



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	<i>Page</i>
<i>Conflict of Interest Code—Notice File No. Z04-1019-04</i>	1473
State Agency: Department of Fish and Game	
TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE	
<i>Oriental Fruit Fly Interior Quarantine—Notice File No. Z04-1019-07</i>	1474
TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD	
<i>Controlled Negative Pressure (CNP) Redon Fit Testing Procedures/Fit-Testing for M. Tuberculosis—</i>	
<i>Notice File No. Z04-1012-04</i>	1475
TITLE 10. DEPARTMENT OF REAL ESTATE	
<i>License Applicant—Notice File No. Z04-1019-05</i>	1479
TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES	
<i>Habilitation Transfer—Notice File No. Z04-1013-01</i>	1481
TITLE 21. DEPARTMENT OF TRANSPORTATION	
<i>Conflict of Interest Code—Notice File No. Z04-1019-08</i>	1490
TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Safe Drinking Water and Toxic Enforcement of 1986—Notice File No. Z04-1019-06</i>	1491

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME	
<i>CESA Consistency Determination for Montanera Residential Development Project, Contra Costa County</i>	1493
DEPARTMENT OF FISH AND GAME	
<i>Proposed Research on Fully Protected Species/San Francisco Garter Snake</i>	1494
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD	
<i>Originally Published in the California Regulatory Notice Register 2004, 36-Z</i>	1495

(Continued on next page)

*Time-Dated
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State.....	1496
Sections Filed, June 2, 2004 to October 20, 2004	1498

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

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**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of Fish and Game

A written comment period has been established commencing on **November 5, 2004**, and closing on **December 20, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen, PhD**, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **December 20, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED
CONFLICT OF INTEREST CODES**

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

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action no later than January 6, 2005.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 13, 2004.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3423(b) established a quarantine area of approximately 67 square miles surrounding the Westchester area of Los Angeles County. The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No

reimbursement is required for Section 3423 under Section 17561 of the Government Code because the agricultural commissioner of Los Angeles County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action 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.

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

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$88 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture 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.

AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department 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 amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **December 16, 2004**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **December 16, 2004**, following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **December 16, 2004**, following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **December 16, 2004**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 104
Section 5144
**Controlled Negative Pressure (CNP)
REDON Fit Testing Procedures**
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 104
Section 5144
Fit-Testing for M. Tuberculosis

A description of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 104
Section 5144
**Controlled Negative Pressure (CNP)
REDON Fit Testing Procedures**

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated standards addressing protocols for fit testing respirators on August 4, 2004, as 29 Code of Federal Regulations, Section 1910.134. The Board is relying on the explanation of the provisions of the federal standard in Federal Register, Volume 69, No. 149, pages 46986 to 46994, August 4, 2004, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt a standard that is the same as the federal standard except for editorial and format differences.

The OSHA final rule approves an additional quantitative fit testing protocol, the controlled negative pressure (CNP) REDON fit testing protocol, for inclusion in Appendix A of its Respiratory Protection Standard. The federal amendment affects, in addition to general industry, OSHA respiratory protection standards for shipyard employment and construction. OSHA adopted this fit testing protocol under the provisions contained in the federal Respiratory Protection Standard. The State respirator standard, Section 5144 of the General Industry Safety Orders, is substantially the same as its federal counterpart, and applies to all industries in California.

The proposed standard is substantially the same as the final rule promulgated by federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The reasons for the written and oral comments at the public hearing are to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3(a)(3). The standard may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

COST ESTIMATES OF PROPOSED ACTION

The CNP REDON protocol offers employers an additional option to fit test their employees for respirator use. In the federal preamble, OSHA concludes that the rulemaking action imposes no additional costs on employers.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore the proposed standard does not constitute

a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to the standard 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.

REASONABLE ALTERNATIVES CONSIDERED

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

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 107
Section 5144
Fit-Testing for M. Tuberculosis

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Effective October 18, 2004, employers who provide respirators for protection against M. Tuberculosis are required to comply with section 5144. Until that time, employers have been required to comply with section 5147. Section 5144 differs from section 5147 in that it has more specific requirements for the written program, program administration, respirator selection, medical evaluation, fit-testing, use, training and record-keeping. Specifically, in regards to this proposal, section 5144 requires that employees be medically evaluated using the questionnaire in Appendix C, or equivalent.

The effect of the proposal would be to add an exception to subsection 5144(e)(2), to permit employers to rely on medical evaluations that were performed prior to October 18, 2004, using other evaluating questionnaires or examinations. This exception applies only to the use of filtering face-piece respirators to protect against exposure to M. Tuberculosis. Medical professionals in healthcare and other settings currently use alternative questionnaires and examinations (Document 1). Generally, such questionnaires provide equivalent or more extensive health assessment to that intended by Appendix C. Medical professionals have advised the Division (Document 2) that the standard procedures used by healthcare professionals in evaluating employees for their ability to use filtering facepiece respirators for protection against M. Tuberculosis will provide equivalent protection to that afforded by using the Appendix C questionnaire in this context. Further, the risk of any potential negative consequences to an employee from failure to be evaluated specifically using the questionnaire in Appendix C, is significantly outweighed by the risk of infection from M. Tuberculosis if appropriate respiratory protection is not used.

EMERGENCY REGULATIONS

This proposal is intended to permanently codify the emergency standard approved by the Office of Administrative Law (OAL) and was filed with the Secretary of State on October 7, 2004.

COST ESTIMATES OF PROPOSED ACTION Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting busi-

nesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and

private employers who perform agricultural operations will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no significant adverse economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard 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.

REASONABLE ALTERNATIVES CONSIDERED

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

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than December 10, 2004. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 16, 2004 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 10. DEPARTMENT OF REAL ESTATE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE REAL ESTATE COMMISSIONER

Jeff Davi, Real Estate Commissioner, proposes to amend the proposed regulations described below in Title 10, California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commissioner proposes to adopt, amend and/or repeal sections 2712, 2835, 2840, 2840.1, 2851 and 2930 in Title 10 of the California Code of Regulations (CCR).

PUBLIC COMMENTS

The Commissioner or his representative will hold a public hearing starting at 10:00 AM, on December 16, 2004, at the Department of Real Estate Examination Room, located at 2200 X Street, Suite 120B, Sacramento, California. The Examination Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the Commissioner.

This hearing will be a hearing under Sections 10226 and 11011 of the Business and Professions Code to determine whether license and subdivision fees lower than the statutory maximum should be prescribed.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner. The written comment period closes on December 16, 2004. All written comments must be received by 5:00 p.m. on that date at the Department's Sacramento Office as follows:

David B. Seals, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

Comments may be sent via electronic mail to regulations@dre.ca.gov or via fax to David B. Seals at (916) 227-9458.

AUTHORITY AND REFERENCE

The changes to the regulations are authorized by Business and Professions Code section 10080 to implement, interpret or make specific Business and Professions Code sections 10148, 10152, 10167.7, 10176, 10236.4, 10240, 10240.2, 10241 and Government Code section 11425.50.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

ADOPTION OF SECTION 2712

Section 10152 of the Code was amended, effective July 1, 2004, to authorize the Commissioner to require a license applicant to submit fingerprints either with the application to take the examination or with the application for licensure. This proposed change makes it clear that an applicant may submit fingerprints with either application.

AMENDMENT OF SECTION 2835

The current regulation refers to a regulation section that has been repealed. This proposed change would delete that reference.

AMENDMENT OF SECTION 2840

Section 10236.4 of the Code requires the inclusion of the Department of Real Estate license information telephone number in disclosure forms prepared by real estate brokers during the course of negotiating a mortgage loan. This proposed change would add that telephone number to the form mortgage loan disclosure statement given to borrowers.

AMENDMENT OF SECTION 2840.1

Section 10236.4 of the Code requires the inclusion of the Department of Real Estate license information telephone number in disclosure forms prepared by real estate brokers during the course of negotiating a mortgage loan. This proposed change would add that telephone number to the alternative form mortgage loan disclosure statement given to borrowers.

AMENDMENT OF SECTION 2851

The current regulation, as reflected in the official Code of Regulations contains some typographical and formatting errors. This proposed change would correct those errors.

AMENDMENT OF SECTION 2930

Section 10153.4 of the Code was amended to require a real estate salesperson licensee to complete a course in real estate practices. This proposed change would revise the standard conditions in Proposed Decisions to include that requirement.

EFFECT ON SMALL BUSINESS

The proposed regulatory changes may affect small business.

DISCLOSURES REGARDING THE PROPOSED ACTION

1. Plain English drafting: The Commissioner has confirmed that this regulation has been drafted in plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).
2. Mandate on local agencies and school districts: None.
3. Cost or savings to any state agency: None.
4. Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.
5. Other non-discretionary cost or savings imposed upon local agencies: None.
6. Cost or savings in federal funding to the state: None.
7. The Department is not aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Department has determined that such cost impacts will not be significant.
8. The Commissioner has made an initial determination that the adoption, amendment or repeal of this regulation will not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

9. Impact on jobs and business expansion, elimination or creation: The Commissioner has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs within the State of California nor will it significantly affect the creation of new businesses, the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

10. Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commissioner must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his 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 Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

David B. Seals, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

The backup contact person is:

Larry A. Alamao, Assistant Chief Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

The name of the person who can respond to questions concerning the substance of the proposed regulatory action is:

David B. Seals, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to:

David B. Seals, Real Estate Counsel
Department of Real Estate
2201 Broadway
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

**AVAILABILITY OF STATEMENT OF REASONS,
TEXT OF PROPOSED REGULATIONS
AND INTERNET SITE**

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his 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 the regulation, and the initial statement of reasons. The final statement of reasons once it is prepared pursuant to Section 11346.9 of the Government Code will also be a part of the rulemaking file and available for inspection and copying as indicated above. Portions of the rulemaking file and information regarding the Department are available through our website (www.dre.ca.gov). The express terms of the proposed action written in plain English are available from the agency contact person named in this notice. Copies may be obtained by contacting David B. Seals at the address and phone number listed above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The Real Estate Commissioner may, on his own motion or at the recommendation of any interested person made by written or oral comment, modify the Proposed Regulation and adopt the Regulation Change as modified if the change is determined to be one that the public could have reasonably anticipated from this Notice, the Informative Digest, and the Initial Statement of Reasons.

If the Commissioner decides to modify the Proposed Regulation change, the Department will make copies of the full text of the regulation, as originally proposed with the proposed modifications clearly indicated, available for not less than 15 days prior to adopting the modified regulation. Copies of the modified regulation will be mailed to all persons who have made written or oral comments concerning the Proposed Regulation and all persons who have requested notification of availability of the modifications.

Requests for modified regulations or other communications concerning the Proposed Regulation change should be addressed to the Department's contact person, David B. Seals, at the address and/or telephone number above.

**COMPLIANCE WITH GOVERNMENT CODE
§ 11346.4(A)(1) THROUGH (4)**

The Department of Real Estate (the Department) has complied with Government Code § 11346.4(a)(1) through (4) and Section 86, Title 10 of the California Code of Regulations, by mailing or delivering a copy of this Notice of Proposed Changes in the Regulations of the Real Estate Commissioner and of the Proposed Regulations with changes indicated in strikeout and underline to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be, or have been in the past, affected by our Proposed Regulation change. The Department has no way of knowing which are small businesses.
4. The California Association of Realtors, a real estate licensee trade organization and the California Building Industry Association, a home builders trade organization.
5. A substantial number of land developers. Not small businesses by definition, but some of which may be, or have been in the past, affected by our Proposed Regulations.

**TITLE 17. DEPARTMENT OF
DEVELOPMENTAL SERVICES**

NOTICE OF PROPOSED RULEMAKING

Habilitation Transfer

The Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations, Division 2, Chapter 3, Subchapter 2 by amending sections 54302, 54310, 54320, 54370 and adopting section 54351.

Subchapter 21 by adopting sections 58800, 58801, 58810, 58811, 58812; 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, 58881, and 58882.

WRITTEN COMMENT PERIOD

Any interested persons, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on 12-13-2004. Please submit any written comments to the DDS contact persons designated below by 5:00 p.m. on 12-13-2004. Both oral and written comments will be received at the public hearing.

PUBLIC HEARING

One public hearing is scheduled. The public hearing to receive oral and written comments is scheduled for 9:30 a.m. on 12-16-2004. This hearing will be held at The Department of Developmental Services, 1600 Ninth Street, Room 360, Sacramento, California. DDS requests that persons who make oral comments at the public hearing submit a written copy of their testimony at that hearing. The hearing location has wheelchair access.

AUTHORITY AND REFERENCE

Authority: AB 1753 (Chapter 226), 2003-04 Budget Bill

References: Sections 4850, 4850.1, 4850.2, 4852, 4853, 4854, 4854.1, 4855, 4856, 4857, 4857.1, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866 and 4867 Welfare and Institutions Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Under the proposed regulations the Department of Developmental Services and, by contract, the regional centers, will assume all functions and responsibilities of the Department of Rehabilitation with respect to the administration of the Habilitation Services Program (HSP) beginning July 1, 2004.

**California Code of Regulations (CCR)
Title 17. Public Health—Division 2
Health and Welfare Agency
Department of Developmental Services
Chapter 3: Community Services**

SubChapter 2: Vendorization

**Chapter 3: Community Services, SubChapter 2:
Vendorization
Article 2. Vendorization Process**

Section 54302—Definitions.

Subsection 54302 (a)(1) and (13) is being added, as appropriate, in the Title 17 subchapter on vendorization to include “accreditation” and “CARF” as definitions. The requirement for habilitation service

vendors to become accredited through CARF- The Rehabilitation Accreditation Commission is needed to maintain the work service standards unique to habilitation service providers as established during the twenty-three years of accreditation reviews while the Habilitation Services Program was under the administration of the Department of Rehabilitation.

Subsection 54302 (a)(14) is added to Title 17 subchapter on vendorization for the purpose of defining “certification” since habilitation service vendors are required to apply for and receive certification as a condition of vendorization. The process of certifying habilitation service vendors as conducted by the Department of Rehabilitation provides regional centers some assurance that the vendor meets the minimal requirements to deliver work activity and/or supported employment during the interim period between initial vendorization and CARF accreditation.

Subsection 54302 (a)(34), (69), (70) and (80) are added to include the definitions for “Habilitation Services,” “Supported Employment,” “Supported Employment Program” and “Work Activity” in the appropriate Title 17 subchapter on vendorization. Changes were also made to references in section 54302 to correct the numbering sequence caused by the added definitions.

Section 54310—Vendor Application Requirements.

Subsection 54310(a)(10)(G) is added for the purpose of specifying for new vendors the requirement for providing the vendoring regional center with a program design. Subsection 54310(d) is added for the purpose of grand-fathering in habilitation service providers who on June 30, 2004 are providing habilitation services funded by the Department of Rehabilitation. Subsection 54310(e) and (f) is added for the purpose of specifying the conditions of and procedures for regional center vendorization. This is needed to make a clear distinction between work activity and/or supported employment services, as defined in Welfare and Institutions Code, Section 4861(d), and other regional center day program service categories. Changes were also made to references in section 54310 to correct the lettering and numbering sequence caused by the added definitions.

**Chapter 3: Community Services, SubChapter 2:
Vendorization
Article 3. Habilitation Services.**

**Section 54351(a), (b), (c) and (d)(1), (2) and
(3)—Habilitation Services.**

This section is being proposed to distinguish habilitation service program elements for the purpose of providing single service category billing account code controls. Subsections (a), (b) and (c) is needed to

provide distinct classifying descriptions of Supported Employment Program Group and Individual services and Work Activity Program services.

Section 54370(b)(1)—Termination of Vendorization for Noncompliance.

This section has been changed for the purpose of adding “accreditation” and “certification” as a vendorization requirement that habilitation vendors must keep up to date if they wish to avoid termination of vendorization.

**California Code of Regulations (CCR)
Title 17. Public Health—Division 2
Health and Welfare Agency
Department of Developmental Services
Chapter 3: Community Services**

SubChapter 21: Habilitation Services Program

ARTICLE 1. DEFINITIONS

Section 58800. Meaning of Words.

This section has been adopted to specify that words shall have their usual meaning unless the context or a definition clearly indicates a different meaning.

Section 58801(a)(1) through (11), (b), (c) and (d)(1)(A) through (G) and (2) through (37)—Definitions

This section has been proposed for the purpose of identifying words used in this Subchapter that have meanings specified in Title 17, Chapter 3, Subchapter 2, Sections 54302, 54505 and 57210. Subsection (d)(1) through (37) has been adopted to specify the definitions of words used in this Subchapter not otherwise defined in Title 17. The terms listed under subsection (d)(1), (5), (7), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (29), (30), (31), (32), (33), (34), (35), and (37) are included to clarify programmatic terms, e.g., service types, service outcomes, service planning documents and service operational measures. The definition of the term “consumer” listed under subsection (d)(2) is included to clarify that because Habilitation services provide consumers with the opportunity to earn money, they must meet the minimum age requirements for working in their communities. The definition of the term “Vocational Rehabilitation (VR)” listed under subsection (d)(36) is included to emphasize the integral and role of VR services in the Habilitation service model. The terms listed under subsection (d)(3), (4), (6), (8), (9), (10), (11), (23), (24), (25), (26), (27) and (28) are included because they clarify terms related to the expense reporting requirement by vendors as part of the rate setting methodology.

ARTICLE 2. GENERAL REQUIREMENTS FOR ALL HABILITATION SERVICES

Section 58810. (a), (b), (c), (d) and (e)—General Vendorization Requirements for Habilitation Services

Subsection (a) has been proposed to specify general regional center vendorization requirements for purchase of Habilitation services. Subsection (b) is proposed in order to provide vendor status for Habilitation service providers doing business prior to July 1, 2004, as specified in Section 4857.1 of the Welfare and Institutions Code. Subsection (c) proposes to specify the responsibility of regional centers to ensure that accreditation and/or certification has been completed prior to vendorization of Habilitation programs. Subsection (d) proposes to specify the regional center and department’s role in providing information, technical assistance and/or consultation to new vendors. Subsection (e) is proposed to specify the general requirements for Habilitation service providers to meet accreditation and vendorization timelines for obtaining accreditation following the effective date of vendorization by the regional center. In addition, this proposal ensures that vendoring regional centers receive copies of accreditation reports in a timely fashion, as these reports will constitute an important component of the regional centers’ quality assurance monitoring of Habilitation services vendors.

Section 58811. (a), (b) and (c)—Program Design Requirements for Habilitation Services

This section is added to for the purpose of specifying for new vendors the requirement for providing the vendoring regional center with a program design. Subsection (a) is needed to clarify the general program design elements that are required to be included in the program design. Subsection (b) is needed to specify additional information to be included in the program design related to the vendor’s knowledge of work service programming, e.g., specific work activities it will provide, description of services provided when consumers are not engaged in work, excluding the lunch period, resources available for contract procurement and procedures for conducting time studies. Subsection (c) is needed to specify the vendor’s responsibilities when modifications are made to the program design.

Section 58812. (a), (b), (c), (d)(1) through (3)—General Planning Requirements

This section is proposed to ensure that habilitation service vendors comply with the same requirements applicable to other regional center community service providers in planning services for consumers. This section is needed to meet the intent of Section 4850(a) of the Welfare and Institutions Code, that habilitation

services “should be planned.” Subsection (a), (b) and (c) are proposed to specify timeframes for submitting the IHSP and the frequency of the IHSP review. Subsection (d) is needed to ensure that consumers can convene, as necessary, an IPP meeting to review the appropriateness of the placement, the services provided and the development and documentation of the Individual Habilitation Service Plan (IHSP) goals and objectives in the areas of work activity and/or supported employment programs.

**ARTICLE 3. STANDARDS FOR WORK
ACTIVITY PROGRAMS**

Section 58820. (a)(1)–(4), (b), (c)(1) and (2)(A) through (I), (3)(A) through (E)—General Standards for Work Activity Programs

This section is proposed for the purpose of carrying out the objectives set forth in Section 4851 (a) of the Welfare and Institutions Code that states habilitation services provided to consumers are “to prepare and maintain them at their highest level of vocational functioning, or to prepare them for referral to vocational rehabilitation services.” Subsection (a)(1) through (4) is adopted to specify the general requirements for Work Activity Program (WAP) services as it relates to compliance with certification and accreditation, as well as, federal and state paid work labor standards. Subsection (b) is needed to assure that consumers receive appropriate amount and variety of work as provided for in the consumer’s IPP. Subsection (c) is needed to establish a minimum standard for habilitation service providers must meet so as to assure that consumers have the opportunity to engage in paid work. In addition, this subsection clarifies the type and allowable percentage of time that Habilitation service providers can provide in non-paid-work training, e.g., work adjustment and supportive habilitation services.

Section 58821. (a)(1) and (2)—Work Activity Program Day Length

This section is proposed to clarify for purposes of vendorization, the minimum length of the WAP day and the conditions under which an exception be granted that reduces the length of the day used as the historical period for establishing the WAP rate.

Section 58822. (a)(1) through (4), (b)(1) through (3)—Work Activity Program Service Records Requirements

Subsection (a) is proposed to specify the minimal documentation needed to link services provided by WAP to billing documents sent to regional centers. Subsection (b) is proposed to establish timeframes for reporting consumer specific WAP data in order to determine WAP compliance with quantity of paid

work standards, as well as, to measure consumer service planning outcomes. This is needed by the department to make statewide WAP service outcomes information available for program assessment purposes and, if needed, for dissemination to government and/or stakeholder groups.

**ARTICLE 4. STANDARDS FOR SUPPORTED
EMPLOYMENT PROGRAMS**

Section 58830. (a), (b), (1) through (7), (c), (d)(1), (2)(A) and (B), (e)(1) through (3) and (f)—General Standards for Supported Employment Programs.

This section is proposed to specify the general requirements for Supported Employment Program (SEP) services. Subsection (a) is needed to ensure that SEP support services identified in the IHSP are linked to the IPP. Subsection (b) is proposed in order to distinguish allowable supported employment services that can be provided by the vendor, including specific services that must have regional center approval. Subsection (c) is needed to clarify the two categories of service available under the SEP. Subsection (d) is needed to clarify the limitations for job coaching in groups, including, the maximum job coach-to-consumer ratio for groups and the minimum ratio in combination with funding from the Department of Rehabilitation and when consumers are temporarily absent from the group. Subsection (e) is needed to clarify the limitations for job coaching in individualized placements and to emphasize that individualized services are expected decrease over time as the consumer becomes familiar with his or her job duties. Subsection (f) is proposed to ensure that vendors who place consumers in integrated work settings comply with federal and state sub-minimum wage standards whenever consumers are paid less than minimum wage.

Section 58831. (a), (1) through (7), (b)(1) through (5), (c)(1)(A) and (B), (2)(A) through (M)(i) and (ii)—Supported Employment Program Record Requirements.

This section is proposed to specify the minimum documentation required by SEP vendors. Subsection (a) is needed in order to link individual and group services provided by supported employment programs (SEP) to billing documents sent to regional centers. Subsection (b) is needed to gather the necessary work related outcome data on SEP individualized placements that will allow regional centers and the Department to compare consumer employment success over time, as well as, between programs across

the state. Subsection (c) is needed to specify the minimum documentation required by SEP group placement vendors that will provide regional center case managers information on any behavioral problems that may impact the progress and/or stability of the SEP group or individual consumer. This subsection is also needed to specify the minimum information needed on the monthly group tracking form that must be provided by the job coach to support the service hours billed to the regional center.

Section 58832. (a), (b)(1) through (4), (c)(1) through (3), and (d)—Supported Employment Group Formation and Change Requirements.

This section is proposed to specify the methodology for establishing new SEP groups. Subsection (a) is proposed to establish the procedure and form needed by the regional center and DDS in order to approve new supported employment groups. Subsection (b) is needed in order for SEP group service providers to know what information must be included in the request form for a new group in order to be considered for approval by the Department, in consultation with the regional center. Subsection (c) is needed to specify the conditions under which a vendor may be permitted to change an existing group and the DDS form and information that must be provided to the Department and vendoring regional center prior to approval. Subsection (d) is needed in order to avoid potential billing disputes by making clear that approval for any proposed group change must be secured prior to implementation of the change.

Section 58833. (a)(1) through (3), (b), (c)(1) through (3)—Temporary Transfers Between Work Activity and Supported Employment Programs.

This section is proposed to set forth billing and payment policies and procedures for authorizing payments when consumers temporarily transfer into a WAP from a supported employment placement or vice versa. Subsection (a) is needed to specify the conditions and limits for approvals of temporary transfers. Subsection (b) is needed to provide consistency with existing Title 17 emergency authorization provisions. Subsection (c) is needed to specify the conditions under which extensions beyond the 60-day limit would be granted.

Section 58834. (a), (b)(1) through (3)—Additional Requirements for Supported Employment Programs.

Subsection (a) is proposed in order to ensure regional center and Department of Rehabilitation coordination regarding approval of job-coaching su-

pervision for consumers during the lunch period. Subsection (b) is needed to allow flexibility in the level of supported employment services provided by specifying the conditions under which increased job coaching can be approved.

ARTICLE 5. COORDINATION OF SERVICES WITH THE DEPARTMENT OF REHABILITATION

Section 58840. (a)(1) through (3) and (b)(1) through (3)—Referrals to the Department of Rehabilitation.

This section is proposed in order to improve service coordination between the Department of Rehabilitation (DOR) and regional centers by specifying procedures for regional centers making referrals to DOR's vocational rehabilitation (VR) services program. Subsections (a) is needed to make specific the steps needed and forms required by regional centers when referring WAP consumers to DOR pursuant to Section 4858 of the Welfare and Institutions Code. Subsection (b) is needed to identify the conditions that are appropriate for referring existing SEP consumers for VR services.

Section 58841. (a) and (b)(1)(A) through (C) and (2)—Transition to Habilitation Services Upon Achievement of Stabilization.

This section is proposed in order to improve service coordination between the Department of Rehabilitation (DOR) and regional centers by specifying procedures for transitioning consumers to regional center-funded extended services. Subsection (a) is needed to ensure that regional centers monitor the progress of consumers receiving VR services. Subsection (b) is needed to assure timely transition to from VR to the HSP by making certain there is no disagreement on what constitutes stabilization for a consumer receiving supported employment services from the DOR and when regional centers will begin funding extended services.

Section 58842. (a) and (b)—Denial of Services Pursuant to Order of Selection Criteria

This section is proposed in order to clarify circumstances under which the regional center is authorized to provide generic VR services. This section is needed in order to prevent consumers from losing employment opportunities due to the Department of Rehabilitation's inability to provide services to all eligible applicants for VR services. Subsection (a) and (b) is needed to specify the service categories that can be authorized by regional centers during the time that DOR's "order of selection" status prevents them for providing these services.

**ARTICLE 6. QUALITY ASSURANCE
MONITORING AND CORRECTIVE ACTIONS
FOR HABILITATION SERVICES PROGRAMS**

Section 58850. (a)(1) through (3), (b)(1) through (3), (c), (d)(1) and (2) and (e)—Monitoring and Evaluation of Habilitation Program Services.

This section is proposed in order to specify areas that are subject to quality assurance monitoring by the Department and regional centers to ensure that the Habilitation services provided to consumers are of the highest quality possible. Subsection (a) is needed in order to outline the general areas subject to monitoring, e.g., service quality, consumer protections and compliance with CARF accreditation standards. Subsection (b) is needed to allow for focused evaluations of IHSP documentation, program specific CARF accreditation reports and WAP compliance with maintaining minimum paid work percentages. Subsection (c) is needed to specify the minimum frequency of monitoring reviews that would be undertaken by the Department and the vendoring regional center. Subsection (d) is needed in order to specify for vendors the types of documentation that must be made available, including, access to specific staff. Subsection (e) is needed to clarify which agency would have the final say when there is disagreement between the Department and regional center on a course of action related to monitoring under this section.

Section 58851. (a), (b), (c)(1) through (4), (c), (d), (e) and (f)—Noncompliance Sanctions and Corrective Action Plans.

This section is proposed to specify the performance criteria that habilitation service vendors must be in compliance with and that will be subject to sanctions for noncompliance, including, actions that can be taken by the Department or regional center for failure to take corrective action. Subsection (a) is needed to establish the regulatory references subject to sanctions for noncompliance. Subsection (b) is needed to establish the timeline for development of a corrective action plan following a noncompliance notification by the Department or regional center. Subsection (c) is needed to specify the types of sanctions that can be imposed; the noncompliance standards that would apply in order to trigger such sanctions; the timeline for developing a corrective action plan; the agency responsible for approving the plan and timelines for submitting the corrective action plan. Subsection (d) is needed to specify sanctions that can be appealed by Habilitation vendors under existing W&I Code provisions. Subsection (e) is needed to specify the right of vendors to a formal review by the Office of Administrative Hearings when the sanction results in termination of vendorization. Subsection (f) is needed to address situations where a corrective action plan

due to sanctions imposed on a Habilitation service provider by the DOR under Title 9, Section 19254.5 would overlap the effective date of administrative transfer for the HSP from the DOR to DDS.

**ARTICLE 7. WORK ACTIVITY PROGRAM
RATESETTING PROCEDURES**

Section 58860. (a), (b), (c), (d), (e), (f), (g), (h), and (i)—General Provisions

This section proposes to establish the general ratesetting provisions for WAPs. Subsection (a) is needed to specify that expenses from the operation of other day programs cannot be used as allowable cost for setting WAP rates. Subsections (b), (c) and (d) is needed to make clear the Department's intention to apply fair and equitable ratesetting policies and procedures by requiring all HSP vendors to submit the same cost statement information using the same cost statement form and establishing this form as the basis for establishing rates. Subsections (e) and (f) are proposed to specify that income generated from other sources, e.g., service contracts, shall not result in a reduction in the rate and that the rate for WAP services cannot be paid if another fee for the service is paid by another government entity. Subsections (g) and (h) are proposed to establish the basis for the historical WAP rate and how COLA(s) could result in adjustment to the rate. Subsection (i) is needed to establish that the hours and days billed during the historical period will be considered to be days or hours of attendance for the purpose of rate setting.

Section 58861. (a), (b), (c), (d) and (e)—General Ratesetting Requirements for Work Activity Programs.

This section is proposed to specify the general ratesetting requirements for WAPs. Subsection (a) is needed to specify the entities that are to receive fiscal and consumer data; the purpose for which the data will be used and what data is subject to audit. In addition, this subsection signals to the vendors that failures to comply with the data policies will result in a delay in processing payment year invoices. Subsections (b), (c), (d) and (e) are proposed to address rate issues for WAP vendors that are new, vendors that have a change in ownership, vendors who are part of a larger agency and vendors that are part of another entity, e.g., school, hospital, city or county operation.

Section 58862. (a) and (b)—Reporting Period for Submission of Information

This section is proposed to make clear the reporting period for reporting cost statement data by Habilitation vendors. Subsection (a) is needed to specify the next fiscal year for establishing vendor rates pursuant to AB 747 (Chapter 659), FY 2003–04. Subsection (b) is

needed to clarify what period comprises previous years cost data for purposes of preparing for an audits by the Department and/or the vendoring regional center and the cutoff month for submitting historical year cost statement data.

Section 58863 (a), (b), (c), (d) and (e)—Required Due Dates for Submission of Information

This section is proposed to specify due dates for the submission of Cost Statement data and other financial statements to the Department and vendoring regional center. Subsection (a) is needed to establish the date Cost Statement data is due to the Department for purposes of setting the rate for Fiscal Year 2006–07. Subsection (b) is needed to establish requirements for submitting independent audits to the Department. Subsection (c) and (d) is needed to clarify how an extension of the deadline for submitting cost statements and timelines for requesting an extension will be handled by the Department. Subsection (e) is needed to specify what actions the Department will take when timelines for submitting cost statements are not met.

Section 58864. (a)–(c)—Required Cost Statement Information

This section is proposed to specify the revenue and expense forms required by the Department. Subsection (a) is needed to make specific each form required to report revenue and expenses by vendors. Subsection (b) is needed to clarify what is to be included in the consumer survey form and subsection (c) is needed to specify that vendors are to be consistent in their use of headings and/ or titles of services or programs in preparation of all reporting forms submitted to the Department.

ARTICLE 8. RATESETTING METHODOLOGY FOR WORK ACTIVITY PROGRAMS

Section 58870. (a)(1) through (5), (b), and (c)—General Provisions

This section is proposed to outline the general provisions applicable to the methodology for setting WAP rates. Subsection (a) is needed to layout the sequence for establishing WAP rates, including, application policies related to cost containment, setting of historical rate, computing the base rate and for reducing and adjusting the rate. Subsection (b) and (c) are needed to specify conditions on how grant funds used by a vendor during the historical period is treated in the computation the rate.

Section 58871. (a)—Cost Containment—Administrative Costs

This section is proposed in order to establish, for purposes of cost containment, the maximum allowable WAP administrative cost in the historical period.

Section 58872. (a), (b), (c), (d), (e)(1) and (2), (f), (g) and (h)—Cost Containment—Retirement Plan Expenses

This section is proposed to specify the maximum percentage of retirement plan costs that can be allocated in the cost statement. Subsection (a), (b), (c) and (d) is needed to clarify, for purposes of cost containment, what the percentage contributions made by a vendor toward a qualified employee retirement plan is an allowable expenses. Subsection (e), (f)(g) and (h) is needed to provide guidelines for vendors on how to determine the allowable percentage of retirement plan expenses.

Section 58873. (a), (b), (c), (d), (e)(1) through (3), (f)(g) and (h)—Maximum Daily Rate

This section is proposed to establish the basis for setting the maximum daily rate for WAP services. Subsections (a), (b)(c) and (d) is needed to establish the frequency for setting maximum daily rates, including the number of rate maximums during the historical period that are set, the period for which the historical period will be determined and the role of the Department in calculating the gross rate. Subsections (e)(f) and (g) is needed to specify how the number of consumers in a WAP are grouped for purposes of setting gross rates and how the groupings of gross rates are used to compute the mean and standard deviation for establishing maximum allowable rates based on the number of consumers served. Subsection (h) is needed to clarify how the rate will be reduced when a vendor’s rate exceeds the maximum established for its number of consumers.

Section 58874. (a), (b), (c), (d), (e)(1) through (6), (f)(1) through (4) and (g)—Reporting Requirements

This section proposes to establish reporting requirements in order for WAPs to receive a rate based on reasonable cost. Subsection (a) is needed to specify the requirements for a representative historical period for establishing a WAP’s rate. Subsections (b) and (c) is needed to establish the principles, policies, procedures and instructions for completing the Cost Statement and to clarify actions of the Department under circumstances where the minimum historical period has insufficient data to establish a rate. Subsection (d) is needed to specify how expenses for other programs not provided as part of the WAP will be reported and accounted for if those expenses are allowable. Subsections (e), (f) and (g) are needed to specify options to the requirement for independent audit, including, a description of the required documentation that must accompany the independent review report and what actions are required by the vendor to reconcile any material changes as a result of an audit.

Section 58875. (a), (b), (c)(1) through (14)(A) through (L), and (d)—Non-Allowable Costs.

This section is proposed to specify costs that are not allowed in establishing the historical rate for WAPs. Subsections (a) through (c) is needed to detail business expenses that are deemed not allowable for purposes of establishing a historical rate. Subsection (d) is needed to clarify how unallowable expenses will be reconciled between specific Department cost statement forms.

Section 58876. (a), (b), (c), (d), (e) and (f)—Rate Adjustments and Rate Revision General Provisions.

This section is proposed to specify the general policy for adjusting or revising rates for WAPs who have major changes in their costs from the historical period to the payment year. This is necessary because reasonable cost rates are based on a historical period and unique circumstances affecting costs may arise from the historical period to the payment year. Subsections (a) is needed to clarify adjustment of rates when there is a State-approved COLA. Subsection (b) is needed to specify the sequence for adjusting rates and when the adjustments become effective, including, the effective dates for an adjustment due to disasters, e.g., earthquakes and fires. Subsections (c)(d)(e) and (f) is needed to specify how the adjustment will be prorated if the adjustment takes place after the beginning of the payment year, the documentation required for establishing the need for an adjustment and the factors used to determine limits on rate adjustments.

Section 58877. (a)(1) and (2)(A) and (B)(3) through (7)—Rate Adjustment Due to an Increase in Occupancy Cost.

This section is proposed to specify the how rate adjustments due to an increase in occupancy cost are considered. As WAP service rates are based on a historical data, it is necessary to be able to authorize rate adjustments for these costs. Subsections (a)(1) through (7) is needed to specify the general basis for rate adjustments due to increases in occupancy costs, including, the conditions that must be met to get approval for a rate adjustment, the due dates for requesting an adjustment and the forms needed for Department review and approval.

Section 58878. (a)(1)(A) and (B), (b), (c), (d), (e), (f), (g), (h), and (i)—Rate Adjustment Due to a Change in Staff-to-Consumer Ratio

This section is proposed to specify the how rate adjustments due to a change in staff-to-consumer ratio are considered. Costs to WAPs related to increased staff-to consumer ratios are a major expense, therefore, any major reduction in funding to support such

costs would severely limit the WAPs ability to serve consumers. Subsections (a)(1) through (7) is needed to specify the general basis and procedures for requesting and obtaining approval for rate adjustments for changes in staff-to-consumer ratio. Subsection (b) is needed to deal with situations where an expected loss of staff subsidy does not occur. Subsection (c) through (h) is needed to specify the documentation needed for requesting a rate adjustment due to a change in staffing and procedures by the Department in computing the rate calculation. Subsection (i) is needed to specify how the Department will treat COLA increases when adjustments are made based on a change in staff-to-consumer ratios.

Section 58879. (a)—Rate Appeal

This section is proposed to lay out the right of appeal for WAPs who dispute a Departmental decision affecting its rate as set forth in Chapter 722, Statutes of 1992, Section 147 and Sections 4691 and 4791(i) of the Welfare and Institutions Code.

ARTICLE 9. BILLING AND PAYMENT

Section 58880 (a), (b), (1), (2), (3), (4), (A), (c), (d), (e), and (f)—Work Activity Programs

This section is proposed to set forth requirements for billing WAP services to regional centers and for payment of such services by regional centers. Subsection (a) is needed to clarify how the maximum number of billing days will be established and the vendor responsibilities for notifying the vendoring regional center of their schedule of their proposed workdays per month. Subsection (b) is needed to clarify how payments for full day and partial day WAP services are billed to the regional center when there are absences due to an official declaration of a state of emergency. Subsection (c) and (d) is needed to specify the procedure when billing and payments are made using hourly billing. Subsection (e) is needed to clarify for the vendor the level of detailed documentation on each consumer that must be maintained. Subsection (f) is needed to clarify payment policy related to circumstances where another agency would have responsibility for providing WAP services.

Section 58881. (a), (b), and (c)—Supported Employment Programs

This section is proposed to set forth payment requirements for supported employment services. Subsection (a) is needed to clarify the authority for supported employment payment rates as specified in Welfare and Institutions Code 4860. Subsection (b) and (c) are needed to set forth documentation requirements to support supported employment service billings and to clarify the circumstance when

payments can be made for consumers in a supported employment group who are absent due to an official declaration of a state of emergency.

Section 58882 (a), (b) and (c)—Billing for Temporary Transfers

This section is proposed to set forth billing and payment policies and procedures for authorizing payments when consumers temporarily transfer into a WAP from a supported employment placement or vice versa. Subsection (a) is needed to specify the requirements for regional centers when authorizing temporary transfers. Subsection (b) is needed to specify conditions under which a temporary transfer can be extended. Subsection (c) is needed to clarify which service category would be billed when consumers transfer between supported employment groups and work activity programs.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations will affect small business. The regulations have, therefore, been drafted in plain English.

LOCAL MANDATE DETERMINATION

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, 4) other nondiscretionary costs or savings imposed on local agencies, or 5) costs or savings in federal funding to the state. However, the proposed regulations will allow the Department to maintain federal funding to the State and, thereby, avoid unanticipated cost to the State's General Fund.

ASSESSMENT STATEMENT

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, nor c) cause the expansion of businesses currently doing business within the State of California. The Department has also determined this proposed action will not eliminate jobs or existing businesses. The Department has determined that the proposed regulations will not eliminate jobs with the State of California. The Department has determined that the proposed regulations will not have: a) a significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states, b) a significant potential cost impact on private persons or directly affected businesses, nor c) a significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DDS 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

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

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

CONTACT PERSON

Comments and inquires concerning the proposed action may be directed to:

Attention: Denyse Curtright, Assistant Chief
Department of Developmental Services
Work Services Section
1600 Ninth Street, Room 340, MS 3-23
Sacramento, California 95814
Email: dcurtrig@dds.ca.gov
Phone: (916) 654-2208
Fax: (916) 654-3020

Inquires regarding the substance of the proposed action may be directed to:

Andrea Fishback
Department of Developmental Services
1600 Ninth Street, Room 340, MS 3-23
Sacramento, California 95814
Email: andrea.fishback@dds.ca.gov
Phone: (916) 653-6599
FAX: (916) 654-3020

AVAILABILITY OF RULEMAKING DOCUMENTS

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, and Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with 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 person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the internet at www.dds.ca.gov.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS 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 DDS adopts the regulations as revised. If the text is modified, the text may be viewed over the internet at www.dds.ca.gov. Please send requests for copies of any modified regulations to the contact persons named above.

Final Statement of Reasons

When the Final Statement of Reasons is available, it may be viewed over the internet at www.dds.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact persons named above.

**TITLE 21. DEPARTMENT
OF TRANSPORTATION**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT OF INTEREST CODE OF
THE STATE OF CALIFORNIA,
DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the State of California, Department of Transportation ("Caltrans"), pursuant to the authority vested in it by California Government Code section 87306, proposes an amendment to its Conflict of Interest Code, codified at Title 21, Division 2, Chapter 14, Section 1575. The purpose of this amendment is to implement the requirements of Government Code sections 87300 through 87302, and section 87306.

Caltrans proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. Specifically, the proposed substantive amendment will add newly created positions, delete positions that are no longer used, require that consultants be designated positions,

and clarify cumbersome language in the disclosure categories under the prior Conflict of Interest Code, which was adopted in 1982.

Additionally, the amendment will better reflect the current organizational structure of Caltrans and also better delineate duties of employees and supervisors with respect to the code. Copies of the amended code and reasons for the amendment are available and may be requested from the contact person set forth below.

A 45-day public comment period has been set, during which any interested person may submit written statements, arguments, or comments relating to the proposed amendment by submitting them in writing to the person and place stated below, no later than 5:00 p.m. on January 14, 2005. Comments received after this date will not be considered prior to adoption of the amendment. Any interested party or his/her representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to 2 CCR section 18750(c)(3)(I). Information about this public hearing can be obtained from Caltrans' contact person set forth below. Any interested party may submit written statements, arguments, or comments relating to the proposed amendment at such a hearing.

Caltrans has prepared a written explanation of the reasons for the proposed amendment, which can be reviewed by contacting the person named below. In addition, any interested party may obtain a copy of the proposed amendment and any submitted comments by contacting the individual named below.

Caltrans has determined that the proposed amendment:

1. Will not impose a mandate on local agencies or school districts.
2. Will not impose a cost or savings on any state agency.
3. Will not impose a cost or savings on any local agency or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code.
4. Will not result in any nondiscretionary cost or savings to local agencies.
5. Will not result in any cost or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons or any business, including small businesses.

In proposing this amendment to its conflict of interest code, Caltrans must determine that no alternative considered by Caltrans would be more effective in carrying out the purpose for which the amendment is proposed or would be as effective and less burdensome to affected private persons than the proposed amendment.

CONTACT PERSON

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Patti Oshita
Department of Transportation
1120 N Street, MS 57
Sacramento, CA 95814
(916) 227-7414

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 22. CALIFORNIA CODE OF REGULATIONS

AMENDMENT TO SECTION 12805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING
REPRODUCTIVE TOXICITY

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment proposes to establish a specific regulatory level having no observable effect for di(2-ethylhexyl)phthalate (DEHP) and amend Title 22, California Code of Regulations, Section 12805.

PUBLIC PROCEEDINGS

A public hearing will be held on **December 13, 2004**, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will commence at 10:00 a.m. in the Coastal 1 Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted, or until 5:00 p.m.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHHA by 5:00 p.m. on **December 13, 2004**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action can be sent by mail or by fax addressed to:

Susan Luong
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P.O. Box 4010
Sacramento, California 95812-4010

FAX: (916) 323-8803
Telephone: (916) 445-6900

Comments sent by courier should be delivered to:

Susan Luong
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

Comments may also be transmitted via email addressed to: (sluong@oehha.ca.gov).

It is requested but not required that written statements or arguments be submitted in triplicate.

If you have special accommodation or language needs, please contact Susan Luong at (916) 445-6900 or sluong@oehha.ca.gov by November 29, 2004. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Susan Luong, in writing at the address given above, or by telephone at (916) 445-6900. Ms. Cynthia Oshita is a back-up contact person for inquiries concerning processing of this action and is available at the same telephone number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. and commonly known as Proposition 65 (hereinafter referred to as "Proposition 65" or "the Act"), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual (Health and Safety Code section 25249.6). The Act also prohibits such persons from knowingly discharging a listed chemical into water or onto or into land where such chemicals pass or probably will pass into any source of drinking water (Health and Safety Code section 25249.5).

For chemicals known to the state to cause reproductive toxicity, an exemption from the warning requirement is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which he or she is responsible produces no observable reproductive effect, assuming exposure

at 1,000 times the level in question (Health and Safety Code section 25249.10). The maximum dose level at which a chemical has no observable reproductive effect is referred to as the no observable effect level (NOEL). The Act also provides an exemption from the prohibition against discharging a listed chemical into sources of drinking water if the amount discharged does not constitute a “significant amount,” as defined, and the discharge is in conformity with all other laws and regulatory requirements (Health and Safety Code sections 25249.9 and 25249.11). The term “significant amount” is defined in a manner that equates to the level that triggers the warning requirement. Thus, these exemptions apply when an exposure or discharge does not exceed the NOEL divided by 1,000. One method by which a person in the course of doing business may determine whether an exposure or a discharge is exempt from the Act is by application of the specific regulatory level for the chemical in Section 12805.¹ The levels in Section 12805 represent the maximum dose level at which the chemical has no observable reproductive effect, given an exposure at one thousand (1,000) times the level in question.

Regulations previously adopted by the Office of Environmental Health Hazard Assessment (OEHHA) provide guidance for determining whether an exposure to, or a discharge of, a chemical known to cause reproductive toxicity meets the statutory exemption (Sections 12801–2821). These regulations provide three ways by which a person in the course of doing business may make such a determination: (1) by conducting a risk assessment in accordance with the principles described in Section 12803 to derive a NOEL, and dividing the NOEL by 1,000; or (2) by application of the specific regulatory level adopted for the chemical in Section 12805; or (3) in the absence of such a level, by using a risk assessment conducted by a state or federal agency, provided that such assessment substantially complies with Section 12803(a). The specific regulatory levels in Section 12805 represent one one-thousandth of the NOEL.

This proposed regulation sets forth a maximum allowable dose level (MADL) for adoption into Section 12805 using scientific methods outlined in Section 12803.

Details on the scientific basis for the proposed number are provided in the reference cited below, which is also included in the rulemaking record. The reference is a risk assessment document prepared by OEHHA describing and summarizing the derivation of the regulatory level listed below.

The amendment to Section 12805 would adopt the following regulatory level for the chemical known to the state to cause reproductive toxicity:

Chemical	MADL, in units micrograms per day	Reference
Di(2-ethylhexyl)phthalate (DEHP)	4200 (intravenous)	OEHHA (2004)

The risk assessments which were used by the Office of Environmental Health Hazard Assessment to determine the stated levels are as follows:

Office of Environmental Health Hazard Assessment (OEHHA, 2004). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Di(2-ethylhexyl)phthalate (DEHP) by Intravenous Injection. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, October 2004.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Office of Environmental Health Hazard Assessment has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

¹ All further references are to Title 22 of the California Code of Regulations, unless otherwise indicated.

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

OEHHA has made an initial determination that the adoption of the regulation 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.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES**

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

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

OEHHA 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 BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small business. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA 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.

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

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, a copy of the text of the regulation and a copy of the risk assessment which was used by OEHHA to determine the MADL are available upon request from OEHHA's Proposi-

tion 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION FOR
Montanera Residential Development Project
Contra Costa County**

The Department of Fish and Game ("Department") received notice on October 14, 2004 that Orinda Gateway, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the development of a residential community on a portion of a 985 acre project site. The project will impact both upland and wetland habitats on approximately 253 acres.

The U.S. Fish and Wildlife Service issued a biological opinion (1-1-02-F-0168) to the U.S. Army Corps of Engineers on October 8, 2004 which

considers the federally and state threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Orinda Gateway, LLC is requesting a determination on whether the federal biological opinion 1-1-02-F-0168 is consistent with CESA.

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

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring and potential relocation of
San Francisco garter snake at
Año Nuevo State Reserve, California

The Department of Fish and Game (“Department”) received a proposal on August 19th, 2004, from Mr. Paul Keel, of the California State Parks (CSP) Half Moon Bay, California, requesting authorization to take San Francisco garter snake (*Thamnophis sitalis tetraetena*), a Fully Protected Reptile, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take a protected species of reptile. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

The goal of the project is to reintroduce the element of fire as an ecological process on the coastal terrace at Año Nuevo State Reserve (San Mateo County), create vegetative mosaics, diversify wildlife habitat, and educate visitors about prescribed burning and the role of fire in habitat management for San Francisco garter snake. The prescription is intended to allow a fire to carry through coyote brush (*Baccharis sp.*) canopy, with low intensity fire in the grass and forbaceous patches between the dense canopy areas. The purpose of the action is to restore the upland ecosystem in a manner that will allow the San Francisco garter snake, and the burrowing mammals they depend on, to return to the ecosystem. This adaptive management and research burning is likely to occur over a period of 12 years, until the management objective of increased San Francisco garter snake occupancy is met. The Department will monitor and review the ongoing effort periodically as part of the required permit authorization process.

The use of reasonable and prudent burning techniques, monitoring, and precautions will adequately protect San Francisco garter snakes from injury or death during a prescribed fire. An intensive live trapping effort will occur to remove all San Francisco garter snakes from each burn area, for a period of two to six weeks prior to each burn.¹ The trapping will be conducted under a valid U.S. Fish and Wildlife Service (USFWS) 10(a)(1)(A) permit and a valid California State Scientific Collecting Permit and associated additional authorizations (MOU), during appropriate weather conditions to optimize trapping of San Francisco garter snakes.

The San Francisco garter snake monitoring will be: (1) to detect changes in habitat use before and after prescription—spring monitoring—and (2) to remove San Francisco garter snakes prior to burning—fall monitoring. The spring monitoring will occur at 3 to 5 year intervals, and the fall monitoring will occur prior to any scheduled burn in Burn Unit One or Burn Unit Two.

The California State Parks will serve as the lead agency for initiating and monitoring the activities proposed herein. CSP along with the Department and the USFWS will work in a collaborative fashion during the proposed project.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As these reptiles are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Reptile after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Reptile, it would issue the authorization on or after October 15, 2004, for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Roger Bloom.

SPECIAL NOTE:

The following notice from the Speech-Language Pathology and Audiology Board was originally published in the California Regulatory Notice Register 2004, 36-Z, p. 1217, on September 3, 2004. To give additional time for parties that may not have received

¹ This sampling interval may be shorter in 2004, if a delay state permits shortens the monitoring period.

the original notice, the board has extended the period for comment. See the "Please Note" at the end of the Board's notice.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology Board is proposing to take the action described in the Informative Digest. No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on December 13, 2004. 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 Business and Professions Code Section 2531.95 and Government Code Section 11400.20, and to implement, interpret or make specific Sections 2533 and 2530.1 of the Business and Professions Code and Sections 11400.20 and 11425.50(e) of the Government Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Speech-Language Pathology and Audiology Board ("Board") is authorized by Business and Professions Code Section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology Licensure Act.

The proposed amendments of Section 1399.155 would amend the Board's Disciplinary Guidelines to update the current language to include the new paraprofessional licensure category of speech-language pathology assistants as established in Business and Professions Code Section 2538, et. seq. In addition, the proposed amendments would modify the language of the Disciplinary Guidelines to more accurately reflect the Board's current governance.

Therefore, the term "'Committee" is no longer reflective of the Board's structure. The Board incorporates by reference the disciplinary guidelines entitled "Disciplinary Guidelines, July 16, 2004."

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/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 effecting 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: None

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 Private Persons or Entities: 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 regulatory action would not affect small businesses as it makes technical changes to the Board's current disciplinary guidelines.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation 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 THE 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 Speech-Language Pathology and Audiology Board at 1422 Howe Avenue, Suite 3, Sacramento, CA 95825.

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

All 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

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

Name: Candace Raney, Board Analyst
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
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E-Mail Address: Candace_Raney@dca.ca.gov

The backup contact person is:

Name: Annemarie Del Mugnaio,
Executive Officer
Address: 1422 Howe Avenue, Suite 3
Sacramento, CA 95825
Telephone No.: (916) 263-2666
Fax No.: (916) 263-2668
E-Mail Address: Annemarie_DelMugnaio@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.slpab.ca.gov.

*****PLEASE NOTE*****

The Board has become aware that the notice of this proposed regulatory action as previously published on September 3, 2004 may not have been received by all interested parties. As such, the Board has elected to resubmit said notice for publication on October 29,

2004 and is prepared to ensure dissemination to all interested parties to allow those individuals affected to review the proposed action and provide comments if necessary.

Please be advised that any and all comments received during the initial notice period will be included in this rulemaking package.

**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

Limited Company as a Qualifying Org. for the Welfare Exemption

This rulemaking action makes limited liability companies eligible to qualify property for the Welfare tax exemption of Revenue and Taxation Code section 214, and specifies organizational and operating requirements for a qualifying entity.

Title 18
California Code of Regulations
ADOPT: 136
Filed 10/18/04
Effective 01/01/05
Agency Contact: Diane G. Olson (916) 322-9569

**BUREAU OF HOME FURNISHINGS AND
THERMAL INSULATION**

TB 603 Regulation Text Correction (Date)

This change without regulatory effect corrects the date of California Technical Bulletin 603, titled "Requirements and Test Procedure for Resistance of a Mattress/Box Spring Set to a Large Open-Flame," which is incorporated by reference into subsection (b) of section 1371 of Title 4 of the California Code of Regulations from November 2003 to January 2004. Effective January 1, 2005, mattresses, including futons, and mattress/box springs sets, manufactured for sale in California must meet the open-flame resistance requirements set out in the incorporated document.

Title 4
 California Code of Regulations
 AMEND: 1371
 Filed 10/13/04
 Effective 10/13/04
 Agency Contact: Susan Lancara (916) 574-0282

CALIFORNIA GAMBLING CONTROL COMMISSION
 Initial and Renewal License Applications; 1 Required Forms

This regulatory action is the readoption by the California Gambling Control Commission of emergency regulations pertaining to initial and renewal license applications for state gambling licenses and key employee licenses, including the incorporation by reference of required licensing forms. (Prior OAL Files:03-0926-02E, 03-1024-05E, 04-0225-02EE and 04-0614-04EE.)

Title 4
 California Code of Regulations
 ADOPT: 12270, 12271, 12272
 Filed 10/18/04
 Effective 10/21/04
 Agency Contact:
 Heather Cline-Hoganson (916) 274-6328

CALIFORNIA HORSE RACING BOARD
 Horse Racing

This action without regulatory effect deletes references to sections repealed by Chapter 1082, Statutes of 2000 (SB 2054), and makes various grammatical changes.

Title 4
 California Code of Regulations
 AMEND: 1402, 1471, 2056, 2101, 2102, 2103
 Filed 10/14/04
 Effective 11/13/04
 Agency Contact: Roy Wood

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
 Labor Transition Plan

This change without regulatory effect adds provisions to the California Code of Regulations requiring that landfill operators who are submitting final closure and postclosure maintenance plans to include a Labor Transition Plan as specified in Public Resources Code section 43501.5 along with provisions that clarify, but do not materially alter the statutory requirements.

Title 27
 California Code of Regulations
 ADOPT: 21785
 Filed 10/18/04
 Effective 10/18/04
 Agency Contact:
 Michael Wochnick (916) 341-6318

DEPARTMENT OF CONSERVATION
 Administration of CEQA for Geothermal Well Drilling

This rulemaking action revises the CEQA procedures of the Division of Oil, Gas, and Geothermal Resources for geothermal well drilling to make the regulations more clear, to remove duplication, and to bring existing regulations up-to-date with CEQA statutes.

Title 14
 California Code of Regulations
 AMEND: 1682, 1682.1, 1683, 1683.1, 1683.6
 REPEAL: 1681.2, 1681.3, 1681.2, 1681.3
 Filed 10/18/04
 Effective 11/17/04
 Agency Contact: Marilu Habel (916) 445-9686

DEPARTMENT OF FOOD AND AGRICULTURE
 Oak Mortality Disease Control

This action is the Certificate of Compliance filing making permanent the prior emergency addition of Lake County to the oak mortality disease regulated area. The prior emergency action was OAL file number 04-0505-03E.

Title 3
 California Code of Regulations
 AMEND: 3700(b)
 Filed 10/13/04
 Effective 10/13/04
 Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
 Oriental Fruit Fly Interior Quarantine

This filing is a certificate of compliance for an emergency regulatory action which removed approximately 137 square miles in the area surrounding the Ontario area of San Bernardino County and a small portion of the Los Angeles County (Pomona) from the area under quarantine for Oriental fruit fly.

Title 3
 California Code of Regulations
 AMEND: 3423(b)
 Filed 10/14/04
 Effective 10/14/04
 Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF GENERAL SERVICES
 Formal APA Hearing Procedures

This regulatory action updates the formal Administrative Procedures Act hearing procedures and adds procedures for withdrawal as counsel, requesting security, discovery, making changes to a proposed decision and remanding a decision.

Title 1
 California Code of Regulations
 ADOPT: 1015, 1019, 1048, 1050 AMEND: 1000, 1002, 1004, 1006, 1008, 1012, 1014, 1016, 1018,

1020, 1022, 1024, 1026, 1027, 1028, 1030, 1032,
1034, 1038, 1040, 1042, 1044, 1046
Filed 10/13/04
Effective 11/12/04
Agency Contact: Barry D. Keene

DEPARTMENT OF INDUSTRIAL RELATIONS
Labor Compliance Programs

In this regulatory action, the Department of Industrial Relations adopts, amends, and repeals regulations relating to Labor Compliance Programs in connection with public works contracts.

Title 8
California Code of Regulations
ADOPT: 16421, 16422, 16423, 16424 AMEND:
16425, 16426, 16427, 16428, 16429, 16431, 16432,
16433, 16434, 16435, 16436, 16437, 16438, 16439
REPEAL: 16430, 16435.5
Filed 10/19/04
Effective 11/18/04
Agency Contact: John Cumming (415) 703-4265

DEPARTMENT OF JUSTICE
Schedule of Investigation & Processing Costs

This action is the first emergency re-adoption of the Division of Gambling Control's schedule of investigation and processing costs for applications for various gambling, game or gaming licenses and approvals. The prior emergency action re-adopted here is OAL file number 04-0609-01E.

Title 11
California Code of Regulations
ADOPT: 2037, 2038 AMEND: 2010, 2037, 2050
Filed 10/19/04
Effective 10/19/04
Agency Contact:
Terri Sue Canale (916) 263-0372

DEPARTMENT OF THE YOUTH AUTHORITY
Prevention and Community Corrections

This action repeals various regulations where the underlying statutory authority has been repealed. This is a nonsubstantive action pursuant to section 100(a)(2), title 1 of the CCR.

Title 15
California Code of Regulations
REPEAL: 4200, 4201, 4202, 4370, 4371, 4374,
4376, 7381, 7382, 7393, 4394, 4394.8, 4395,
4396, 4397, 4399, 4400
Filed 10/13/04
Effective 10/13/04
Agency Contact:
Catherine Sorenson (916) 262-3178

EMPLOYMENT DEVELOPMENT DEPARTMENT
Payment of Disability Benefits Due Mentally
Incapacitated Individuals

This rulemaking without regulatory effect permits domestic partners to file for disability benefits for a person who is not mentally able to make the claim, in accordance amendments in 2001 to Unemployment Insurance Code section 2705.1.

Title
California Code of Regulations
AMEND: 2705.1-1
Filed 10/18/04
Effective 11/17/04
Agency Contact: Laura Colozzi (916) 654-7712

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**
Change in Permit Application Fees

This action increases the Commission's fees for all of its permits, and provides for their uniform adjustment in the future based upon the permit activity reflected in the prior year's experience and the goal of recovering 20% of the amount annually appropriated to fund this regulatory program.

Title 14
California Code of Regulations
AMEND: 10610(e) Appendix M and Appendix N
Filed 10/14/04
Effective 10/14/04
Agency Contact:
Ellen M. Sampson (415) 557-8784

STATE WATER RESOURCES CONTROL BOARD
Emergency Fee Regulations to Conform with Budget
Act 2004-05

This emergency regulatory action adopts fees to conform to the Budget Act of 2004-2005. This action remains in effect until revised by the Water Resources Control Board.

Title 23
California Code of Regulations
AMEND: 676, 791, 1062, 1064, 1066, 1074, 1077,
3833.1
Filed 10/14/04
Effective 10/14/04
Agency Contact: Dana Heinrich (916) 341-5188

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JUNE 2, 2004
TO OCTOBER 20, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and

Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

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

Title 2

- 09/29/04 ADOPT: 20107
- 09/23/04 AMEND: 18401, 18421.1
- 09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4, 588.5, 588.6, 588.7, 588.8, 588.9, 5881.10
- 09/15/04 ADOPT: 599.511 AMEND: 599.500(t)
- 09/10/04 AMEND: 54300
- 09/09/04 AMEND: 18704.2
- 08/31/04 ADOPT: 599.517
- 08/20/04 ADOPT: 586, 586.1, 586.2
- 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

Title 3

- 10/14/04 AMEND: 3423(b)
- 10/13/04 AMEND: 3700(b)

- 10/06/04 AMEND: 3877(a), 3883, 3885(a)(b), 4603(f) REPEAL: 3902
- 10/06/04 ADOPT: 2042, 2100, 2101, 2102
- 10/04/04 AMEND: 1280.2
- 09/22/04 AMEND: 3430(b)
- 09/20/04 AMEND: 3700
- 09/09/04 AMEND: 6502
- 09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
- 09/08/04 AMEND: 3423(b)
- 09/02/04 AMEND: 3700(b)(c)
- 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)

Title 4

- 10/18/04 ADOPT: 12270, 12271, 12272
- 10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102, 2103
- 10/13/04 AMEND: 1371
- 09/23/04 ADOPT: 144
- 09/20/04 AMEND: 12101, 12122, 12250
- 08/17/04 ADOPT: 12400, 12401, 12402, 12403, 12404, 12405, 12406
- 07/19/04 ADOPT: 4147, 4148
- 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: 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,

Title 5

- 09/30/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19837, 19837 AMEND: 19814
- 09/22/04 AMEND: 11530
- 09/08/04 ADOPT: 58139
- 09/03/04 AMEND: 40000, 40050, 40650, 40900, 41302, 41304, 41901.5, 42501, 43000

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 44-Z

09/02/04 ADOPT: 40402.1, 40405, 40405.1, 40405.2, 40405.3, 40405.4, 40901, 41301, 41906, 41910, and 42728. AMEND: 40500, 40501, 40503, 40505, 40506, 41600, 41601, 42395, 42705, 43600, 43601, 43602, 43603, 43604, 43660, 43661, 43662, 43663, 43664, 43665, 43666
08/09/04 AMEND: 590, 591, 592, 593, 594, 595, 596
07/30/04 ADOPT: 58317
07/19/04 ADOPT: 40530, 40531, 40532 AMEND: 40651, 40803, 40803.1
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

Title 8

10/19/04 ADOPT: 16421, 16422, 16423, 16424 AMEND: 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16433, 16434, 16435, 16436, 16437, 16438, 16439 REPEAL: 16430, 16435.5
10/07/04 AMEND: 3456
10/07/04 AMEND: 5144
10/06/04 AMEND: 344.30
10/04/04 ADOPT: 10202, 10102.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204
10/04/04 AMEND: 5155
10/01/04 ADOPT: 3241.1
10/01/04 AMEND: 5155
09/30/04 AMEND: 3381
08/30/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180,
08/27/04 AMEND: 3657
08/26/04 AMEND: 3427
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
07/07/04 AMEND: 1632, 3212
07/07/04 AMEND: 3301
07/07/04 AMEND: 1716.2
07/06/04 AMEND: 15220, 15220.1, 15220.3, 15220.4
07/06/04 AMEND: 5194
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,

Title 9

09/01/04 ADOPT: 9807, 9822, 9834, 9836 AMEND: 9800, 9802, 9878 REPEAL: 9830, 9834, 9836
06/28/04 AMEND: 9525

Title 10

10/04/04 AMEND: 2632.13(e)
09/22/04 AMEND: 2731
09/16/04 AMEND: 2318.6, 2353.1
09/15/04 AMEND: 2695.8(b)
09/01/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2697.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42
08/31/04 ADOPT: 2698.95
08/26/04 AMEND: 2498.5
08/26/04 AMEND: 2498.3
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, 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 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.

Title 11

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

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

Title 12

10/08/04 AMEND: 503(f)

Title 13

09/09/04 ADOPT: 15.07

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

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

Title 13, 17

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

Title 14

10/18/04 AMEND: 1682, 1682.1, 1683, 1683.1, 1683.6 REPEAL: 1681.2, 1681.3, 1681.2, 1681.3

10/14/04 AMEND: 10610(e) Appedix M and Appedix N

10/12/04 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1

10/07/04 AMEND: 851.1

09/27/04 AMEND: 851.23

09/22/04 AMEND: 1.74

09/21/04 AMEND: 507.1

09/09/04 AMEND: 27.60, 27.65, 27.82, 28.27

09/07/04 ADOPT: 17913.5 AMEND: 17901, 17902, 17905, 17910, 17911, 17913, 17914, 17914.5

09/07/04 ADOPT: 15333, Appendix L AMEND: 15023, 15062, 15064, 15065, 15075, 15082, 15085, 15087, 15088, 15088.5, 15094, 15097, 15126.4, 15205, 15206, 15252, 15313, 15325, 15330, 15333, 15378, Appendices C, D

09/01/04 AMEND: 671

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

08/23/04 AMEND: 7.50

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

Title 15

10/13/04 REPEAL: 4200, 4201, 4202, 4370, 4371, 4374, 4376, 7381, 7382, 7393, 4394, 4394, 4394.8, 4395, 4396, 4397, 4399, 4400

09/13/04 AMEND: 200, 2400, 2403

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

06/25/04 AMEND: 2253

06/18/04 AMEND: 3097

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 44-Z

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

Title 16

10/08/04 ADOPT: 1399.16
10/08/04 AMEND: 1079.2
10/05/04 ADOPT: 1399.434, 1399.435 AMEND:
1399.415, 1399.416, 1399.436
10/04/04 ADOPT: 1355.31
09/29/04 ADOPT: 1751.01, 1751.02 AMEND:
1751, 1751.2, 1751.3, 1751.4, 1751.5,
1751.6, 1751.7, 1751.9 REPEAL: 1751.8
09/24/04 AMEND: 88
09/24/04 AMEND: 1397.61
09/23/04 AMEND: 1381
09/22/04 AMEND: 1710, 1711, 1717.1, 1717.4,
1720, 1721, 1723.1, 1724, 1749, 1793,
1793.1, 1793.2, 1793.4, 1793.5, 1793.6,
1793.7
09/08/04 AMEND: 1399.26
09/07/04 ADOPT: 1082.3
09/03/04 AMEND: 1793.3
09/02/04 AMEND: 1709.1
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
06/28/04 ADOPT: 325.1
06/24/04 ADOPT: 643
06/15/04 ADOPT: 1399.70

Title 17

08/27/04 AMEND: 50604, 50605, 54302, 54310,
54320, 54326, 54332, 54355, 58533
08/12/04 AMEND: 94011
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

Title 18

10/18/04 ADOPT: 136
09/10/04 AMEND: 1603
08/25/04 AMEND: 302
08/25/04 AMEND: 305
08/23/04 AMEND: 131
08/19/04 AMEND: 1533.1
08/19/04 AMEND: 1525.7
08/18/04 AMEND: 1535
08/18/04 AMEND: 1534
08/17/04 AMEND: 1533.2
07/27/04 AMEND: 1584
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
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

Title 19

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)

Title 20

09/15/04 AMEND: Title 20 Division 1, Section
77.7
07/29/04 AMEND: 1604, 1605.1, 1605.2, 1605.3,
1606
06/02/04 AMEND: 2401

Title 21

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

Title 22

09/29/04 ADOPT: 51000.10.1, 51000.15.1,
51000.20.9, 51000.31, 51000.51,
51000.52, 51000.53, 51000.60 AMEND:
51000.1, 51000.1.1, 51000.3, 51000.4,
51000.6, 51000.7, 51000.16, 51000.30,
51000.35, 51000.40, 51000.45, 51000.50,
51000.55, 51051, 51451
09/29/04 AMEND: 51003
09/29/04 AMEND: 51516.1

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 44-Z

- 09/20/04 ADOPT: 2405.1, 2405.2, 2405.3, 2750, 2751, 2752, 2753, 2754, 2754.1, 2754.2, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, 2768, 2769, 2770, 2771, 2772, 2773 AMEND: 2400, 2401, 2403, 2404, 2405, 2407, 2408, 2409
- 09/13/04 ADOPT: 115500, 115503, 115510, 115520, 115525, 115530, 115535, 115540, 115545, 115550 REPEAL: 12-223.2, 12-223.3, 12-223.4, 12-223.5, 12-223.6, 12-223.7, 12-223.8, 12-223.9, 12-223.10, 12-223.11, 12-223.12, 12-223.13, 12-223.14, 12-223.15, 12-223.16, 12-
- 09/10/04 ADOPT: 100390, 100390.1, 100390.2, 100390.3, 100390.4, 100390.5, 100390.6, 100390.7, 100391, 100391.1, 100392, 100393, 100393.1, 100394, 100395 AMEND: 100136, 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150, 100151,
- 09/10/04 ADOPT: 100061.1 AMEND: 100059, 100059.1, 100060, 100062, 100063, 100064, 100065, 100066, 100069, 100070, 100074, 100075, 100077, 100078, 100079, 100080, 100081
- 09/10/04 ADOPT: 100400, 100401, 100402, 100403, 100404, 100405
- 09/03/04 ADOPT: 51191, 51192, 51255, 51356, 515104.1 AMEND: 51051
- 08/17/04 AMEND: 4402.2
- 08/16/04 ADOPT: 83702(a), 83072(b), 83072(c), 83072(c)(1)(A)1, 83072(c)(6)(A)1, 83072(c)(6)(A)2, 83072(c)(6)(A)3, 83072(c)(8)-(27)(H) et seq., 83072(d), 84072(a), 84072(b), 84072(c), 84072(c)(5)(B), 84072(c)(11)(A)1, 84072(c)(11)(A)2, 84072(c)(11)(A)3, 84072(c)1
- 08/12/04 AMEND: 51315
- 08/09/04 AMEND: 926-3, 926-4, 926-5
- 08/05/04 AMEND: 90417
- 07/27/04 AMEND: 50960, 50961
- 07/19/04 ADOPT: 66264.550, 66264.551, 66264.552.5 AMEND: 66260.10, 66264.552
- 07/01/04 ADOPT: 3254-4 AMEND: 2712-1, 2712-2, 3253-1, 3254-2
- 07/01/04 AMEND: 66264.73, 66264.147, 66264.192, 66264.301, 66264.1030, 66264.1035, 66265.12, 66265.13, 66265.191, 66265.192, 66265.193, 66265.1050, 66265.1101, 66266.21, 66266.103, 66266.104, 66266.106, 66270.22, 66270.42.5, 66270.66, 67450.13, 68010, 68050, 680
- 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 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
- 06/07/04 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
- 06/03/04 AMEND: 66261.24
- Title 22, MPP**
- 08/20/04 ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 87819.1, 87854, 87861, 87865, 87866, 101152, 101170, 101170.1, 101170.2, 101195, 101212, 101216, 101217, 102352,
- 06/03/04 ADOPT: 87725, 87725.1, 87725.2 AMEND: 87101, 87111, 87222, 87451, 87565, 87566, 87569, 87570, 87582, 87591, 87593, 87724
- Title 23**
- 10/14/04 AMEND: 676, 791, 1062, 1064, 1066, 1074, 1077, 3833.1
- 10/04/04 ADOPT: 3914
- 09/27/04 ADOPT: 3905
- 09/27/04 ADOPT: 3939.11
- 09/14/04 ADOPT: 3939.9
- 08/31/04 AMEND: 2200
- 08/26/04 ADOPT: 2915
- 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

Title 25

- 09/30/04 ADOPT: 8430, 8431, 8432, 8433, 8434, 8735
- 09/09/04 ADOPT: 8206.1 AMEND: 8201, 8204, 8204.1, 8205, 8206, 8207, 8208, 8210, 8211, 8212, 8212.1, 8213, 8214, 8215, 8216, 8217 REPEAL: 8217.1, 8219
- 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

- 10/18/04 ADOPT: 21785
- 07/13/04 AMEND: 15290 (b), 15290(c)(ii), and Report No. 5.

Title 28

- 09/09/04 AMEND: 1005
- 06/10/04 AMEND: 1300.67.2.1
- 06/02/04 ADOPT: 1011

Title MPP

- 08/18/04 ADOPT: 20-406.33, 20-406.34 AMEND: 20-400.1, 20-401, 20-402.1, 20-402.2, 20-403.24, 20-404.15, 20-404.2, 20-404.3, 20-404.33, 20-404.34, 20-404.35, 20-404.36, 20-405.1, 20-406.1, 20-406.11, 20-406.3, 20-403.32, 20-406.33, 20-406.5 REPEAL: 20-404.32, 2
- 08/17/04 AMEND: 63-300, 63-504
- 08/16/04 ADOPT: 42-722 AMEND: 42-701
- 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
- 07/09/04 AMEND: 63-503, 63-504, 63-505
- 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,
- 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
- 06/02/04 ADOPT: 42-712, 42-719, 44-111

