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*Time-Dated
Material*

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. STATE
PERSONNEL BOARD**

**NOTICE OF PROPOSED AMENDMENT
OF REGULATION**

**California Code of Regulations
Title 2. Administration
Division 1. Administrative Personnel
Chapter 1. State Personnel Board**

DATE: September 10, 2004
TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET
SUBJECT: Proposed Amendment to Title 2, California Code of Regulations § 211—Dismissed State Employees to Take Examinations

AUTHORITY

Under the authority established in Government Code (GC) § 18701, the State Personnel Board (SPB) proposes to amend Title 2, § 211 of the California Code of Regulations (2CCR) relating to the eligibility of dismissed State employees to take examinations.

REFERENCE

The regulation implements, interprets, and/or makes specific GC § 18941.

PUBLIC HEARING

Date and Time: November 2, 2004
9:30 a.m. to 10:00 a.m.
Place: 801 Capitol Mall, Auditorium
Sacramento, CA 95814
Purpose: To receive written or oral public comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period will close Monday, October 25, 2004, at 5:00 p.m. This comment period allows time for SPB staff to provide copies of any written comments to the five-member State Personnel Board (Board) for their consideration at the

time of the hearing. Any person may submit written comments about the proposed amendment. To be considered by the Board, the appropriate person identified below must receive written comments before the close of the forty-five (45) day comment period.

Written comments may be submitted to Daphne Baldwin at the State Personnel Board, 801 Capitol Mall, MS 55, Sacramento, CA 95814, or to dbaldwin@spb.ca.gov, or fax comments to her attention at (916) 653-1280.

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

Copies of the express terms of the proposed action, Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Additional information or questions regarding the substance of the proposed action should be directed to Daphne Baldwin as specified above. Questions regarding the regulatory process in conjunction with this regulation should be directed to Elizabeth Montoya, the backup contact person, at the State Personnel Board, (916) 654-0842 or TDD (916) 653-1498.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, SPB will make the full text of the changed regulation available for at least fifteen (15) days before the date the regulation is permanently adopted.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

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

GC § 18935 permits the Board to refuse to examine or, after examination, refuse to declare as eligible or withhold or withdraw from certification, prior to appointment, anyone who comes under any of the specified categories.

GC § 18941 requires the Board to provide by rule, for the granting of a blanket waiver under § 211 that allows a dismissed employee to apply for any exams, without needing a separate waiver for each exam. It also requires SPB to prepare a written notice explaining the effect of dismissal from the State on eligibility to take exams.

Existing § 211 provides that a person who has been dismissed from State civil service cannot take any civil service examination, or be certified to any position, without the consent of the Executive Officer of SPB. It authorizes the Executive Officer to grant a continuing waiver of this requirement to an employee who later attains permanent civil service status.

IMPACT ON SMALL BUSINESSES

The proposed regulation will not impact small businesses.

LOCAL MANDATE

The proposal has no mandate upon local agencies or school districts and therefore requires no reimbursement pursuant to GC § 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs or Saving to State Agencies

The proposed regulation will involve no additional costs or savings to any State agency.

Impact on Housing Costs

The proposal will not affect housing costs.

Costs or Savings in Federal Funding to the State

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

Cost Impact on Representative Persons or Businesses

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

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The proposed action 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.

ALTERNATIVES STATEMENT

SPB 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.

FINAL STATEMENT OF REASONS

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

ACCESSING INFORMATION REGARDING THIS RULEMAKING FILE ON THE STATE PERSONNEL BOARD WEBSITE

The text of the amended regulation in underline and strikeout, as well as, the Notice of Proposed Amendment of Regulation, and Statement of Reasons and if prepared and when available for review, the Final Statement of Reasons, will be on SPB's Web site at www.spb.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071, 8282, 8500, and 8587.1, of the Fish and Game Code and to implement, interpret or make specific sections 7071, 7850, 8254, 8282, 8500, 8585.5, 8587, 8587.1, 9001, 9001.5, 9001.6, 9001.7, 9003, 9004, 9005, and 9006, of said Code, proposes to add Section 150.18, Title 14, California Code of Regulations, relating to Nearshore Fishery Trap Gear Limitations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations governing the nearshore fishery include regional management, trip limits for state-managed species, size limits, a commercial restricted access program, and a limitation on the number of hooks. Current finfish trap requirements are contained in Statute and the specific requirements for trapping south of Point Arguello will sunset April 1, 2005. A moratorium permit has also been established for fishermen taking the deeper nearshore species. The Legislature delegated authority for the nearshore fishery, including regulation of the amount and type of gear, to the Commission upon adoption of a management plan for this fishery. The Commission adopted a Nearshore Fishery Management Plan in October 2002 and established regulations limiting hook and line gear in the nearshore fishery. The proposed action would appropriately establish, in regulation, the finfish trap limitations currently in Statute, with two minor changes.

Existing Statute Requirements to be Established in Regulation:

Possession of lobster with nearshore fish stocks

Allows possession of both lobster and nearshore fish stocks providing:

- At least one individual must possess a valid Nearshore Fishery Permit (NFP) and trap endorsement or Deeper Nearshore Species Fishery Permit (DNSFP).
- All individuals on board must possess a valid lobster permit.

Bait

- Lobster and crabs, other than rock crab, cannot be used as bait.
- Rock crab can be used as bait subject to Section 125, Title 14, California Code of Regulations (CCR). (Note: Section 125, Title 14, CCR, has been adopted by the Commission but is yet not effective).
- Nearshore fish traps are required to be unbaited with the door open between sunset and sunrise.

Trap construction

- Timed buoy release mechanisms or “pop-up” devices cannot be used.
- Each trap must have at least one destruction device.
- Trap destruction devices shall conform to Section 180.2, Title 14, CCR.
- The use of metal rings shall conform to Section 180.4, Title 14, CCR.

Number of traps and areas fished

- Maximum of 50 traps can be used within one mile of the mainland coast.
- Traps cannot be used within 750 feet of any pier, breakwall, or jetty.
- Each trap must be serviced regularly.

Minor changes:

- Finfish trap buoys used under a NFP and trap endorsement or DNSFP must be identified on the buoy with the commercial fishing license number followed by the letter “Z”. Buoys on nearshore finfish traps used anywhere in the state will now have the same marking requirements.
- Finfish traps used under a NFP and trap endorsement or DNSFP must be constructed with a minimum mesh size of 2 inches by 2 inches. There will no longer be a requirement that finfish traps be constructed of mesh measuring exactly 2 inches by 2 inches.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Memorial Building, 935 Detroit Avenue,

Concord, California, on Friday, October 22, 2004 at 8:30 a.m. or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The Beach Resort, Bay View Room, 2600 Sand Dunes Drive, Monterey, California, on Friday, December 3, 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 November 24, 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 December 3, 2004 at the hearing in Monterey. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Marija Vojkovich, Offshore Ecosystem Coordinator, Department of Fish and Game, Marine Region, (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 above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at 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. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following

initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the 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. These regulations reflect Statutes already in effect for this fishery, thus there will be no change in current business practices.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections

851.50 through 851.54 in Subdivision 4, Chapter 4, Subchapter 3 of Title 14 of the California Code of Regulations (CCR). These sections pertain to the Tank Vessel Escort Regulations for Port Hueneme Harbor.

PUBLIC HEARING

Pursuant to Government code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if the OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on October 26, 2004, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.23.1 grants the Administrator the authority to adopt regulations and guidelines for harbor safety plans in consultation with the port authorities of the harbors and other affected parties. These regulations implement, interpret and make specific Government Code Section 8670.23.1. Government Code Section 8670.23.1(d) requires that the Administrator shall give his highest priority to the development of regulations and guidelines concerning tug escorts.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Los Angeles/Long Beach; Port Hueneme; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors. Government Code Section 8670.23 also directed the Administrator to adopt regulations and guidelines for the development of tug escort requirements for the specified harbors.

There are existing regulations specifying the tug escort requirements for the Port Hueneme Harbor. The proposed regulatory amendments would make non-regulatory clarifying changes, and also make changes to provide consistency with the administrative civil actions of the other tug escort requirements in California. Nonsubstantive authority and reference citation corrections have also been made throughout the subchapter.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: These amendments codify current practices and will not result in significant additional costs to private persons or directly affected businesses. OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

ASSESSMENT OF JOB/BUSINESS
CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS
AND OSPR CONTACT PERSON

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Laura Jansen ((916) 327-9859).

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

VOUCHERED RESPITE

The California Department of Developmental Services (Department) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 1, Subchapter 6, Article 1, Section 50604, Service Provider Record Maintenance Requirements; Division 2, Chapter 1, Subchapter 6, Article 1, Section 50605, Service Provider Record Retention Requirements; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54310, Vendor Application Requirements; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54320, Regional Center Review of Vendor Application; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54326, General Requirements for Vendors and Regional Centers; Division 2, Chapter 3, Subchapter 2, Article 2, Section 54332, Regional Center Files; Division 2, Chapter 3, Subchapter 2, Article 3, Section 54355, Vouchers;

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on October 25, 2004. The Department will only consider comments received at its headquarters by that time. Please submit all comments to the Department's contact person as designated in the Notice.

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking is scheduled for October 25, 2004. The hearing will be held in the auditorium at Office Building 9, 744 P Street, Sacramento, California. The hearing will begin at 10:00 a.m. and conclude at 12:00 p.m. The Department requests that persons who make oral comments at the hearing submit two (2) written copies of their testimony at the hearing. This room is wheelchair accessible. No food or drinks will be allowed.

AUTHORITY AND REFERENCE

Authority: Chapter 157, Statutes of 2003; Chapter 1095, Statutes of 1994, Section 14; Sections 4405,

4631, 4631(a)(2), 4648, 4648(a), 4648.2, 4689.1, and 4690.1, Welfare and Institutions Code; and Section 11152, Government Code.

Reference: Sections 4500, 4501, 4502, 4631, 4648, 4648(a), 4648.1, 4690, 4690.1, 4691, 4693, 4742, and 4791, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to increase funding received from the federal government for consumers who are eligible to receive services under the Home and Community-Based Services Waiver (Waiver) by adding a new service—vouchered respite.

Chapter 1: General Provisions, Subchapter 6: Service Provider Accountability, Article 1: General Provisions

Section 50604(d)(3)(D)—Service Provider Record Maintenance Requirements

Changes and additions are proposed to ensure that any and all pertinent information on consumers who receive Waiver services is maintained by the vendors in order to comply with federal requirements and allow the State to claim federal financial participation (FFP) for these services. This information would be used to verify that the delivery of service being purchased and the funds provided are used in a fiscally responsible manner, in addition to confirming that the individual providing the service is 18 years of age or older.

Section 50605(a)—Service Provider Record Retention Requirements

The minimum number of years a service provider is to retain financial and service records has been changed from three years to five years in order to comply with federal regulations.

Section 54310(a), (a)(5), (a)(10)(J), (b), (g) and (h)—Vendor Application Requirements

Proposed changes to regulations ensure that specific pertinent information be supplied by the applicant applying for vendorization. This information would be used to verify that the delivery of service being purchased and the funds provided are used in a fiscally responsible manner. The name of the agreement to be signed by applicants whose proposed service is eligible for Medi-Cal reimbursement has been changed and the vendor is now required to submit the original form to the vending regional center. The copy of this form (SAMPLE—Medi-Cal Program Provider Agreement Claim Certification) is being removed from Title 17 as this version is now obsolete. A copy of the latest version dated 6/99 is not being included in the regulations as it is now in duplicate and not available on-line. The vendor application,

Form DS 1890 was revised to include an excerpt regarding the Public Records Act, and, in section "H" under the instructions, change "Medi-Cal Program Provider Agreement Claim Certification" to "Home and Community-Based Services Provider Agreement" and the changes indicate the revision date.

Section 54320(a)(5)—Regional Center Review of Vendor Application

The name of the agreement to be signed by those applicants whose proposed service is eligible for Medi-Cal reimbursement has been changed. The copy of this form (SAMPLE—Medi-Cal Program Provider Agreement Claim Certification) is being removed from Title 17 as this version is now obsolete. A copy of the latest version dated 6/99 is not being included in the regulations as it is now in duplicate.

Sections 54326(a)(3)(A), (a)(16), (a)(16)(B), (a)(16)(B)(2), and (a)(16)(B)(3)—General Requirements for Vendors and Regional Centers

The minimum number of years a service provider is to retain financial and service records has been changed from three years to five years. The name of the agreement to be signed by those applicants whose proposed service is eligible for Medi-Cal reimbursement has been changed. The copy of this form (SAMPLE—Medi-Cal Program Provider Agreement Claim Certification) is being removed from Title 17 as this version is now obsolete. A copy of the latest version dated 6/99 is not being included in the regulations as it is now in duplicate and not available on-line.

Section 54332(a)(8) and (b)(5)—Regional Center Files

The name of the agreement to be signed by those applicants whose proposed service is eligible for Medi-Cal reimbursement has been changed. The copy of this form (SAMPLE—Medi-Cal Program Provider Agreement Claim Certification) is being removed from Title 17 as this version is now obsolete. A copy of the latest version dated 6/99 is not being included in the regulations as it is now in duplicate and not available on-line.

Chapter 3: Community Services, Subchapter 2: Vendorization, Article 3: Vendor Numbers and Service Codes

Section 54355(b)(1)(D), (b)(1)(F), (b)(2), (b)(3), (b)(4), (b)(4)(A) through (O), (b)(5), (g)(4)(C)(1)a. and (g)(4)(C)(1)b.—Vouchers

The word "and" is being stricken from subsection (b)(1)(D). Subsections (b)(1)(F) and (b)(2) are being added and changed to state the responsibility of voucher recipient regarding withholding and paying the appropriate Federal, State and local taxes. Subsec-

tion (b)(3) was added to clarify the requirement of voucher recipients to maintain specific records of the actual provider of the service. Subsection (4) requires that voucher recipients note specific provider information and attendance on a billing form, developed by the Department that is to be submitted to the regional center. Subsections (b)(4)(A) through (O) outline the information requested on the billing form. Subsection (b)(5) requires that the voucher recipients sign the billing form and outlines the certification statement on the form. Subsections (g)(4)(C)(1)a. and b. outlines the criteria a voucher recipient must follow when selecting a respite provider.

Appendix A (page 282.21)

The vendor application, form 1890 (12/92) (Appendix A) was revised to include an excerpt regarding the Public Records Act, and, in section "H" under the instructions, change "Medi-Cal Program Provider Agreement Claim Certification" to "Home and Community-Based Services Provider Agreement" and the changes indicate the new revision date. Other proposed changes to regulations will remove the copy of the vendor application, form DS 1890 (Appendix A), from Title 17 as it is now available on-line at <http://www.dds.ca.gov/forms/pdf/DS1890.pdf>.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations will affect small business in that they will now be expected to maintain records for five years instead of three.

FISCAL IMPACT DETERMINATIONS

The Department has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) significant costs or savings to any state agency, 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, or 4) other nondiscretionary costs or savings imposed on local agencies. However, it will bring in additional federal funding to the State which will reduce costs to the State's general fund.

ECONOMIC IMPACT AND BUSINESS ASSESSMENT

The proposed action will not: a) create new jobs within the State of California, b) help in the creation of new businesses within the State of California, c) cause the expansion of businesses currently doing business within the State of California, nor d) eliminate jobs or businesses within the State of California. The Department has determined that the proposed regulations will not have: a) a statewide significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states,

nor b) a significant effect on housing costs. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES CONSIDERED

The Department has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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

CONTACT PERSON

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310, MS 3-21
Sacramento, CA 95814
Attention: Lisa Primeaux
Phone: (916) 654-2199
Facsimile: (916) 654-1578
E-mail Address: lprimeau@dds.ca.gov

AVAILABILITY OF RULEMAKING DOCUMENTS

The Department has prepared and has copies ready for public review an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through the Department's website at www.dds.ca.gov. All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through the Department's website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After close of the comment period the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed

text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

TITLE 20. CALIFORNIA ENERGY COMMISSION

PLEASE TAKE NOTICE that the California Energy Commission ("Commission") proposes to adopt amendments to its regulations on appliance efficiency.

PUBLIC HEARINGS

There will be two public hearings on the proposed regulations. First, the Commission's Energy Efficiency Committee (Commissioner Jackalynne Pfannenstiel, Presiding Member, and Commissioner Arthur Rosenfeld, Associate Member) will hold a preliminary hearing on the proposed regulations:

Thursday, October 13, 2004
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

The full Commission will consider adopting the proposed regulations at a public hearing:

Wednesday, November 3, 2004
10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair accessible)

At the hearings any interested person may make written or oral comments on the proposed regulations. In addition, any interested person may submit written comments, as described below.

WRITTEN COMMENTS

Any interested person may submit written comments on the proposed regulations. ***In order to be considered, written comments must be received at the Commission no later than 3:00 p.m. on Tuesday, November 2, 2004.*** Written comments shall be mailed or delivered to the following address:

Docket No. 04-AAER-1
Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512

All written comments must be titled "Docket No. 04-AAER-1."

AUTHORITY AND REFERENCE

The Commission proposes to adopt the regulations under the authority of Public Resources Code Sections 25213, 25218(e), and 25402(a)–(c). The proposed regulations would implement, interpret, and make specific Public Resources Code Sections 25402(a)–(c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law (Public Resources Code Section, 25402(c)) requires the Commission to adopt regulations that prescribe minimum efficiency levels for appliances. The Commission first adopted appliance regulations in 1976 and has periodically revised them since then. The current regulations include provisions on testing of appliances to determine their efficiency, reporting of data by manufacturers to the Commission, standards establishing mandatory efficiency levels, and compliance and enforcement procedures, as well as general provisions on the scope of the regulations and definitions.

In the rulemaking proceeding that is the subject of this Notice of Proposed Action (“NOPA”), the Commission is proposing to adopt new and revised efficiency standards for nineteen types of appliances. In addition, new testing and data-reporting requirements (but not efficiency standards) would be established for four additional types. Some of the amendments revise current standards, and some establish new standards for appliance types for which efficiency standards do not currently exist. (Some of appliance types included in the proposed amendments are parts of classes of appliances for which efficiency standards currently exist for some types (or sizes) but not for others; for example, while the current regulations contain standards for certain types of refrigerators and certain sizes of air conditioners, the proposed amendments would add standards for other types of refrigerators and for very large air conditioners.)

In addition to the new and revised efficiency standards, the proposed amendments include corresponding changes to provisions on the scope of the regulations, definitions, test methods, and data reporting. They also include minor corrections and clarifications throughout the regulations.

FEDERAL REGULATIONS

The proposed amendments do not conflict with federal law.

The proposed amendments are not mandated by federal law.

There are extensive federal regulations on appliance efficiency. (See 42 U.S.C. section 6291 et seq.; 10 CFR Part 430.) The new and revised efficiency standards proposed in the Energy Commission’s

rulemaking are for appliances that are not covered by the federal regulations. The rulemaking also includes a few proposed minor clarifications and corrections to other parts of Commission’s regulations that do concern federally-regulated appliances.

STATUTORY REQUIREMENTS

California law requires that the Commission’s appliance efficiency standards (1) apply to appliances that use a significant amount of energy on a statewide basis, (2) be based on feasible and attainable efficiencies or feasible improved efficiencies, and (3) be cost-effective based on a reasonable use pattern (i.e., not result in added total costs to the consumer, considering both any increased costs of the efficiency improvement and any reduced costs resulting from the improved efficiency, over the design life of the appliance). (Public Resources Code Section 25402(c)(1).) A Commission Staff Report, *Update of Appliance Efficiency Regulations* (July 2004, Publication Number 400-04-007D) demonstrates that the proposed new and revised efficiency standards meet those requirements.

LOCAL MANDATE

The proposed regulations will not impose a mandate on state or local agencies or districts.

ECONOMIC AND FISCAL IMPACTS

The Commission has made the following initial determinations. For more detail, please see the accompanying Economic and Fiscal Impact Statement (Form 399).

FISCAL IMPACT

Costs Requiring Reimbursement. The proposed amendments will not impose on local agencies or school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Other Non-Discretionary Costs or Savings for Local Agencies. Local agencies that purchase appliances subject to the proposed efficiency standards will have to pay increased purchase costs for those appliances. However, those costs will be more than made up by reductions in natural gas and electricity bills, which will total \$1.6 million annually.

Costs or Savings for State Agencies. State agencies that purchase appliances subject to the proposed efficiency standards will have to pay increased purchase costs for those appliances. However, those costs will be more than made up by reductions in natural gas and electricity bills. Because there are few state agencies that purchase the appliances covered by the proposed regulations, the Commission has not calculated the amount of the savings, which will be small.

Cost or Savings in Federal Funding to the State. The proposed amendments will not result in any costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

There will be no significant effect on housing costs. The costs of owning and operating a home will decrease slightly as a result of lower natural gas and electricity costs. Homeowners that purchase appliances subject to the proposed efficiency standards will have to pay increased purchase costs for those appliances; however, those costs will be more than made up by reductions in natural gas and electricity bills.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The Commission has made an initial determination that there will be no significant (or insignificant) adverse economic, fiscal, or environmental impact on businesses, including small businesses, as a result of the proposed amendments. Businesses will save \$116 million annually on their natural gas and electricity bills as a result of the proposed new and revised efficiency standards.

Nevertheless, the Commission invites interested persons to submit alternative proposals to lessen any adverse economic impact on business, which may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

IMPACTS 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

The proposed amendments will have no 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.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

Businesses and individuals that purchase appliances subject to the proposed efficiency standards will have to pay increased purchase costs for those appliances. However, those costs will be more than made up by reductions in natural gas and electricity bills. The annual savings for businesses will be \$116 million and for residential customers \$141 million. The costs and savings for “representative” business or person would depend on which appliances are purchased. The Staff Report cited above contains cost-effectiveness analyses for each individual appliance.

Overall, during the first fifteen years that they are in effect, the proposed efficiency standards will result in purchase cost increases of \$1.4 billion and utility bill savings of \$3.3 billion.

BUSINESS REPORTS

The proposed regulations would require manufacturers of appliances to submit data about the appliances that they manufacture. (In California, there are few manufacturers of the appliances that would be added to the regulations by the proposed amendments.) The Commission estimates that the annual reporting cost would be \$360 per manufacturer. It is necessary for the health, safety, or welfare of the people of the state that the proposed regulations apply to business, for two basic reasons. First, the Legislature has required the Commission to adopt efficiency standards, and the submittal of data is necessary to determine compliance with the standards. Second, the data required to be submitted will be used to increase consumer awareness, for utility efficiency programs, and for research, all of which will foster additional efficiency, which in turn will lead to economic, energy reliability, and environmental benefits.

SMALL BUSINESS

Like all businesses, small businesses will benefit from the proposed regulations. Small businesses that purchase appliances subject to the proposed efficiency standards will have to pay increased purchase costs for those appliances. However, those costs will be more than made up by reductions in natural gas and electricity bills. Of the \$116 million in annual utility bill savings that will accrue to commercial customers, \$106 million will benefit businesses in the “small commercial” category.

ALTERNATIVES

Before it adopts the proposed regulations, the Commission 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 regulations are proposed or would be as effective and

less burdensome to affected private persons than the proposed regulations. To date, the Commission has found no alternatives to the proposed action that would be more effective, or as effective and less burdensome.

CONTACT PERSONS

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including the Express Terms, the Initial Statement of Reasons, the Form 399, the Staff Report, and any other document in the rulemaking file:

Linda Franklin
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4064
Fax: 916-654-4304
E-mail: LFrankli@energy.state.ca.us

Please contact the following person, preferably by e-mail, for substantive questions:

R. Michael Martin
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4039
Fax: 916-654-4304
E-mail: MMartin@energy.state.ca.us

The backup contact person for substantive questions is:

Jim Holland
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: JHolland@energy.state.ca.us

Mr. Martin and Mr. Holland also can assist in obtaining documents and in answering general questions.

PUBLIC ADVISER

The Commission has a Public Adviser whose function it is to assist the public in participating in Commission proceedings. Please contact her if you have general questions about how to function effectively in the rulemaking:

Margret J. Kim, Public Adviser
California Energy Commission
1516 Ninth Street, Mail Station 12
Sacramento, California 95814-5512
Telephone: 916-654-4489
Fax: 916-654-4493
E-mail: MKim@energy.state.ca.us

AVAILABILITY OF THE TEXT OF THE PROPOSED REGULATIONS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS, AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

The first place to go when trying to obtain documents in this rulemaking proceeding should be the Commission's appliance website,

www.energy.ca.gov/appliances.

The website will have all of the documents prepared by the Commission and most of the other documents in the rulemaking file.

The Express Terms of the proposed regulations (written in plain English and set forth in a format that indicates both the existing text and the proposed text), and the Initial Statement of Reasons for the proposed regulations, are available at no cost from the contact person, Linda Franklin (see above).

The Commission's Docket Office has available all of the information upon which the proposal is based, as well as all other documents in the rulemaking file; for copies, please contact:

Docket Office
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814-5512
916-654-5076

AVAILABILITY OF MODIFIED AMENDMENTS (15-DAY LANGUAGE)

At the November 3, 2004 hearing the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made, and they are sufficiently related to the originally-proposed regulations, the full modified text with changes clearly indicated will be made available to the public at least 15 days before the Commission adopts the regulations. A notice of the availability of any such text will be mailed to: all the persons to whom this notice is being mailed; those who submitted written or oral comments at the hearing; those who submitted written comments during the public comment period; and those who specifically requested to receive modifications to the regulations. In addition, copies may be requested from the contact person named above. The Commission will accept written comments on any such modified text for at least 15 days after the text is made available to the public. Adoption of the 15 Day language will be considered at a public hearing scheduled in the notice of availability.

FINAL STATEMENT OF REASONS

The Commission will prepare a Final Statement of Reasons on the regulations, responding to all relevant comments made during the proceeding. The Final

Statement of Reasons will be available from Linda Franklin, listed as the first contact in the list of Contact Persons shown above.

INTERNET ACCESS

Documents prepared by the Commission for this rulemaking, and most other documents in the rulemaking file, will be posted on the Commission's website, <http://www.energy.ca.gov/appliances>.

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

Chapter 15. Health Professions
Education Foundation

NOTICE OF PROPOSED RULEMAKING

The Office of Statewide Health Planning and Development ("Office") proposes to adopt regulations to establish the statewide Associate Degree Nursing (A.D.N.) Scholarship Pilot Program as required by Health and Safety Code section 128401.

PUBLIC HEARING

The Office has not scheduled a public hearing on this proposed action. However, the Office will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Office. The written comment period closes at 5:00 P.M. on October 25, 2004. The Office will consider only comments received at the Office by that time. Submit comments to:

Diane Tomoda, Administrative Officer
Health Professions Education Office
818 K Street, Suite 210
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Health and Safety Code section 128401 authorizes the Office to adopt the proposed regulations, which would implement, interpret, or make specific section 128401 of the Health and Safety Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

California is experiencing a critical shortage of Registered Nurses (RN). In 1999, the California Strategic Planning Committee estimated that there would be a shortfall of some 25,000 RNs by 2006.

Reports, including those mandated through legislation, offer a number of recommendations and policy options to address this shortage. Through both the state's public colleges and universities, and Health and Human Service Agency, a number of initiatives and funding sources have been identified to assist the healthcare industry with recruiting, training, and retaining qualified nurses, and to reduce the critical labor shortage in health care facilities throughout the state. One such finding is the identification of support services, specifically additional financial assistance, to alleviate nursing students' pressures of combining work with study.

The Health Professions Education Foundation ("Foundation") is a nonprofit public benefit corporation established to assist the Office of Statewide Health Planning and Development by providing scholarships and loan repayment grants to health professionals throughout California who are willing to practice in medically underserved areas. The Foundation administers eight programs.

New legislation requires the Office to adopt regulations to establish the statewide Associate Degree Nursing (A.D.N.) Scholarship Pilot Program to provide scholarships to associate degree nursing students who reside in counties determined to have the most need and who agree to service obligation in a medically underserved area in California for a period of time. This legislation directs the Foundation to consider in the selection process an applicant's economic need, and their cultural and linguistic skills and abilities, and requires the Foundation to allocate a portion of the Registered Nurse Education Fund for this scholarship program.

**THE OFFICE HAS MADE THE FOLLOWING
INITIAL DETERMINATIONS**

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None. The Office has determined that the proposed regulations do not affect small business because these regulations pertain to associate degree nursing students.

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

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

CONSIDERATION OF ALTERNATIVES

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

The Office invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Diane Tomoda, Administrative Officer
Health Professions Education Office
818 K Street, Suite 210
Sacramento, CA 95814
Telephone: (916) 324-6500

The backup contact person for these inquiries is:

Angela Smith, Executive Director
Health Professions Education Office
818 K Street, Suite 210
Sacramento, CA 95814
Telephone: (916) 324-6500

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the Initial Statement of Reasons, or other information upon which the rulemaking is based to Diane Tomoda at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice

Register, the rulemaking file consists of this Notice, the proposed text of regulations, the Initial Statement of Reasons, and materials upon which the Office relied in developing the regulations. Copies may be obtained by contacting Diane Tomoda at the address or phone number provided.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the written comment period and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this notice. If the Office 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 Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Diane Tomoda at the address indicated above. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Tomoda at the address provided.

AVAILABILITY OF DOCUMENTS IN THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our websites at <http://www.oshpd.ca.gov> and <http://www.healthprofessions.ca.gov>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these

prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

RULEMAKING PETITION DECISIONS

BUREAU OF AUTOMOTIVE REPAIR

CALIFORNIA CODE OF REGULATIONS
TITLE 16, PROFESSIONAL AND
VOCATIONAL REGULATIONS, DIVISION 33,
BUREAU OF AUTOMOTIVE REPAIR §§ 3340.16

In the Matter of the Petition for
Regulatory Action of:

Benjamin L. Rue
California Test-Only Center
6305 Watt Avenue, Suite #104
North Highlands, CA 95660
Petitioner(s).

DECISION ON RECONSIDERATION OF PETITION FOR REGULATORY ACTION

PETITIONER HAS previously submitted, pursuant to Government Code section 11340.6 (GC § 11340.6), a petition requesting that the Bureau of Automotive Repair take regulatory action, as follows:

SUMMARY OF PETITION

Petitioner's original petition included a request that Section 3340.16, Title 16, Division 33, California Code of Regulations, be amended to prohibit smog check test-and-repair stations from recommending or referring customers to a particular test-only station. Subsection (e) already prohibits smog check test-only stations from referring customers to a particular smog check test-and-repair station, but there is no converse prohibition. In the original petition, he states that this is a double standard that creates a conflict of interest that may result in unfair competition.

In his request for reconsideration of the denial of the original petition, petitioner argues that, by referring customers to a specific test-only station, a test-and-repair station can "gain influence and power" over that test-only station. According to the petitioner, this can result in the test-and-repair station being able to coerce the test-only station into certifying test-only directed vehicles that are referred to them for an after repair test, even if the vehicle has not been properly repaired and should be failed. The test-and-repair station will refer all test-only directed vehicles that come to them to the specific test-only station. Then, they will refer all the vehicles that they are unable to repair after having failed at a test-only station, to the same test-only station for the after repair certification. The petitioner further alleges that the test-and-repair station will then either state or imply that they will

stop referring vehicles to that test-only station if they do not manipulate the test to improperly pass the vehicle. The theory, therefore, appears to be that the test-only station will agree to improperly or illegally certify those vehicles rather than lose future referrals.

AUTHORITY

Pursuant to the authority vested by Business and Professions Code section 9882, the Director of the Department of Consumer Affairs may adopt and enforce those regulations that he or she determines are reasonably necessary to carry out the purposes of the Automotive Repair Act (Business and Professions Code, Division 3, Chapter 20.3, Section 9880, et seq.) and declaring the policy of the Bureau. Pursuant to the authority vested by Health and Safety Code section 44002, the department shall have the sole and exclusive authority within the state for developing and implementing the motor vehicle inspection program in accordance with Division 26, Part 5, Chapter 5 of the Health and Safety Code. For the purposes of administration and enforcement of that chapter, the department, and the director and officers and employees thereof, shall have all the powers and authority granted under Division 1 (commencing with Section 1) and Division 1.5 (commencing with Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, which includes the rulemaking authority conferred in Section 9882.

DECISION

PETITIONER'S REQUEST FOR RECONSIDERATION IS HEREBY DENIED for the following reasons:

With respect to the request that this section be amended to prohibit smog check test-and-repair stations from recommending or referring customers to a particular test-only station, the Bureau still has no documented evidence or information to support the necessity for such change. As previously stated, there would be no reason for a test-and-repair station to refer a customer to a test-only station, unless that customer's vehicle had been specifically directed to a test-only station for its smog check inspection and the customer mistakenly took the vehicle to a test-and-repair station. In the Bureau's experience, it is unusual for vehicle owners to make this mistake. Information is included with the vehicle registration renewal notice sent by the Department of Motor Vehicles (DMV) that explains the test-only requirement. In that case, the test-and-repair station could not provide testing services and would have to turn the customer away. The probability of an improper or illegal referral agreement between a test-and-repair station and a test-only station is rather remote. The prohibition

against a test-only station referring customers to a particular test-and-repair station appears to sufficiently address this issue by removing the incentive from one side of the equation. That is, if a customer were to be referred to a particular test-only station by a test-and-repair station, and that customer's vehicle were to fail the smog test, the test-only station is already prohibited from referring that customer back to the test-and-repair station for repairs.

As to petitioner's arguments for reconsideration, the Bureau finds no significant merit. In the final analysis, it is the improper or illegal certification of vehicles that are not in compliance that is the issue. Adopting a regulation to prohibit referrals will not cure the problem. No statute or regulation will, in and of itself, stop or reduce incidences of wrongdoing. It is the effective enforcement of those laws that is the true deterrent.

If a station, whether test-only or test-and-repair, is illegally certifying vehicles, the Bureau has ample authority and resources to appropriately address the problem. This illegal activity can be and is, in fact, identified through various activities conducted by the Bureau's Field Operations and Enforcement Division. All smog check stations are already subjected to scrutiny through continuous monitoring of smog check test data gathered from their emissions inspection systems. They are also subjected to periodic inspections and quality assurance audits. The Bureau has the necessary authority to take, and in fact has taken appropriate action against smog check stations, both test-only and test-and-repair, for illegally certifying vehicles. No additional authority is needed at this time.

AVAILABILITY OF PETITION

Copies of the petitions that are the subject of this Decision are available, upon written request, from the Bureau's contact person named below.

CONTACT PERSON

Inquiries regarding this action may be directed to James Allen, Legislative and Regulatory Analyst, Bureau of Automotive Repair, by mail at 10240 Systems Parkway, Sacramento, CA 95827, by fax at (916) 255-1369, or by e-mail to jim_allen@dca.ca.gov.

Dated August 27, 2004

RICHARD ROSS
Chief
Bureau of Automotive Repair

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

BOARD OF EQUALIZATION

The Board's Function and Jurisdiction

This is a nonsubstantive action deleting a reference to a repealed statute.

Title 18
 California Code of Regulations
 AMEND : 302
 Filed 08/25/04
 Effective 08/25/04
 Agency Contact:
 Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Application for Change in Property Tax Assessment

In this filing, the Board of Equalization amends a regulation pertaining to the requirements for an application for change in property tax assessment, principally to conform the regulation to recent statutory changes.

Title 18
 California Code of Regulations
 AMEND : 305
 Filed 08/25/04
 Effective 08/25/04
 Agency Contact:
 Diane G. Olson (916) 322-9569

BOARD OF PRISON TERMS

Administrative Appeals

This emergency action readopts the Board's repeal of its internal administrative appeal system in order to comply with the Valdivia Remedial Plan Stipulated Order for Permanent Injunctive Relief. The prior emergency filing readopted by this emergency filing is OAL file number 04-0405-03E.

Title 15
 California Code of Regulations
 ADOPT : 2251.5 AMEND : 2005, 2057, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056

Filed 08/30/04
 Effective 08/30/04
 Agency Contact: Lori Manieri (916) 445-5277

CAL-PERS

Termination of Enrollment For Failure to Enroll in Medicare A & B

This action is the Certificate of Compliance filing making permanent the prior emergency adoption of the regulatory framework to notify, process and terminate continued enrollment in PERS basic health plans by employees, annuitants, and family members who are otherwise Medicare-eligible. The prior emergency filing is OAL file number 04-0312-03E.

Title 2
 California Code of Regulations
 ADOPT : 599.517
 Filed 08/31/04
 Effective 08/31/04
 Agency Contact: Marilyn Clark (916) 326-3007

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Basic Course Testing and Cleanup

This action amends Commission Procedures D-1, D-10 and the Training and Testing Specifications for Peace Officer Basic Courses to mandate use of POST-constructed Pre-Course tests, Mid-Course Proficiency tests and End-of-Course Proficiency tests.

Title 11
 California Code of Regulations
 AMEND : 1005, 1007, 1008, 1018
 Filed 08/26/04
 Effective 09/15/04
 Agency Contact:
 Patricia Cassidy (916) 227-4847

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
DUI Satellite Locations

This action updates the DUI program licensure regulations to allow licensed programs to use satellite locations under limited circumstances, and updates provisions that prescribe the procedure for informal administrative adjudication.

Title 9
 California Code of Regulations
 ADOPT : 9807, 9822, 9834, 9836 AMEND : 9800, 9802, 9878 REPEAL: 9830, 9834, 9836
 Filed 09/01/04
 Effective 10/01/04
 Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF DEVELOPMENTAL SERVICES

Vouchered Respite

This emergency regulatory action permits a service provider to receive a voucher for the costs of respite care.

Title 17
 California Code of Regulations
 AMEND : 50604, 50605, 54302, 54310, 54320, 54326, 54332, 54355, 58533
 Filed 08/27/04
 Effective 08/27/04
 Agency Contact: Lisa Primeaux (916) 654-2199

DEPARTMENT OF INSURANCE
Disability Insurance Assessment

In this regulatory action, the Department of Insurance adopts a regulation pursuant to Insurance Code section 1872.85 providing that each admitted disability insurer shall pay an annual fee of ten cents (\$.10) for each insured person that is covered by an individual or group disability insurance policy issued in this state during each calendar year or any part thereof.

Title 10
 California Code of Regulations
 ADOPT : 2698.95
 Filed 08/31/04
 Effective 08/31/04
 Agency Contact: Gene Woo (415) 538-4496

DEPARTMENT OF INSURANCE
Special Investigative Units

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

Title 10
 California Code of Regulations
 AMEND : 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2697.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42
 Filed 09/01/04
 Effective 09/01/04
 Agency Contact: Debra Chaum (415) 538-4115

DEPARTMENT OF INSURANCE
CAARP revision Rule 75 Truckers Liability Coverage

The "California Automobile Assigned Risk Plan" (CAARP) provides for the apportionment among insurers admitted to transact liability insurance of

those applicants for automobile bodily injury and property damage liability insurance who are in good faith entitled to but are unable to procure that insurance by ordinary means. The CAARP regulations provide at CCR, title 10, section 2498.5 for a manual which establishes CAARP rates for various types of vehicles. This regulatory action amends Rule 75 in this manual to specify that a 90% discount is applicable for risks not subject to the Department of Motor Vehicles filing requirements that transport interstate commerce within the state of California.

Title 10
 California Code of Regulations
 AMEND : 2498.5
 Filed 08/26/04
 Effective 09/25/04
 Agency Contact:
 Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE
CAARP Revision Rule 94 Public Auto Classification Use Class for Limos

In this filing, the Department of Insurance amends the "California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates" provisions pertaining to "Rule 94. Public Auto Classifications" and specifically the Use Class "Limousines." This filing is exempt from the rulemaking requirements of the Administrative Procedure Act pursuant to Government Code section 11340.9(g).

Title 10
 California Code of Regulations
 AMEND : 2498.5
 Filed 08/26/04
 Effective 09/25/04
 Agency Contact:
 Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE
Electronic Application Submission Interface (EASi) On-Line Application

This regulatory action allows the submission of California Automobile Assigned Risk Plan to be done by Electronic Application Submission Interface (EASi).

Title 10
 California Code of Regulations
 AMEND : 2498.3
 Filed 08/26/04
 Effective 09/25/04
 Agency Contact:
 Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE
CAARP Plan of Operations

This action revises and updates the California Automobile Assigned Risk Plan of Operations and moves all of this material from sections 2400 through

2498.4.2 of title 10 of the CCR into a separately published plan that would be incorporated by reference in a new section 2498.4.9.

Title 10
California Code of Regulations
ADOPT : 2498.4.9 REPEAL: 2400, 2401, 2403, 2404, 2405, 2406, 2407, 2408, 2420, 2421, 2421.1a, 2421.2, 2421.3, 2421.4, 2421.5, 2421.6, 2421.8, 2421.9, 2421.10, 2422, 2430, 2431, 2431.1, 2431.2, 2431.3, 2432, 2441, 2442, 2443, 2443.1, 2444, 2444.5, 2444.
Filed 08/25/04
Effective 09/24/04
Agency Contact: Elizabeth Mohr (415) 538-4112

FISH AND GAME COMMISSION
New Zealand Mud Snail
(*** FILE IS DUE 09/13/04 ***)

This regulatory action adds the New Zealand mudsnail to the list of species that are restricted from being imported, transported or possessed in California.

Title 14
California Code of Regulations
AMEND : 671
Filed 09/01/04
Effective 10/01/04
Agency Contact: Tracy L. Reed (916) 653-4899

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Tree Climbing and Access

The regulatory action is the emergency readoption of the emergency amendment that dealt with safe work procedures for tree climbing and access. (Prior OAL File 04-0420-04E.)

Title 8
California Code of Regulations
AMEND : 3427
Filed 08/26/04
Effective 08/26/04
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Elevating Employees with Industrial Trucks

In this regulatory action, the Occupational Safety and Health Standards Board amends a General Industry Safety Order regulation pertaining to "Elevating Employees with Lift Trucks."

Title 8
California Code of Regulations
AMEND : 3657

Filed 08/27/04
Effective 09/26/04
Agency Contact: Marley Hart (916) 274-5721

PUBLIC EMPLOYMENT RELATIONS BOARD
Administrative Fees

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

Title 8
California Code of Regulations
ADOPT : 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180, 81
Filed 08/30/04
Effective 08/30/04
Agency Contact:
Bernard McMonigle (916) 327-8386

STATE WATER RESOURCES CONTROL BOARD
Annual Fee Schedule

On May 20, 2004, the State Water Resources Control Board (SWRCB) adopted an emergency regulatory action revising the fee schedule for waste discharge requirements for fiscal year 2004-2005 pursuant to section 13260 of the Water Code. This emergency regulatory action was submitted to the Office of Administrative Law (OAL) on August 24, 2004 and is marked effective July 1, 2004. Pursuant to subsection (f)(2) of Water Code section 13260, this emergency regulatory action is statutorily deemed an emergency and is to be considered by OAL as necessary for the immediate preservation of the public peace, health, safety, and general welfare, is not subject to review by OAL, and shall remain in effect until revised by the SWRCB.

Title 23
California Code of Regulations
AMEND : 2200
Filed 08/31/04
Effective 07/01/04
Agency Contact: Ted Cobb (916) 341-5171

STATE WATER RESOURCES CONTROL BOARD
 Policy: Implementation & Inforcement of NPS
 Pollution Control Program

The regulatory action sets forth the "Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program".

Title 23
 California Code of Regulations
 ADOPT : 2915
 Filed 08/26/04
 Effective 08/26/04
 Agency Contact:
 David M. Boyers (916) 341-5182

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN APRIL 28, 2004 TO
 SEPTEMBER 1, 2004**

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

Title 1

08/12/04 ADOPT: 1396 AMEND: 1314, 1321, 1323, 1324, 1334, 1354, 1390, 1392, REPEAL: 1332

Title 2

08/31/04 ADOPT: 599.517
 08/20/04 ADOPT: 586, 586.1, 586.2
 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 ADOPT: Div. 8, Ch. 99, Sec. 58800
 06/15/04 AMEND: 18707.1
 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: 48000
 05/17/04 AMEND: 18616
 05/17/04 AMEND: 50
 05/17/04 ADOPT: 250
 05/17/04 AMEND: 50
 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)

Title 3

08/19/04 AMEND: 3700(c)
 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: 3700(c)
 07/06/04 AMEND: 3430(b)
 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: 3423(b)
 05/27/04 AMEND: 3428(b)
 05/27/04 AMEND: 1180(a)
 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)

Title 4

08/17/04 ADOPT: 12400, 12401, 12402, 12403, 12404, 12405, 12406

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 37-Z

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) 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180

07/19/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162

07/19/04 ADOPT: 4147, 4148

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, 08/27/04 AMEND: 3657

06/01/04 ADOPT: 12370, 12371 08/26/04 AMEND: 3427

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 REPEAL: 9882, 10117, 10118

Title 5

08/09/04 AMEND: 590, 591, 592, 593, 594, 595, 596 07/07/04 AMEND: 3301

07/30/04 ADOPT: 58317 07/07/04 AMEND: 1632, 3212

07/19/04 ADOPT: 40530, 40531, 40532 AMEND: 40651, 40803 40803.1 07/07/04 AMEND: 1716.2

06/30/04 AMEND: 19814(e) 07/06/04 AMEND: 5194

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 07/06/04 AMEND: 15220, 15220.1, 15220.3, 15220.4

06/17/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19836, 19837 AMEND: 19814 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

06/08/04 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 06/30/04 ADOPT: 10250

06/01/04 REPEAL: 80032.2, 80058.2, 80466, 80523.3 06/28/04 AMEND: 1953

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 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

05/24/04 AMEND: 11973, 11974, 11975, 11977, 11978, 11979 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

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 05/24/04 AMEND: 1600, 1601

05/10/04 ADOPT: 19800, 19801, 19803, 19804, 19805 05/20/04 AMEND: 5001(b), 5008(b)

04/29/04 AMEND: 3427

Title 8

08/30/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100,

Title 9

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

06/28/04 AMEND: 9525

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 37-Z

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

Title 10

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

08/31/04 ADOPT: 2698.95

08/26/04 AMEND: 2498.3

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.5

08/25/04 ADOPT: 2498.4.9 REPEAL: 2400, 2401,
2403, 2404, 2405, 2406, 2407, 2408,
2420, 2421, 2421.1a, 2421.2, 2421.3,
2421.4, 2421.5, 2421.6, 2421.8, 2421.9,
2421.10, 2422, 2430, 2431, Title 13, 17

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

2431.1, 2431.2, 2431.3, 2432, 2441, 2442, 2443,
2443.1, 2444, 2444.5, 2444.6

08/24/04 AMEND: 2498.6

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 AMEND: 2498.6

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

07/12/04 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

Title 11

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

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: 51.20

04/30/04 ADOPT: 51.21

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

Title 13, 17

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

Title 14

09/01/04 AMEND: 671

08/23/04 AMEND: 7.50

08/23/04 ADOPT: 18456.2.1, 18460.2.1 AMEND:
18449, 18450, 18451, 18456, 18459,
18459.2.1, 18459.3, 18461, 18462

08/12/04 AMEND: 7.50(b)(180)

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 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

05/10/04 AMEND: 851.6

05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5

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

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

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

Title 16

08/23/04 AMEND: 901.(d), 902.(c), 903.(b), 905.(a), 913(f), 914.(d), 919.(g), and 941.(a)(2).

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

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