaller local enforcement agency (LEA) jurisdictions (population of 50,000 persons or less) to utilize the LEA's workload to determine the level of staff needed. Typically, smaller jurisdictions do not warrant one full time staff person to conduct the LEA program; therefore, a time-task

analysis allows the jurisdiction to figure out exactly the amount of hours needed to fulfill the duties. Current regulations require any jurisdiction with a population greater than 50,000 persons to maintain at least one full time Registered Environmental Health Specialist (REHS) for the LEA's solid waste program. This regulatory action would allow an initial small jurisdiction that grows past 50,000 persons but not exceeding 80,000 persons to continue to use the workload formula to determine the actual staffing needs.

Title 14  
California Code of Regulations  
AMEND : 18072  
Filed 08/10/04  
Effective 09/09/04  
Agency Contact: Steve Levine (916) 341-6064

**CAL-PERS**  
**Minimum Standards for Health Benefits Plans**

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

Title 2  
California Code of Regulations  
AMEND : 599.508  
Filed 08/09/04  
Effective 08/09/04  
Agency Contact: Marilyn Clark (916) 326-3007

**CAL-PERS**  
**PEMHCA Contracting Agency—Five Year Re-Entry**

A contracting agency which is participating in health benefit programs under the Public Employees' Medical and Hospital Care Act may terminate its participation by filing a resolution with the board on or before a date established by the board with termination effective at the end of the current contract term. The existing regulation requires an agency to wait two years after termination before it may return to participation under the Act. This rulemaking action extends this waiting period to five years.

Title 2  
California Code of Regulations  
AMEND : 599.515(e)  
Filed 08/04/04  
Effective 08/04/04  
Agency Contact: Marilyn Clark (916) 326-3007

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Hydrilla Eradication Area**  
(\*\*\* FILE IS DUE 08/09/04 \*\*)

In this emergency regulatory action, the Department of Food and Agriculture amends its regulation pertaining to Hydrilla eradication to include Nevada County as an eradication area.

Title 3  
California Code of Regulations  
AMEND : 3962(a)  
Filed 08/05/04  
Effective 08/05/04  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Vine Ripened and Greenhouse Tomatoes**  
(\*\*\* FILE IS DUE 8/18/04 \*\*\*)

Existing regulation allows tomatoes to be labeled as "vine ripened" if the skin surface or the flesh has attained some discernable degree of pink or red color at the time it is prepared or packed for distribution. This regulatory action would specify that the skin surface or flesh of a tomato labeled as "vine ripened" must have attained some discernable degree of pink or red at the time of harvest. This regulatory action would also define the term "greenhouse grown" consistent with section 78636(b) of the Food and Agricultural Code.

Title 3  
California Code of Regulations  
ADOPT : 1472.8 AMEND : 1472.5  
Filed 08/10/04  
Effective 09/09/04  
Agency Contact: Gary Manning (916) 654-0941

**DEPARTMENT OF GENERAL SERVICES**  
**Small Business Certification and Preferences**

This action is the resubmittal of the previously disapproved regulatory action amending the existing regulatory framework for small business eligibility and certification for bid preference in state contracting. The previously disapproved OAL file number was 04-0130-03S.

Title 2  
California Code of Regulations  
ADOPT : 1896, 1896.2, 1896.4, 1896.6, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22 REPEAL : 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20  
Filed 08/10/04  
Effective 09/09/04  
Agency Contact: Mariel Dennis (916) 375-4945

**DEPARTMENT OF INSURANCE**

**Insurance Claims Handling**

This action depublishes the amendments to the insurance claims handling practices regulations that were approved by OAL on 4/24/03, but were enjoined in *Personal Insurance Federation and The Surety Association of America v. John Garamendi*, and reinstates replacement regulations that were either (1) in effect prior to OAL's 4/24/03 approval of the amendments to the regulations or (2) were found by the court to be valid, as amended, all pursuant to a court approved settlement agreement dated June 7, 2004.

Title 10  
 California Code of Regulations  
 ADOPT : 2695.1, 2695.2, 2695.4, 2695.7, 2695.8, 2695.85, 2695.9, 2695.10, 2695.12 REPEAL : 2695.1, 2695.2, 2695.4, 2695.7, 2695.8, 2695.85, 2695.9, 2695.10, 2695.12, 2695.14  
 Filed 08/04/04  
 Effective 08/04/04  
 Agency Contact:  
 Risa Salat-Kolm (415) 538-4127

**DEPARTMENT OF SOCIAL SERVICES**

**Job Retention Services for Former CalWORKs Recipients**

Welfare and Institutions Code sections 11323.2(b) and 11500 allow counties to provide job retention services to former recipients for up to 12 months after leaving aid. This regulatory action clarifies what services may be provided to former CalWORKs recipients both before and after they have exhausted their CalWORKs 60 month time limit and that the county may determine the duration, type, and reimbursement rate for services such as transportation.

Title MPP  
 California Code of Regulations  
 ADOPT : 42-717.11, 42-717.111, 42-717.112, 42-717.12, 42-717.13, 42-717.3, 42-717.11.4, 42-717.41, 42-717.42, 42-717.5, 42-717.6 AMEND : 42-717.1, 42-717.2, 42-717.21  
 Filed 08/09/04  
 Effective 09/08/04  
 Agency Contact:  
 Maureen Miyamura (916) 653-1925

**DEPARTMENT OF TRANSPORTATION**

**Regulations to Implement CEQA**

Existing regulations adopted by the Department of Transportation (DOT) and the California Transportation Commission (CTC) state that the CTC is the lead agency under CEQA for purposes of adopting or rescinding State highway routes and new public road connections to freeways and expressways. This regulatory action repeals these provisions and provides

that the CTC will review and consider environmental documents and findings as part of its responsibilities to allocate funding for state and local capital projects and approve the location of state highway routes.

Title 21  
 California Code of Regulations  
 AMEND : 1502, 1503.1.2, 1505 REPEAL : 1504, 1504.5  
 Filed 08/05/04  
 Effective 09/04/04  
 Agency Contact:  
 Denise O'Connor (916) 653-5157

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
 Taxable Value of Meals and Lodging**

Sections 926-3, 926-4, and 926-5 of title 22 of the California Code of Regulations provide the taxable value of meals and lodging furnished to employees by employers. In order to establish the equivalent amount of cash wages paid by employers who pay a portion of their employee's wages in the form of meals and lodging, it is necessary to compute the reasonable cash value of such meals and lodging for unemployment insurance purposes. The Employment Development Department makes this computation each year to reflect the upward or downward trend in the cost of living during the previous year. This regulatory action revises the amounts in the above-cited regulations to make this change based upon the United States Department of Labor, Bureau of Labor Statistics, average retail food price index and average residential rent index for the fiscal year ending June 30, 2003.

Title 22  
 California Code of Regulations  
 AMEND : 926-3, 926-4, 926-5  
 Filed 08/09/04  
 Effective 08/09/04  
 Agency Contact: Laura Colozzi (916) 654-7712

**OFFICE OF STATEWIDE HEALTH PLANNING  
 AND DEVELOPMENT**

**Reduction in Special Fee charged to hospitals and Long-Term Care Facilities**

This is the timely certification of compliance for an action that reduces the special fee that health facilities and long-term care facilities are charged by OSHPD to support the California Health Data and Planning Fund and the work of the office.

Title 22  
 California Code of Regulations  
 AMEND : 90417  
 Filed 08/05/04  
 Effective 08/05/04  
 Agency Contact:  
 Kenrick J. Kwong (916) 323-7681

STATE ALLOCATION BOARD  
 Leroy F. Green School Facilities Act of 1998—  
 April 2003: UOG

This action is the Certificate of Compliance filing making permanent the prior emergency adoption of provisions governing the processing of New Construction Grant Fund requests for projects accepted by the Division of State Architect on or before January 22, 2003 and parallel provisions for projects accepted after January 22, 2003. The prior emergency adoption and re-adoption filings covered by this Certificate of Compliance filing are OAL file numbers 03-0627-06E, 03-1024-06EE, 04-0224-02EE.

Title 2  
 California Code of Regulations  
 ADOPT : 1859.77.3 AMEND : 1859.2, 1859.77.2  
 Filed 08/09/04  
 Effective 08/09/04  
 Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN APRIL 07, 2004  
 TO AUGUST 11, 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 2**

- 08/10/04 ADOPT: 1896, 1896.2, 1896.4, 1896.6, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20, 1896.22 REPEAL: 1896, 1896.2, 1896.4, 1896.6, 1896.8, 1896.10, 1896.12, 1896.14, 1896.16, 1896.18, 1896.20
- 08/09/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
- 08/09/04 AMEND: 599.508
- 08/04/04 AMEND: 599.515(e)
- 07/30/04 ADOPT: 18531.10
- 07/28/04 ADOPT: 1172.90, 1172.92
- 07/27/04 AMEND: 18404.1
- 07/26/04 ADOPT: 18530.9 AMEND: 18531.5
- 07/22/04 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2, 1859.51, 1859.70, 1859.103
- 07/02/04 AMEND: 1859.2, 1859.145, 1859.145.1
- 06/28/04 ADOPT: 599.516
- 06/21/04 ADOPT: 22600, 22600.1, 22600.2, 22600.3, 22600.4, 22600.5, 22600.6,

- 22600.7, 22600.8, 22600.9, 22601, 22601.1, 22601.2, 22601.3, 22601.4, 22601.5, 22601.6, 22601.7, 22601.8
- 06/15/04 AMEND: 18707.1
- 06/15/04 ADOPT: Div. 8, Ch. 99, Sec. 58800
- 06/03/04 AMEND: 2270, 2271
- 06/01/04 ADOPT: 1859.163.1, 1859.163.2, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171
- 06/01/04 ADOPT: 20107
- 05/25/04 ADOPT: 59152
- 05/21/04 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
- 05/17/04 AMEND: 50
- 05/17/04 ADOPT: 250
- 05/17/04 AMEND: 48000
- 05/17/04 AMEND: 50
- 05/17/04 AMEND: 18616
- 05/13/04 ADOPT: 18531.61 AMEND: 18531.6
- 05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), and 22130 (renumbered to 22100.4)
- 04/26/04 ADOPT: 585
- 04/22/04 AMEND: 1142
- 04/15/04 AMEND: 599.508
- 04/13/04 ADOPT: 599.511 AMEND: 599.500

**Title 3**

- 08/10/04 ADOPT: 1472.8 AMEND: 1472.5
- 08/05/04 AMEND: 3962(a)
- 07/09/04 AMEND: 3423(b)
- 07/06/04 AMEND: 3430(b)
- 07/06/04 AMEND: 3700(c)
- 07/02/04 AMEND: 3558(a)
- 06/25/04 AMEND: 1380.19(p), 1442.7
- 06/09/04 AMEND: 3700(c)
- 05/27/04 AMEND: 1180(a)
- 05/27/04 AMEND: 3428(b)
- 05/27/04 AMEND: 3423(b)
- 05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784
- 05/13/04 AMEND: 3700(b)
- 05/03/04 AMEND: 3700(c)
- 04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800,

6486.6 REPEAL: 6486.1, 6486.2, 6486.3,  
6486.4, 6486.5, 6486.8, 6557, 6570, 6802  
04/26/04 AMEND: 6130  
04/26/04 AMEND: 3601(g)  
04/23/04 ADOPT: 797.5 AMEND: 820.8 RE-  
PEAL: 820.7  
04/20/04 AMEND: 2676, 2681, 2735, 2783  
04/20/04 AMEND: 3700(c)

**Title 4**

07/19/04 ADOPT: 10300, 10302, 10305, 10310,  
10315, 10317, 10320, 10322, 10325,  
10326, 10327, 10328, 10330, 10335,  
10337 AMEND: 10325(b), 10325(B)(1),  
10325(c)(2)(B) , 10325(c)(12),  
10325(d)(1)  
07/19/04 ADOPT: 4147, 4148  
07/19/04 ADOPT: 10163, 10164 AMEND: 10152,  
10153, 10154, 10155, 10156, 10157,  
10158, 10159, 10160, 10161, 10162  
07/06/04 ADOPT: 12200, 12200.1, 12200.3,  
12200.5, 12200.6, 12200.7, 12200.9,  
12200.11, 12200.13, 12200.14, 12200.15,  
12200.16, 12200.17, 12200.18, 12200.20,  
12200.21, 12200.25, 12201, 12202,  
12203, 12204, 12205, 12218, 12218.5,  
12218.7, 12218.11, 12218.13, 12220,  
06/01/04 ADOPT: 12370, 12371  
04/26/04 ADOPT: 10300, 10302, 10305, 10310,  
10315, 10317, 10320, 10322, 10325,  
10326, 10327, 10328, 10330, 10335,  
10337  
04/22/04 ADOPT: 4145, 4146, 4147, 4148  
AMEND: 4140  
04/13/04 ADOPT: 144

**Title 5**

08/09/04 AMEND: 590, 591, 592, 593, 594, 595,  
596  
07/30/04 ADOPT: 58317  
06/30/04 AMEND: 19814(e)  
06/23/04 ADOPT: 19810, 19811, 19812, 19813,  
19814, 19815, 19816, 19817, 19818,  
19819, 19820, 19821, 19822, 19823,  
19824, 19825, 19826, 19828, 19829,  
19830, 19831 REPEAL: 19827  
06/17/04 ADOPT: 19814.1, 19832, 19833, 19834,  
19835, 19836, 19837 AMEND: 19814  
06/08/04 ADOPT: 18074, 18074.1, 18074.2,  
18074.3, 18074.4, 18074.5, 18074.6,  
18075, 18075.1, 18075.2, 18076,  
18076.1, 18076.2, 18076.3, 18220.6  
AMEND: 18413, 18428 REPEAL: 18021  
06/01/04 REPEAL: 80032.2, 80058.2, 80466,  
80523.3

05/25/04 AMEND: 1859.61, 1859.105, 1859.106,  
1859.141, 1859.142, 1859.145, 1859.147,  
1859.148, 1859.150.1, 1859.151,  
1859.152, 1859.153  
05/24/04 AMEND: 11973, 11974, 11975, 11977,  
11978, 11979  
05/19/04 ADOPT: 1204.5, 1211.5, 1218.6  
AMEND: 1200, 1203, 1204, 1205, 1206,  
1207, 1208, 1209, 1210, 1211, 1215,  
1217 REPEAL: 1212, 1218.5, 1219.5  
05/10/04 ADOPT: 19800, 19801, 19803, 19804,  
19805  
04/22/04 ADOPT: 876

**Title 8**

08/02/04 AMEND: 6283(a)  
07/29/04 ADOPT: 232.01, 232.02, 232.03, 232.04,  
232.05, 232.06, 232.07, 232.08, 232.09,  
232.10, 232.11, 232.12, 232.20, 232.21,  
232.22, 232.23, 232.24, 232.25, 232.26,  
232.27, 232.28, 232.29, 232.30, 232.31,  
232.32, 232.33, 232.34, 232.35, 232.36,  
232.37, 232.40,  
07/20/04 AMEND: 5147  
07/13/04 AMEND: 1523  
07/07/04 ADOPT: 9881.1, 10117.1, 10118.1  
AMEND: 9810, 9880, 9881, 9883 RE-  
PEAL: 9882, 10117, 10118  
07/07/04 AMEND: 1716.2  
07/07/04 AMEND: 1632, 3212  
07/07/04 AMEND: 3301  
07/06/04 AMEND: 5194  
07/06/04 AMEND: 15220, 15220.1, 15220.3,  
15220.4  
07/02/04 ADOPT: 9788.01, 9788.19788.11,  
9788.2, 9788.3, 9788.31, 9788.32,  
9788.4, 9788.5, 9788.6, 9788.7, 9788.9,  
9788.91  
06/30/04 ADOPT: 10250  
06/28/04 AMEND: 1953  
06/15/04 ADOPT: 9789.10, 9789.11, 9789.20,  
9789.21, 9789.22, 9789.23, 9789.24,  
9789.30, 9789.31, 9789.32, 9789.33,  
9789.34, 9789.35, 9789.36, 9789.37,  
9789.38, 9789.40, 9789.50, 9789.60,  
9789.70, 9789.80, 9789.90, 9789.100,  
9789.110, 9789.111  
06/08/04 ADOPT: 32017, 32018, 51096, 71010,  
71026, 71037, 71030, 71035, 71040,  
71050, 71055, 71060, 71070, 71080,  
71090, 71095, 71100, 71110, 71115,  
71120, 71130, 71140, 71200, 71210,  
71225, 71230, 71235, 71300, 71310,  
71320, 71330, 71340, 71680, 71685,  
71700, 71  
05/24/04 AMEND: 1600, 1601  
05/20/04 AMEND: 5001(b), 5008(b)

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04/29/04 AMEND: 3427  
04/23/04 AMEND: 14300.10, 14300.12, 14300.29,  
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Appendix E  
04/22/04 ADOPT: 10202.1, 10203.1, 10203.2  
AMEND: 10200, 10201, 10203, 10204  
04/20/04 AMEND: 8403  
04/19/04 AMEND: 20299, 20390  
04/13/04 AMEND: 5044, 5046, 5049. and Table  
S-1, Table S-1a, Table S-11, Table S-12,  
Table S-13, and Table S-14.

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06/28/04 AMEND: 9525  
05/04/04 REPEAL: 7336, 7337, 7338, 7339, 7341,  
7342, 7343, 7344, 7345, 7346, 7347,  
7347.1, 7347.2, 7348, 7349  
04/29/04 AMEND: 1921, 1922

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08/04/04 ADOPT: 2695.1, 2695.2, 2695.4, 2695.7,  
2695.8, 2695.85, 2695.9, 2695.10,  
2695.12 REPEAL: 2695.1, 2695.2,  
2695.4, 2695.7, 2695.8, 2695.85, 2695.9,  
2695.10, 2695.12, 2695.14  
07/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12  
07/29/04 AMEND: 2498.6  
07/12/04 ADOPT: 2361  
07/07/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3,  
52194.4, 2194.5, 2194.6, 2194.7, 2194.8  
07/01/04 ADOPT: 2699.6608 AMEND: 2699.100,  
2699.200, 2699.201, 2699.205, 2699.209,  
2699.400, 2699.401, 2699.6500,  
2699.6600, 2699.6606, 2699.6607,  
2699.6611, 2699.6613, 2699.6617,  
2699.6619, 2699.6625, 2699.6631,  
2699.6705, 2699.6717, 2699.6725,  
2699.6801, 2699.  
05/27/04 REPEAL: 2670.1, 2670.2, 2670.3,  
2670.4, 2670.5, 2670.6, 2670.7, 2670.8,  
2670.9, 2670.10, 2670.11, 2670.12,  
2670.13, 2670.14, 2670.15, 2670.16,  
2670.17, 2670.18, 2670.19, 2670.20,  
2670.21, 2670.22, 2670.23, 2670.24  
05/17/04 AMEND: 260.102.14  
05/04/04 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41, 2698.42 REPEAL: 2698.40,  
2698.41, 2698.42, 2698.43, 2698.44,  
2698.45  
04/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12  
04/26/04 AMEND: 250.30  
04/20/04 ADOPT: 2020, 2021 AMEND: 250.51

04/19/04 AMEND: 2498.6  
04/13/04 AMEND: 260.102.14

**Title 11**

07/07/04 AMEND: 1005, 1007  
06/23/04 AMEND: 51.16  
06/21/04 ADOPT: 2037, 2038 AMEND: 2010,  
2050  
05/05/04 AMEND: 51.20  
04/30/04 ADOPT: 51.21  
04/30/04 ADOPT: 51.20  
04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18,  
999.19, 999.20, 999.21, 999.22, 999.23  
AMEND: 999.10, 999.11, 999.12,  
999.13, 999.14 REPEAL: Appendix A

**Title 13**

07/21/04 ADOPT: 159.00  
07/20/04 ADOPT: 2020, 2021, 2021.1, 2021.2  
07/19/04 AMEND: 1090  
07/16/04 AMEND: 712  
07/15/04 AMEND: 225.45, 225.51, 225.54  
07/07/04 AMEND: 156.00  
05/13/04 AMEND: 110.01, 110.02  
04/28/04 AMEND: 2415  
04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04,  
55.05, 55.06

**Title 13, 17**

07/15/04 ADOPT: 2284, 2285, 93114 AMEND:  
1961, 2281, 2282, 2701

**Title 14**

08/10/04 AMEND: 18072  
07/30/04 AMEND: 3698, 3699  
07/22/04 AMEND: 7.50(b)(91.1)  
07/21/04 ADOPT: 18464 AMEND: 18453,  
18453.2, 18456.4, 18457, 18459.1,  
18460.1, 18460.1.1, 18460.2, 18461,  
18465  
07/12/04 AMEND: 180.3  
07/07/04 AMEND: 251, 311, 353, 354, 360, 361,  
362, 363, 364, 365, 604, 708  
06/29/04 AMEND: 17383.3, 17383.8, 17402.5,  
18223  
06/28/04 AMEND: 2430, 2525, 2535  
06/25/04 ADOPT: 1052.4 AMEND: 895.1, 1052,  
1052.1  
06/15/04 AMEND: 677  
06/01/04 AMEND: 1.18  
05/13/04 AMEND: 27.80  
05/11/04 ADOPT: 3808.5  
05/10/04 AMEND: 851.6  
05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,  
1665.5  
05/10/04 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, 18

05/03/04 ADOPT: 8100, 8100.01, 8100.02,  
8100.03, 8100.04, 8100.05, 8100.06,  
8100.07, 8100.08, 8100.09, 8100.10,  
8100.11, 8100.12, 8100.13

04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28,  
28.29, 28.55

04/29/04 AMEND: 27.60, 28.55

**Title 15**

06/25/04 AMEND: 2253

06/18/04 AMEND: 3097

06/17/04 ADOPT: 3000 AMEND: 3005, 3044,  
3062, 3313, 3314, 3315, 3323, 3376  
REPEAL: 3045.1

05/27/04 ADOPT: 3194, 3195 AMEND: 3006,  
3044, 3092, 3100, 3101, 3107, 3138,  
3161, 3190, 3191, 3192, 3193 REPEAL:  
3044, 3092, 3138, 3190

05/18/04 AMEND: 3426

05/13/04 AMEND: 2000, 2400, 2403

05/03/04 AMEND: 3043.5, 3043.6, 3044

05/03/04 AMEND: 3040, 3041, 3041.1, 3041.2,  
3043.5

04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057,  
2072, 2073, 2074 REPEAL: 2050, 2051,  
2052, 2054, 2055, 2056, 2701

**Title 16**

08/11/04 AMEND: 1381.5

07/22/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,  
1833.3, 1877 REPEAL: 1815

07/20/04 ADOPT: 2065.8.1, 2065.8.2, 2065.8.3  
AMEND: 2065, 2065.7, 2065.8

07/19/04 AMEND: 12, 12.5, 87, 87.1, 90

07/16/04 AMEND: 109, 116, 117, 121

07/13/04 ADOPT: 1996.3 AMEND: 1953, 1970,  
1983(j), 1996.1

07/09/04 AMEND: 472.1, 473.1

07/02/04 AMEND: 438

07/01/04 AMEND: 1810

06/28/04 ADOPT: 325.1

06/24/04 ADOPT: 643

06/15/04 ADOPT: 1399.70

05/17/04 AMEND: 1912

05/13/04 ADOPT: 1258.4, 1277, 1277.5

05/04/04 AMEND: 1079.3

04/29/04 AMEND: 2030.2

04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5  
AMEND: 1399.301, 1399.321, 1399.350,  
1399.351, 1399.352, 1399.353, 1399.356,  
1399.395 REPEAL: 1399.330, 1399.331,  
1399.333

04/15/04 ADOPT: 1399.700, 1399.701, 1399.702,  
1399.703, 1399.704, 1399.705, 1399.706,  
1399.707 AMEND: 1399.650, 1399.700,  
1399.705

04/12/04 AMEND: 2756

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07/22/04 ADOPT: 54351, 58800, 58801, 58810,  
58811, 5812, 58820, 58821, 58822,  
58830, 58831, 58832, 58833, 58834,  
58840, 58841, 58842, 58850, 58851,  
58860, 58861, 58862, 58863, 58864,  
58870, 58871, 58872, 58873, 58874,  
58875, 58876, 58877, 58878, 58879,  
58880, 5888

06/07/04 ADOPT: 60210 AMEND: 60200, 60201,  
60202, 60206, 70302, 70303, 70303.1,  
70303.5, 70304, Appendix 1, Appendix 2,  
Appendix 3

06/07/04 AMEND: 94700

06/01/04 AMEND: 50604, 50608, 54326, 54370,  
56003, 56082, 57540, 58510, 58671

04/29/04 AMEND: 54342, 57332

04/12/04 AMEND: 54001, 54010

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07/27/04 AMEND: 1584

07/26/04 AMEND: 5020, 5021, 5022, 5023, 5030,  
5070, 5071, 5075, 5075.1, 5076, 5076.1,  
5079, 5082.1, 5083, 5090, 5091, 5093  
REPEAL: 5087

07/26/04 AMEND: 5010, 5011, 5012, 5024, 5031,  
5032, 5033, 5034, 5035, 5036, 5041,  
5042, 5043, 5052, 5055, 5056, 5061,  
5063, 5072, 5073, 5074, 5, 5077, 5078,  
5080, 5081, 5082, 5085

05/25/04 AMEND: 1614

05/18/04 ADOPT: 1828

05/06/04 AMEND: 6001

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06/28/04 ADOPT: 2745.10.5 AMEND: 2735.3,  
2735.4, 2740.1, 2745.1, 2745.3, 2745.4,  
2745.6, 2745.7, 2745.10, 2750.3, 2750.9  
REPEAL: 2745.3(c)

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07/29/04 AMEND: 1604, 1605.1, 1605.2, 1605.3,  
1606

06/02/04 AMEND: 2401

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08/05/04 AMEND: 1502, 1503.1.2, 1505 RE-  
PEAL: 1504, 1504.5

**Title 22**

08/09/04 AMEND: 926-3, 926-4, 926-5

08/05/04 AMEND: 90417

07/27/04 AMEND: 50960, 50961

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- 07/19/04 ADOPT: 66264.550, 66264.551, 87565, 87566, 87569, 87570, 87582, 66264.552.5 AMEND: 66260.10, 87591, 87593, 87724  
66264.552
- 07/01/04 AMEND: 66264.73, 66264.147, 04/26/04 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 86265.12, 86265.13, 86265.191, 86265.192, 86265.193, 86265.1050, 86265.1101, 86266.21, 86266.103, 86266.104, 86266.106, 86270.22, 86270.42.5, 86270.66, 867450.13, 868010, 868050, 8680
- 07/01/04 ADOPT: 3254-4 AMEND: 2712-1, 2712-2, 3253-1, 3254-2
- 06/23/04 ADOPT: 2706-2, 2706-6, 2708(b)-1, 2708(c)-1, 3301(a)-1, 3301(d)-1, 3302-1, 3302-2, 3303-1, 3303(b)-1, 3303.1(a)-1, 3303.1(c)-1, 3306(b)-1
- 06/10/04 AMEND: 12705
- 06/08/04 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51451
- 06/07/04 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, Appendix X, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90
- 06/07/04 AMEND: 66261.6, 66262.32, 66262.34, 66262.41, 66262.53, 66262.70, 66264.73, 66264.75, 66264.113, 66265.71, 66265.73, 66265.75, 66265.113, 66265.222, 66265.1028, 66266.100, 66262.102, 66268.1, 66268.7, 66268.45, 66270.1, 67450.3, 67450.4, 67450.25
- 06/03/04 AMEND: 66261.24
- 05/24/04 AMEND: 51047
- 05/04/04 ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132,
- 05/03/04 AMEND: 123000
- 04/26/04 AMEND: 90417
- 04/26/04 ADOPT: 51008.1 AMEND: 51104, 51520, 51521
- 04/22/04 AMEND: 51516.1
- 04/12/04 AMEND: 12000
- 04/12/04 AMEND: 12705
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- 06/03/04 ADOPT: 87725, 87725.1, 87725.2 AMEND: 87101, 87111, 87222, 87451,
- Title 23**
- 07/29/04 AMEND: 2611
- 07/06/04 AMEND: 2803, 2804, 2810, 2810.1, 2811, 2811.2, 2811.3, 2812, 2812.1, 2812.3, 2812.5, 2813, 2813.3, 2814.2
- 07/06/04 ADOPT: 381.1, 386.1, 391 AMEND: 380, 381, 382, 383, 384, 385, 386, 387, 388, 389
- 06/09/04 ADOPT: 3947
- 05/13/04 ADOPT: 2717, 2717.1, 2727.2, 2717.3, 2717.4, 2717.5, 2717.6, 2717.7 AMEND: 2713
- 05/06/04 ADOPT: 3939.8
- 04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND: 2611, 2630, 2635, 2636, 2636.1, 2637, 2641, 2712
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- 07/14/04 ADOPT: 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8410, 8411, 8412, 8413, 8414, 8415, 8416, 8417, 8418, 8419, 8420, 8421
- 07/06/04 ADOPT: 1005, 1005.5, 1006.5, 1017, 1020.1, 1020.3, 1020.4, 1020.6, 1020.7, 1020.9, 1025, 1045, 1114, 1116, 1118, 1120, 1120, 1163, 1178, 1183, 1185, 1188, 1190, 1211, 1229, 1234, 1236, 1305, 1334.1, 1334.2, 1334.4, 1334.5, 1334.6, 1337, 1338.5, 1339, 139
- 06/23/04 AMEND: 1, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 50, 52, 58, 60, 70, 122, 128, 132, 134
- 06/04/04 AMEND: 7723, 7724, 7752, 7754
- Title 27**
- 07/13/04 AMEND: 15290 (b), 15290(c)(ii), and Report No. 5.
- 05/24/04 ADOPT: 20686 AMEND: 20690, 21600
- 05/18/04 ADOPT: 23001, 23002, 23003, 23004, 23005, 23006, 23007, 23008, 23009, 23010, 23011, 23012, 23013, 23014
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- 06/10/04 AMEND: 1300.67.2.1
- 06/02/04 ADOPT: 1011
- 05/05/04 AMEND: 1005

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<p>08/09/04 ADOPT: 42-717.11, 42-717.111, 42-717.112, 42-717.12, 42-717.13, 42-717.3, 42-717.11.4, 42-717.41, 42-717.42, 42-717.5, 42-717.6 AMEND: 42-717.1, 42-717.2, 42-717.21</p> <p>07/09/04 AMEND: 63-503, 63-504, 63-505</p> <p>07/01/04 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, 72-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115,</p>	<p>07/01/04 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</p> <p>06/02/04 ADOPT: 42-712, 42-719, 44-111</p> <p>05/13/04 ADOPT: 47-310 AMEND: 47-110</p> <p>04/29/04 ADOPT: 30-501, 30-502, 30-503, 30-504, 30-505, 30-506, 30-507, 30-900, 30-901, 30-902, 30-903, 30-904, 30-905, 30-906, 30-907, 30-908, 30-909, 30-910, 30-911, 30-912, 30-913, 30-914, 30-915, 30-916, 30-917, 30-918, 30-919, 30-920, 31-236 AMEND: 11-400t,</p> <p>04/22/04 AMEND: 63-102, 63-504</p> <p>04/19/04 AMEND: 63-300, 63-504</p> <p>04/15/04 AMEND: 42-710.66, 42-711.512, .61</p>
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