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

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**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. STATE
PERSONNEL BOARD**

**Title 2. Administration
Division 1. Administrative Personnel
Chapter 1. State Personnel Board**

DATE: December 20, 2002
TO: ALL STATE AND LOCAL AGEN-
CIES, EMPLOYEE ORGANIZA-
TIONS, AND MEMBERS OF THE
GOVERNOR'S CABINET
SUBJECT: Proposed Adoption of Title 2, Cali-
fornia Code of Regulations § 63

AUTHORITY

Under authority established in Government Code § 18701, the State Personnel Board (SPB) has proposed to adopt new § 63 of Title 2 of the California Code of Regulations (2CCR), to specify filing requirements when State employees or applicants for State employment file answers or appeals with SPB regarding investigations or hearings conducted by SPB concerning, but not limited to, Notices of Adverse Action (Government Code §§ 19575 and 19590), Notices of Rejection During Probationary Period (Government Code § 19175), Notices of Medical Action (Government Code § 19253.5), and Notices of Non-Punitive Action (Government Code § 19585). This new section will require that any such answer or appeal filed with SPB must specify any affirmative defenses the employee or applicant intends to raise during the course of the hearing or investigation, and any relief, including compensatory damages, the employee or applicant is seeking. The section will also provide for amended answers or appeals to be filed with SPB to include additional affirmative defenses or requests for relief, provided that the appointing power or other responding party is afforded an opportunity to conduct discovery concerning the newly-raised affirmative defenses or requests for relief.

REFERENCE

These regulations implement, interpret, and/or make specific Government Code §§ 18670, 18703, 19175, 19253.5, 19575, 19585 and 19590.

PUBLIC HEARING

Date and Time: February 3, 2003, from 11:00 to 11:30 a.m.
Place: State Personnel Board
801 Capitol Mall, Auditorium
Sacramento, CA 95814
Purpose: To receive oral comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period will close February 3, 2003, at 5:00 p.m. Any person may submit written comments about the proposed regulatory changes at the hearing. To be considered by the five-member State Personnel Board (Board), the person identified below must receive written comments before the close of the forty-five (45) day comment period.

Direct written comments to the agency contact person, Steve Unger, at the State Personnel Board (SPB), 801 Capitol Mall, MS 55, Sacramento, CA 95814, or to sunger@spb.ca.gov, or fax comments to his attention at (916) 653-1280.

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

Copies of the express terms of the proposed action, Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Additional information or questions regarding the substance of the proposed action should be directed to the agency backup contact person, Carol Ong, at the State Personnel Board, (916) 653-1397 or TDD (916) 653-1498.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

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

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

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

Government Code § 18670 authorizes SPB to hold hearings concerning all matters relating to the enforcement and effect of the Civil Service Act.

Government Code § 18703 authorizes SPB to provide processes for dismissals, demotions, suspensions, and other adverse action for or in the State civil service in accordance with Article VII of the Constitution of the State of California and the Civil Service Act.

Government Code § 19253.5 authorizes State employees who have been non-punitively dismissed from State service for medical reasons to file an appeal with SPB challenging the dismissal.

Government Code § 19575 authorizes State employees who have been punitively dismissed from State service for disciplinary reasons to file an answer with SPB appealing the dismissal.

Government Code § 19585 authorizes State employees who have been non-punitively dismissed from State service for failure to meet requirements for continuing employment to file an appeal with SPB challenging the dismissal.

Government Code § 19590 authorizes State managerial employees who have been punitively dismissed from State service for disciplinary reasons to file an appeal with SPB challenging the dismissal.

SPB is proposing to adopt new § 63 of 2CCR in order to:

1. Expedite the hearing or investigation process by timely notifying all parties to the hearing or investigation of all issues that will be presented during the course of the hearing or investigation, so that timely discovery can be conducted, thereby reducing or eliminating the need for continuances to be granted in the case as the result of affirmative defenses or requests for relief that would otherwise be first raised during the course of the hearing.
2. Inform individuals filing answers or appeals with SPB of those specific matters that must be contained within the answer or appeal, and notifying individuals that any affirmative defense or request for relief that is not set forth in the answer or appeal shall be deemed waived, unless an amended answer or appeal is filed in accordance with SPB rule.

IMPACT ON SMALL BUSINESSES

The proposed regulations will not impact small businesses. The proposed adoption would affect only State agencies and their employees.

LOCAL MANDATE

This action has no mandate upon local agencies or school districts and, therefore, requires no reimbursement pursuant to Government Code § 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs or Saving to State Agencies

Any additional costs or savings that the proposed adoption may cause for state and applicable local agencies will be negligible.

Impact on Housing Costs

The proposal will not affect housing costs.

Costs or Savings in Federal Funding to the State

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

The proposals do not impose nondiscretionary costs or savings on local agencies.

Cost Impact on Representative Private Persons or Businesses

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

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESS

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

ASSESSMENT REGARDING THE EFFECT ON JOBS OR BUSINESSES

The proposal 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.

DETERMINATION

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

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

FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons for the proposal may be obtained from the contact person.

ACCESSING INFORMATION REGARDING THIS
RULEMAKING FILE ON THE STATE
PERSONNEL BOARD WEB SITE

The text of the proposed adoption in underline, as well as the Notice of Proposed Adoption of Regulation and Statement of Reasons, will be on SPB's Web site at www.spb.ca.gov.

**TITLE 2. STATE
PERSONNEL BOARD**

**Title 2. Administration
Division 1. Administrative Personnel
Chapter 1. State Personnel Board**

DATE: December 20, 2002
**TO: ALL STATE AND LOCAL AGEN-
CIES, EMPLOYEE ORGANIZA-
TIONS, AND MEMBERS OF THE
GOVERNOR'S CABINET**
**SUBJECT: Proposed Amendment to Title 2, Cali-
fornia Code of Regulations § 52.4**

AUTHORITY

Under the authority established in Government Code (GC) § 18701, the State Personnel Board (SPB) proposes to amend § 52.4 under Title 2, Division 1 of the California Code of Regulations (2CCR).

REFERENCE

These regulations implement, interpret, and/or make specific Government Code §§ 18670, 18703, 19253.5, 19575, 19585 and 19590.

PUBLIC HEARING

Date and Time: February 3, 2003, from 10:15 to 10:45 a.m.
Place: State Personnel Board
801 Capitol Mall, Auditorium
Sacramento, CA 95814
Purpose: To receive oral comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period will close February 3, 2003, at 5:00 p.m. Any person may submit written comments about the proposed regulatory changes at the hearing. To be considered by the five-member State Personnel Board (Board), the person identified below must receive written comments before the close of the forty-five (45) day comment period.

Direct written comments to the agency contact person, Steve Unger, at the State Personnel Board (SPB), 801 Capitol Mall, MS 55, Sacramento, CA

95814, or to sunger@spb.ca.gov, or fax comments to his attention at (916) 653-1280.

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

Copies of the express terms of the proposed action, Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file is available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Additional information or questions regarding the substance of the proposed action should be directed to the agency backup contact person, Carol Ong, at the State Personnel Board, (916) 653-1397 or TDD (916) 653-1498.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

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

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

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

Government Code § 18670 authorizes SPB to hold hearings concerning all matters relating to the enforcement and effect of the Civil Service Act.

Government Code § 18703 authorizes SPB to provide processes for dismissals, demotions, suspensions, and other adverse action for or in the state civil service in accordance with Article VII of the Constitution of the State of California and the Civil Service Act.

Government Code § 19253.5 authorizes state employees who have been non-punitively dismissed from state service for medical reasons to file an appeal with SPB challenging the dismissal.

Government Code § 19575 authorizes state employees who have been punitively dismissed from state service for disciplinary reasons to file an answer with SPB appealing the dismissal.

Government Code § 19585 authorizes state employees who have been non-punitively dismissed from state service for failure to meet requirements for continuing employment to file an appeal with SPB challenging the dismissal.

Government Code § 19590 authorizes state managerial employees who have been punitively dismissed from state service for disciplinary reasons to file an appeal with SPB challenging the dismissal.

Existing 2CCR, § 52.4, permits a party, who has appealed to the SPB from a dismissal, with the concurrence of the other party, to obtain an expedited hearing and decision. The proposed amendment would modify the existing rule to permit an appellant, who has appealed to SPB from a dismissal, to request an expedited evidentiary hearing before a SPB administrative law judge (ALJ) for good cause. The ALJ may grant the request if either the department concurs or the ALJ finds that good cause exists. If the ALJ grants the request, the ALJ may impose such orders for expedited discovery as the ALJ may deem necessary or appropriate.

IMPACT ON SMALL BUSINESSES

The proposed regulations will not impact small businesses. The proposed amendments would affect only State agencies and their employees.

LOCAL MANDATE

This action has no mandate upon local agencies or school districts and, therefore, requires no reimbursement pursuant to Government Code § 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs or Saving to State Agencies

Any additional costs or savings that the proposed amendment may cause for state and applicable local agencies will be negligible.

Impact on Housing Costs

The proposal will not affect housing costs.

Costs or Savings in Federal Funding to the State

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

The proposals do not impose nondiscretionary costs or savings on local agencies.

Cost Impact on Representative Private Persons or Businesses

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

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESS

SPB has determined that the proposed action will have no significant statewide adverse economic

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

ASSESSMENT REGARDING THE EFFECT ON JOBS OR BUSINESSES

The proposal 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.

DETERMINATION

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

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

FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons for the proposal may be obtained from the contact person.

ACCESSING INFORMATION REGARDING THIS RULEMAKING FILE ON THE STATE PERSONNEL BOARD WEB SITE

The text of the proposed amendments in underline and strikeout, as well as the Notice of Proposed Amendment of Regulation and Statement of Reasons, will be on SPB's Web site at www.spb.ca.gov.

TITLE 2. STATE PERSONNEL BOARD

Title 2. Administration

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

DATE: December 20, 2002
TO: ALL STATE AND LOCAL AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET
SUBJECT: Proposed Amendment to California Code of Regulations, Title 2 (2CCR) § 321

AUTHORITY

Under the authority established in Government Code (GC) § 18701, the State Personnel Board (SPB) proposes to amend § 321 under Title 2, Division 1 of the California Code of Regulations.

REFERENCE

These regulations implement, interpret, and/or make specific *In re Dorri*, State Personnel Board Precedential Decision No. 02-05, May 7, 2002, GC § 19170 as amended by Stats. 2002 c. 236 (A.B. 1950), and GC § 19173.

PUBLIC HEARING

Date and Time: February 3, 2003, from 9:30 to 10:00 a.m.
 Place: State Personnel Board
 801 Capitol Mall, Auditorium
 Sacramento, CA 95814
 Purpose: To receive oral comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period will close February 3, 2003, at 5:00 p.m. Any person may submit written comments about the proposed regulatory changes at the hearing. To be considered by the five-member State Personnel Board (Board), the appropriate person identified below must receive written comments before the close of the forty-five (45) day comment period.

Direct written comments to the agency contact person, Steve Unger, at the State Personnel Board (SPB), 801 Capitol Mall, MS 55, Sacramento, CA 95814, or to sunger@spb.ca.gov, or fax comments to his attention at (916) 653-1280.

AVAILABILITY OF PROPOSED TEXT AND STATEMENT OF REASONS/ CONTACT PERSON

Copies of the express terms of the proposed action, Statement of Reasons, and all of the information upon which the proposal is based are available upon request from SPB's contact person. The rulemaking file and related precedential decision documents are available for review during normal business hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Precedential decisions are also published at <http://www.spb.ca.gov/spblaw/precedrd.cfm>. Additional information or questions regarding the substance of the proposed action should be directed to the agency backup contact person, Carol Ong, at the State Personnel Board, (916) 653-1397 or TDD (916) 653-1498.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

If any substantial and sufficiently related changes are made to the text of the proposal as a result of comments received during the public comment period,

SPB will make the full text of the changed regulation available for at least fifteen (15) days before the date the regulation is permanently adopted.

DOCUMENTS RELIED UPON

In re Dorri, State Personnel Board Precedential Decision No. 02-05, May 7, 2002.
 GC § 19170 as amended by Stats. 2002 c. 236 (A.B. 1950).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

GC § 19170 authorizes the Board establish for each class the length of the probationary period and to provide by rule for the extension of that period for specific defined causes.

GC § 19173 allows department to reject employees during probationary periods and sets the legitimate reasons for such rejection and the requirements for serving notice of such rejection.

In re Dorri, State Personnel Board Precedential Decision No. 02-05, May 7, 2002, makes explicit the maximum extension period for the notice period for rejections during probation.

Rule 321 is being amended in order to (1) comply with *In re Dorri*, State Personnel Board Precedential Decision No. 02-05, May 7, 2002, (2) interpret GC Section 19170 as amended by Stats. 2002 c. 236 (A.B. 1950); and (3) make additional nonsubstantive, clarifying changes.

IMPACT ON SMALL BUSINESSES

The proposed regulations will not impact small businesses. The proposed amendments would affect only State agencies and their employees.

LOCAL MANDATE

This action has no mandate upon local agencies or school districts and, therefore, requires no reimbursement pursuant to Government Code § 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

Any additional costs or savings that the proposed amendment may cause for state and applicable local agencies will be negligible.

Impact on Housing Costs

The proposal will not affect housing costs.

Costs or Savings in Federal Funding to the State

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

The proposals do not impose nondiscretionary costs or savings on local agencies.

Cost Impact on Representative Private Persons or Businesses

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

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESS

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

ASSESSMENT REGARDING THE EFFECT ON JOBS OR BUSINESSES

The proposal 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.

DETERMINATION

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

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

FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons for the proposal may be obtained from the contact person.

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

The text of the proposed amendments in underline and strikeout, as well as the Notice of Proposed Amendment of Regulation and Statement of Reasons, will be on SPB's Web site at www.spb.ca.gov.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Toxic Air Contaminants
DPR Regulation No. 02-008

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend section 6860 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action designates the pesticide chemical methyl isothiocyanate (MITC) and other pesticides that generate MITC as toxic air contaminants (TACs) in subsection (a) pursuant to Food and Agricultural Code (FAC) section 14023. DPR also proposes to add four pesticide chemicals to subsection (b) of section 6860 pursuant to FAC section 14021: cacodylic acid, carbon disulfide-generating pesticides, 10 10' oxybisphenoxyarsine, and phosphine and phosphine-generating pesticides.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on February 7, 2003. Comments regarding this proposed action may also be transmitted via e-mail <dpr02008@cdpr.ca.gov> or by facsimile transmission at (916) 327-9688.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.¹

DATE: February 6, 2003
TIME: 1:00 p.m.
PLACE: California Environmental Protection Agency Headquarters Building
Coastal Hearing Room
1001 I Street,
Sacramento, California 95814

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 12:30 to 1:00 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone

¹ If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does not affect small businesses. The regulatory action merely adds MITC and other pesticides that generate MITC to the TAC List in section 6860(a) and does not restrict or further regulate use of the chemical by businesses. Pursuant to FAC section 14023(e), the need for, and appropriate degree of, control measures for a pesticide listed as a TAC pursuant to FAC section 14023(d) shall be determined by DPR in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), the Air Resources Board (ARB), and the air pollution control districts or air quality management districts in the affected counties. If a need for control measures is determined for MITC and other pesticides that generate MITC, the proposed control measures will be promulgated in a separate regulatory action.

Similarly, DPR also proposes to add four pesticide chemicals to subsection (b) of section 6860 pursuant to FAC section 14021: cacodylic acid, carbon disulfide-generating pesticides, 10 10' oxybisphenoxyarsine, and phosphine and phosphine-generating pesticides. The DPR director is required to add these pesticides since they have been identified as hazardous air pollutants pursuant to section 7412 of Title 42 of the United States Code [42 U.S.C. 7412 section 112(b)].

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

FAC section 14021 defines a TAC as “an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” As mandated by FAC section 14022, DPR, in consultation with OEHHA and ARB, evaluates the health effects of pesticides which may be, or are, emitted into the ambient air of California. FAC sections 14021–14022 describe this evaluation process. Upon completion of this evaluation, DPR prepares a report on the health effects of the pesticide in question. Pursuant to FAC section 14023, an independent Scientific Review Panel (SRP) reviews this report and submits its written findings to DPR. Within ten days following receipt of the SRP’s findings, FAC section 14023(d) requires DPR to “prepare a hearing notice and a proposed regulation which shall include the proposed determination as to whether a pesticide is a toxic air contaminant.”

DPR evaluated MITC and other pesticides that generate MITC as possible TACs. The SRP has reviewed DPR’s report *Evaluation of Methyl Isothiocyanate as a Toxic Air Contaminant* and recommended

in their written findings that the DPR Director initiate regulatory steps to list MITC and other pesticides that generate MITC as TACs.

Based upon the results of the evaluation of MITC, the findings of the SRP, and the criteria in 3 CCR section 6890 for identifying pesticides as TACs, the Director has declared MITC and other pesticides that generate MITC to be TACs. The proposed regulatory action adds MITC and other pesticides that generate MITC to section 6860(a).

MITC is the primary breakdown product of three other pesticides—the soil fumigants metam-sodium, metam-potassium, and dazomet. On contact with warm, moist soil, these pesticides decompose quickly to MITC and other volatile gases, which diffuse through the spaces in the soil, and account for the fumigant activity of these soil sterilants. The primary source of MITC in the environment due to pesticide use is from the breakdown of metam-sodium.

Existing subsection (b) contains a list of pesticides that have been designated as TACs pursuant to FAC section 14021. FAC section 14021 provides that, “Pesticides which have been identified as hazardous air pollutants pursuant to section 7412 of Title 42 of the United States Code shall be identified by the Director as toxic air contaminants.” DPR proposes to list four compounds as TACs on the basis of their listing as federal hazardous air pollutants and their presence in pesticides currently registered for use in California. As stated previously, these compounds include cacodylic acid, carbon disulfide-generating pesticides, 10 10' oxybisphenoxyarsine, and phosphine and phosphine-generating pesticides.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose 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 because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR 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

DPR 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**

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

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed action will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

DPR has made an initial determination that adoption of this 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.

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

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

DPR has determined it is unlikely the proposed regulatory action will impact 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 with the State of California.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by Food and Agricultural Code sections 14004.5 and 14005.

REFERENCE

This regulatory action is to implement, interpret, or make specific Food and Agricultural Code sections 14004.5 and 14005.

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

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Fred Bundock, Regulatory Program Specialist
Office of Legislation and Regulations
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 324-4194

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

Linda Irokawa-Otani, Regulations Coordinator
(916) 445-3991

Questions on the substance of the proposed regulatory action may be directed to:

Randy Segawa, Senior Environmental
Research Scientist
Environmental Monitoring Branch
Department of Pesticide Regulation
(916) 324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

California English Language Development Test

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at 11:00 a.m. on Thursday, February 6, 2003, at 1430 N Street, Room 1101, Sacramento. The 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. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, February 6, 2003. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone: (916) 319-0641
FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Education Code sections 60810-60812 require the State Board to select or develop a test that assesses the English language development of pupils whose primary language is other than English. Education

Code section 313 requires school districts to assess the English language development of all English learners using the test specified in Education Code section 60810.

Reference: Sections 313 and 60810, et. seq., Education Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The proposed amendments to the regulations are intended to clarify what is required of school districts in order to administer the assessment of English language development required by Education Code section 313 and 60810, et seq. The assessment is referred to in the existing regulations as the CELDT. The proposed amendments include eliminating unnecessary definitions, clarifying the definition of "Home Language Survey," modifying data reported for analysis of pupil proficiency regarding time enrolled in school, and adjust the period of time for reporting counts of students who were administered the CELDT for the purposes of calculating apportionments.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

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

Cost or savings in federal funding to the state: None

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

Cost impacts on a representative private person or businesses: The State 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.

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Affect on small businesses: The regulations and proposed amendments have no affect on small businesses because they relate only to internal school district student testing practices, and do not relate to small business practices, nor to interactions between school districts and small businesses.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Michelle Center
California Department of Education
Standards and Assessment Division
1430 N Street, Suite 5408
Sacramento, CA 94244-2720
E-mail: mcenter@cde.ca.gov
Telephone: (916) 319-0334

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Regulations Adoption Coordinator. The back-up contact person is Janis Miller, Analyst, (916) 319-0860, jmiller@cde.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her 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 regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any

modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Proposed Additions to California Code of Regulations, Title 5 Sections 80473 and 80473.1, Pertaining to Allowance of a Grace Period for Credential Candidates to Complete Requirements

NOTICE OF PROPOSED RULEMAKING

The California Commission on Teacher Credentialing proposes to add regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

February 06, 2003
10:00 a.m.
California Commission On Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Raquel Rodriguez at 916-323-7093 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or e-mail on the proposed action. The written comment period closes at 5:00 p.m. on February 5, 2003. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn Raquel Rodriguez, 1900 Capitol Avenue, Sacramento, California 95814-4213; submit an email at rgarcia@ctc.ca.gov

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full commission meeting.

AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Section 44252.1 of the Education Code and govern the procedures of the Commission.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Section 44252.1 adds a grace period for completing requirements.

On October 5, 2001 Governor Davis signed AB 1307 (Goldberg) (Statutes of 2001, Chapter 565), adding section 44252.1 to the Education Code. This bill, which became effective January 1, 2002, allows a grace period for candidates currently enrolled in a credential preparation program to complete requirements that were in place when they entered the program. The addition of Education Code Section 44252.1 aligns with current Commission practice to allow credential candidates sufficient time to complete programs in which they originally enrolled. AB 1307 requires the Commission to adopt regulations to implement this bill. The Commission released Coded Correspondence 02-0005 on April 29, 2002, which outlined the Commission's initial implementation of the statute.

PROPOSED CHANGES TO TITLE 5 REGULATIONS

80473 (a)—Staff is proposing to define commission-accredited programs for the purpose of this section as found Education Sections 44325–44328, 44450–44468, 44320–44324, and 44259.

80473 (b) and (c)—Staff is proposing to define “Enrolled” as continuously participating and working toward meeting requirements for a preliminary credential and “Continuously Enrolled” as not having a break that exceeds a period of 18 months in that program as found in Education Code Section 44252.1(b)(1) and (2).

80473 (d)—Staff is proposing to define “New or Amended Requirements” as requirements added by statutes, regulations and commission standards as found in Education Code Section 44252.1 (c).

80473.1(a) through (g)—Staff is proposing to add an allowance of a grace period to complete requirements as found in Education Code Section 44252.1 (c)(1-3),(d),(e),(f),and (g).

DOCUMENTS INCORPORATED BY REFERENCE

None

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

None

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate costs to local agencies or school districts: None

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

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

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

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

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

Assessment regarding the creation or elimination of jobs in California [Govt. Code § 11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing business within California, (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

CONSIDERATION OF ALTERNATIVE

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small business than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquires concerning the proposed action may be directed to Raquel Rodriguez by telephone at (916) 323-7093 or Raquel Rodriguez, California Commission On Teacher Credentialing, 1900 Capital Ave., Sacramento, CA 95814. General questions inquiries may also be directed to Debra Moss at (916) 322-4974 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office Administrative Law as part of the final rulemaking package, after the public hearing. When it

is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Raquel Rodriguez at (916) 323-7093.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site www.ctc.ca.gov.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Sections 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, and 25.22, in Chapter 1, Division 1, Article 2.1 of Title 13, California Code of Regulations, Employer Testing Program.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on February 3, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 12804.9 and 15250.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations will govern the use of third party testers to conduct the commercial behind the wheel driving tests. These regulations were initially adopted in 1987, renumbered and amended in 1993, then repealed as a change without regulatory

effect in 1996, in response to Executive Order No. W-131-96 regarding regulatory reform, as the statutes originally cited as authority and reference for these regulations had been repealed.

The department is authorized in Part 383 of Title 49 of the Code of Federal Regulations (CFR) and Vehicle Code Section 12804.9 and 15250 to use third party testers to conduct the commercial behind the wheel driving test, under specified conditions. Included among these conditions are the requirements that the tests administered by the third party are the same as those that would otherwise be given by the department, and the third party examiners meet the same qualification and training standards as State examiners.

The department currently allows only employers who are enrolled in the department's Employer Testing Program to conduct the commercial behind the wheel driving tests. The employers must certify that their drivers are employed and provided training, have been given the driving test and have successfully completed all the test components.

§ 25.06 Authority and Definitions. Section 25.05 will establish the department's authority for the Employer Testing Program and will provide definitions for consistent use of terms.

§ 25.07 Employer Prerequisites. Section 25.07 will establish the minimum requirements for an employer participation in the Employer Testing Program.

§ 25.08 Employer Testing Program Enrollment. Section 25.08 will establish Application requirements for enrollment by an employer in the Employer Testing Program.

§ 25.09 Application Changes. Section 25.09 will establish requirements for employers to report changes to the department related to the Employer Testing Program.

§ 25.10 Driving Test Routes. Section 25.10 will establish provisions for department approval of employer's driving test routes.

§ 25.11 Quality Assurance Program. Section 25.11 will require employers to establish a quality assurance program to maintain the integrity of the Employer Testing Program.

§ 25.12 Driver Training Program. Section 25.12 will require employers to establish a driver training program for all drivers of commercial vehicles.

§ 25.13 Driving Test Program. Section 25.13 will require the employer to establish a driving test program that includes utilization of the Commercial Driver License Driving Performance Evaluation criteria established by the department.

§ 25.14 Certificate of Driving Skill (DL170ETP). Section 25.14 will establish provisions for use of a Certificate of Driving Skill, which will authorize the department to waive the driving test for a commercial driver license for the individual identified on the certificate.

§ 25.15 Record-Keeping Program. Section 25.15 will establish record keeping requirements for the employer to verify compliance with requirements of the Employer Testing Program.

§ 25.16 Sample Testing of Certified Drivers. Section 25.16 will establish provisions for sample testing by the department of drivers certified through the Employer Testing Program.

§ 25.17 Cancellations/Reinstatements. Section 25.17 will establish provisions for voluntary cancellation and reinstatement of an Employer Number.

§ 25.18 Sanctions/Reinstatements. Section 25.18 will establish provisions for remedial action by the department in the event an employer fails to comply with State or Federal standards for the Employer Testing Program, and establishes provisions for reinstatement.

§ 25.19 Employer Roles and Responsibilities. Section 25.19 will establish the roles and responsibilities of an employer enrolled in the Employer Testing Program.

§ 25.20 Administrator Roles and Responsibilities. Section 25.20 will establish the roles and responsibilities of the Administrator designated as liaison between the employer and the department for the Employer Testing Program.

§ 25.21 Authorized Representative Roles and Responsibilities. Section 25.21 will establish the roles and responsibilities of the Authorized Representatives who certify drivers on behalf of an employer enrolled in the Employer Testing Program.

§ 25.22 Examiner Roles and Responsibilities. Section 25.22 will establish the roles and responsibilities of Examiners who test and certify drivers on behalf of the employer enrolled in the Employer Testing Program.

DOCUMENTS INCORPORATED
BY REFERENCE

"Guidelines for Employer Testing Program Sanctions" (Rev. 9/3/02). The department's guidelines for Employer Testing Program sanctions are incorporated by reference in Section 25.18 and are not published in the California Code of Regulations, because these guidelines contain 12 pages on specific subject areas

related to actions against participants in the Employer Testing Program, and it would be impractical and cumbersome to publish these documents in the Code of Regulations. The guidelines are presently available to the public.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There is little difference between the cost of obtaining a commercial driver license through the Employer Testing Program and obtaining a license at a departmental field office.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department establishes procedures for third party testing by employers enrolled in the department's Employer Testing Program. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations establish procedures for voluntary participation in the department's Employer Testing Program.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Bonnie DeWatney, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8954, or bdewatney@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Public Comments.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are suffi-

ciently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 7071, 8585.5, and 8587.1 of said Code, proposes to amend sections 150.02 and 150.04, Title 14, California Code of Regulations, relating to permits to commercially take deeper water nearshore species.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In May of 2002, the Commission established control dates for nine species of nearshore fish stocks that serve to notify commercial fishermen that if they have not participated in this component of the nearshore fishery prior to 1999, they may not qualify for participation in a fishery for these species under a future restricted access program. These species include black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish, which are the nearshore species for which a Nearshore Fishery Permit is not required. This action demonstrated a willingness by the Commission to proceed with restricting access to this resource.

The Commission is proposing to adopt regulations which would establish a Deeper Water Nearshore Fishery Permit specifically to cover these nine other nearshore species in an effort to prevent additional fishing effort from having a negative impact on this resource. In order to qualify for initial issuance of this permit, the Commission will select from a range of aggregate landings between 0-500 pounds of these species landed between January 1, 1994 and December 31, 1999.

It is expected that this minimum landings requirement shall be viewed as a "first cut," similar to the process undertaken in the Nearshore Fishery Permit development process, which will allow for time to

develop a complete regional restricted access program similar to the one under consideration for adoption in December 2002.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on February 7, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 31, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in Sacramento, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Fred Wendell, Department of Fish and Game, Marine Region, Nearshore Ecosystem Coordinator, (831) 649-2893, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Each nearshore fishery permittee, buyer or processor is considered a business. The proposed regulations are not expected to have a significant statewide adverse economic impact on businesses. By requiring an aggregate total of between 0 and 500 pounds landed between 1994–1999 some unknown number of fishermen may be excluded from the fishery at this time. However, as stated above, this regulatory action is considered a “first cut” to address the issue of excess fishing capacity and the long-term viability of the deeper water nearshore fish species. If the development of a formal restricted access program is deemed to have the potential for adverse economic impact, the matter will be addressed at the time those regulations are considered by the Commission.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 8254 and 8259, of the Fish and Game Code and to implement, interpret or make specific sections 2365, 7852.2, 8250–8259, 9000–9006 and 9010 of said Code, proposes to amend Section 122, Title 14, California Code of Regulations, relating to Commercial Lobster Fishing Permits.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulation establishes a capacity goal of 225 lobster operator permits and the procedures for issuance of any new permits which may be available each year. (Section 122, Title 14, CCR)

The proposed amendments would repeal the capacity goal and the procedures for issuance of new lobster permits. This would eliminate the lobster permit lottery while a review of the entire lobster restricted access program takes place. Alternative language is provided which would make the subsection on the lobster permit lottery and the capacity goal of 225 inoperative between April 1, 2003 and March 31, 2005.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resource Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, on Friday, February 7, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 31, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in Sacramento, CA. or at the address below, or the fax number or the E-mail address above. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission,

1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Kristine Barsky, Department of Fish and Game, (805) 985-3114 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed regulations are not expected to have a significant adverse economic impact on businesses because they would only temporarily delay new entrants into the fishery. Each existing lobster operator permit holder is considered a small business and the proposed regulations would have no impact on them.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1616, Federal Areas, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on February 5, 2003. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by February 5, 2003.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code section 6352, provides that the gross receipts from the sale of, or the storage, use or other consumption of tangible personal property are exempt from tax where the Constitution or laws of the United States or the Constitution of this State prohibit the imposition of tax.

Regulation 1616, Federal Areas, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6352. Amendments are proposed to provide that Indian retailers are

not required to collect use tax upon on-reservation sales to non-Indians and Indians who do not reside on a reservation, of tangible personal property that is (1) intended for use in relation to on-reservation gaming activities, as defined; (2) promotes on-reservation gaming activities, as defined; (3) is made from raw materials produced on the reservation; (4) reflects or illustrates tribal history, culture or tradition; (5) is intended for use in an on-reservation activity; or (6) is not generally available for purchase outside of a reservation.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments and regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization makes an initial determination that the adoption of the amendment to Regulation 1616 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed regulations may affect small business.

COST IMPACT ON PRIVATE PERSON OR BUSINESSES

That 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.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1616 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 6352, Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. Mariflor Jimenez (916) 324-2952, at 450 N Street, Sacramento, CA 95814, e-mail Mariflor.Jimenez@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, e-mail Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made

available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 18. BOARD OF EQUALIZATION

ADOPT REGULATIONS 2303, 3020, 3021, 3301, 3302, 3501, 3502, 4105, 4901 and 4902, and AMEND REGULATIONS 1124, 1177, 1178, 1248, 1271, 1332, 1335, 1422, 1470, 2250, 2255, 2343, 2431, 2432, 2500, 2570, 4026, 4027, and REPEAL REGULATIONS 2344, 2345, and 2346 PERTAINING TO SPECIAL TAXES LAWS

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, section 25299.42 of the Health and Safety Code, and sections 8251, 9251, 30451, 32451, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601 of the Revenue and Taxation Code, proposes to **adopt** Regulations 4901 and 4902, in Title 18, Division 2, Chapter 9.9, of the California Code of Regulations, relating to Records and Relief from Liability which will apply general record keeping and the relief from liability requirements to the sixteen separate tax and fee laws (Special Tax Laws) under which the Board collects twenty-five separate taxes and fees;¹ also, in Title 18, Division 2 of the

¹ Alcoholic Beverage Tax, California Constitution Article XX, Section 22; Revenue and Taxation Code Sections 32001-32557; Ballast Water Management Fee, Public Resources Code Sections 71200-71271; Revenue and Taxation Code Sections 44000-44008, 55001-55381; Childhood Lead Poisoning Prevention Fee, Health and Safety Code Section 105310; Revenue and Taxation Code Sections 43001-43651; Cigarette and Tobacco Products Tax, California Constitution Article XIII B; Revenue and Taxation Code Sections 30001-30481; Diesel Fuel Tax, Revenue and Taxation Code Sections 60001-60709; Emergency Telephone Users Surcharge, Revenue and Taxation Code Sections 41001-41176; Energy Resources Surcharge, Revenue and Taxation Code Sections 40001-40216 ;

Hazardous Substances Tax, Revenue and Taxation Code Sections 43001-43651; Integrated Waste Management Fee, Revenue and

California Code of Regulations to **adopt** Regulations 2303 (Relief from Liability—Energy Resources Surcharge Law), 3020 (Records—Hazardous Substances Tax Law), 3021 (Relief from Liability—Hazardous Substances Tax Law), 3301 (Records—Integrated Waste Management Fee Law), 3302 (Relief from Liability—Integrated Waste Management Fee Law), 3501 (Records—Fee Collection Procedures Law), 3502 (Relief from Liability—Fee Collection Procedures Law), and 4105 (Relief from Liability—Cigarette and Tobacco Products Tax Law); to **amend** existing Regulations 1124 (Relief from Liability—Motor Vehicle Fuel Tax Law), 1177 (Records of Aircraft Jet Fuel Dealer—Motor Vehicle Fuel Tax Law), 1178 (Records—Motor Vehicle Fuel Tax Law), 1248 (Relief from Liability—Underground Storage Tank Maintenance Fee Law), 1271 (Records—Underground Storage Tank Maintenance Fee Law), 1332 (Records—Use Fuel Tax Law), 1335 (Relief from Liability—Use Fuel Tax Law), 1422 (Relief from Liability—Diesel Fuel Tax Law), 1470 (Records—Diesel Fuel Tax Law), 2250 (Relief from Liability—Oil Spill Response, Prevention and Administration Fees Law), 2255 (Records—Oil Spill Response, Prevention and Administration Fees Law), 2343 (Records—Energy Resources Surcharge Law), 2431 (Records—Emergency Telephone Users Surcharge Law), 2432 (Relief from Liability—Emergency Telephone Users Surcharge Law), 2500 (Records—Alcoholic Beverage Tax Law), 2570 (Relief from Liability—Alcoholic Beverage Tax Law), 4026 (Records—Cigarette and Tobacco Products Tax Law), 4027 (Manufacturer’s Records and Monthly Report—Cigarette and Tobacco Products Tax Law); and to **repeal** Regulations 2344 (Microfilm Records—Energy Resources Surcharge Law), 2345 (Records Prepared by Automated Data Processing Systems—Energy Resources Surcharge Law), and 2346 (Records Retention—Energy Resources Surcharge Law).

A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on Wednesday, February 5, 2003. At the hearing, any person interested may present state-

_____ Taxation Code Sections 45001-45984; Motor Vehicle Fuel Tax, California Constitution Article XIX; Revenue and Taxation Code Sections 7301-8526; Natural Gas Surcharge, Public Utilities Code Sections 890-900; Revenue and Taxation Code Sections 55001-55381; Occupational Lead Poisoning Prevention Fee, Health and Safety Code Section 105190; Revenue and Taxation Code Sections 43001-43651; Oil Spill Response, Prevention, and Administration Fees, Revenue and Taxation Code Sections 46001-46751; California Tire Fee, Public Resources Code Sections 42860-42895; Revenue and Taxation Code Sections 55001-55381; Underground Storage Tank Maintenance Fee, Revenue and Taxation Code Sections 50101-50162; Use Fuel Tax, Revenue and Taxation Code Sections 8601-9355.

ments or arguments orally. The Board will consider written statements or arguments if received by February 5, 2003.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Property and Special Taxes Department, in addition to administration of Property Tax, administers the Special Tax Laws. Many of these laws contain similar administrative provisions. Proposed Regulations 4901 and 4902 concerning record keeping requirements and relief from liability under specified circumstances, clarify the law and make consistent the requirements on taxpayers among the various Special Tax Laws programs. Under each of the Special Tax Laws existing regulations, the proposed administrative regulations in new Chapter 9.9 will be cross-referenced.

Discussion of Record Keeping Requirements (Proposed Regulation 4901) and Relief from Liability (Proposed Regulation 4902)

The Property and Special Taxes Department believes that it would ease the taxpayers' burdens of compliance with multiple tax laws if the administrative provisions in each of the Special Tax Laws administered by the Board imposed the same or substantially the same requirements. Thus, if the statutory record keeping requirements are the same for each of the Special Tax Laws administered, then the regulations clarifying those requirements should also be substantially the same. For that reason, the proposal adopts section 4901 on Records and section 4902 on Relief from Liability, which will apply to all of the Special Tax Laws programs in the Property and Special Taxes Department, listed on the chart attached to this notice as Exhibit A. The language of section 4901 is substantially the same as the Sales and Use Tax Regulation section 1698 (Records) and the language of section 4902 is substantially the same as the Sales and Use Tax Regulation section 1705 (Relief from Liability). Not only will the proposed changes enhance consistency among the tax programs as currently administered by the Board, they will facilitate maintenance of consistent and clear regulations in the future. When future regulatory changes are made to the Sales and Use Tax regulations concerning record keeping or relief from liability, the same changes can be made by amending the two Special Tax Laws administrative regulations, instead of amending sixteen record keeping regulations and sixteen relief from liability regulations.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The State Board of Equalization has determined that the proposed regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the regulations will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings on Federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the State Board of Equalization makes an initial determination that the adoption of the regulations will clarify the application of the Special Tax Laws and will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other state.

The adoption of the regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The proposed regulations may affect small business.

**COST IMPACT ON PRIVATE PERSONS
OR BUSINESSES**

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

FEDERAL REGULATIONS

The proposed Regulations have no comparable federal regulations.

AUTHORITY

Government Code section 15606(a), Health and Safety Code section 25299.42, and Revenue and Taxation Code sections 8251, 9251, 30451, 32451, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601.

REFERENCES

Revenue and Taxation Code sections 7657.1, 8301-8304, 8879, 9253, 9254, 30284, 30453, 30454, 32257, 32551, 32453, 40104, 40172-40175, 41056, 41073, 41098, 41129.30, 43159, 43502, 45157, 45852, 46158, 46602, 46603, 50112.5, 50153, 55045, 55302, 60210, and 60604-60606.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Ms. M. Judith Nelson, Tax Counsel, telephone (916) 324-2641, fax (916) 323-3387, email Judy.Nelson@boe.ca.gov, or by mail at State Board of Equalization, Attn. M. Judith Nelson, MIC:82, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, email Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, email Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a statement of reasons and an underscored version of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>. Requests for copies should be addressed to Ms. Diane G. Olson, Regulations Coordinator, at P.O. Box 942879, 450 N Street, MIC: 80, Sacramento, CA 94279-0080, telephone (916) 322-9569.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It also will be available for your inspection at 450 N Street, Sacramento, CA 94279-0080.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may adopt the proposed regulation if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for 15 days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for 15 days after the date on which the modified regulation is made available to the public.

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

NOTICE OF INTENT TO ADOPT REGULATIONS REGARDING OUT OF AREA MATERNITY

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director), pursuant to the rulemaking authority granted by section 1344 of the Health and Safety Code, proposes to implement, interpret and make specific sections 1345(b)(6) and 1345(h) of the Health and Safety Code, relating to emergency and urgently needed health care services. The proposed regulations are contained in the California Code of Regulations, Title 28, section 1300.67(g).

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Health Care (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD/
CONTACT PERSON

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person identified below on or before 5 p.m. on February 3, 2003. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day. Written communications

may also be sent to Lyn Amor Macaraeg via electronic mail at lmacaraeg@dmhc.ca.gov or via facsimile at (916) 322-3968. All comments, including facsimile and e-mail transmissions, should include the author's name and mailing address to enable the Department to provide future notices of proposed changes to the regulatory text.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Director licenses and regulates health care service plans (plans) under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), Chapter 2.2 (commencing with section 1340) of Division 2 of the Health and Safety Code.

Health and Safety Code section 1344 mandates that the Director have the ability to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of the Act.

Health and Safety Code section 1367 requires, in part, that:

Each health care service plan and, if applicable, each specialized health care service plan shall meet the following requirements: . . .

- (i) Each health care service plan contract shall provide to subscribers and enrollees all of the basic health care services included in subdivision (b) of Section 1345, except that the director may, for good cause, by rule or order exempt a plan contract or any class of plan contracts from that requirement. The director shall by rule define the scope of each basic health care service which health care service plans shall be required to provide as a minimum for licensure under this chapter.

Health and Safety Code section 1345(b), in turn, provides a definition of "basic health care services" as:

- (b) "Basic health care services" means all of the following:
 - (1) Physician services, including consultation and referral.
 - (2) Hospital inpatient services and ambulatory care services.
 - (3) Diagnostic laboratory and diagnostic and therapeutic radiological services.
 - (4) Home health services.
 - (5) Preventive health services.
 - (6) Emergency health care services, including ambulance and ambulance transport services and out-of-area coverage. "Basic health care

services" includes ambulance and ambulance transport services provided through the "911" emergency response system.

Finally, Health and Safety Code section 1345(h) defines "out of area coverage" as:

- (h) "Out-of-area coverage," for purposes of paragraph (6) of subdivision (b), means coverage while an enrollee is anywhere outside the service area of the plan, and shall also include coverage for urgently needed services to prevent serious deterioration of an enrollee's health resulting from unforeseen illness or injury for which treatment cannot be delayed until the enrollee returns to the plan's service area.

Thus, the Knox-Keene Act requires health care service plans to provide out of area coverage in emergency and urgently needed situations, including pregnancy and maternity related services, as a condition of licensure.

The Director finds it necessary to amend regulation section 1300.67(g) to specifically address pregnancy and maternity services that are urgently needed when an enrollee is outside the service area of the health plan. Amending section 1300.67(g) is necessary to ensure that plans are aware that pregnancy and maternity services must be covered for all female enrollees who happen to be outside the plan's service area and experience situations requiring urgent maternity and pregnancy services. Amendment of regulation section 1300.67(g) is necessary in order for the Department to ensure statutorily required basic health services are provided through Health and Safety Code sections 1345(b)(6) and 1345(h).

AUTHORITY

California Health & Safety Code section 1344.

REFERENCE

California Health & Safety Code sections 1345 and 1367.

**AVAILABILITY OF INITIAL STATEMENT OF
REASONS, TEXT OF PROPOSED
REGULATIONS, AND RULEMAKING FILE**

The Department has prepared and has available for public review the following documents:

- 1. An initial statement of reasons for the amended regulation;
- 2. Text of the legally effective regulation; and,
- 3. All information upon which this proposal is based (rulemaking file).

A copy of any or all of these items is available upon request by writing to the Department of Managed Health Care, ATTN: Ms. Lyn Amor Macaraeg, Legal Analyst 980 9th Street, Suite 500, Sacramento, California 95814, which address will also be the location of public records, including reports, docu-

mentation, and other material related to this notice of proposed action. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request by writing to the same address.

INTERNET AVAILABILITY

Materials regarding this notice of proposed action that are available via the Internet may be accessed at the following website:
<http://www.dmhc.ca.gov/library/regulations/pending.asp>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. The changes will be clearly indicated. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

ALTERNATIVES CONSIDERED

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the comment period.

FISCAL IMPACT

- Cost or savings to any state agency: None.
- Cost to any local agency or school district for which Cal. Gov't Code section 17500-17630 requires reimbursement: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Costs or savings in federal funding to the state: None.
- Effect on housing costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Has no economic impact on small businesses. Health care service plans are not a small business under Government Code section 11342.610.
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code section 17500 *et seq.*
- In his initial determination and pursuant to Government Code 11346.5(a)(8), this regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Per Government Code section 11346.5(a)(10), does not significantly affect:
 - o The creation of jobs in California;
 - o The elimination of jobs in California;
 - o The creation of new businesses in California;
 - o The elimination of existing business in California;
 - o The expansion of existing businesses in California.

CONTACT PERSON

Comments or inquiries and substantive questions concerning this proposed regulation may be directed to CURTIS LEAVITT, Assistant Chief Counsel, or to the back up comment person, LYN AMOR MACARAEG, Legal Analyst, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814, (916) 322-6727.

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA REGULATORY REGISTER
 NOTICE ACTION DESCRIPTION FOR AN
 EMERGENCY RESPONSE INCIDENT
 OPERATIONS AND POLYCHLORINATED
 BIPHENYL (PCB) WASTE OPERATIONS
 VARIANCE ISSUED BY THE STATEWIDE
 COMPLIANCE DIVISION, TRANSPORTATION
 SECTION, FOR ALAMEDA POWER &
 TELECOM, A DEPARTMENT OF THE
 CITY OF ALAMEDA

On November 19, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Alameda Power & Telecom, a

Department of the City of Alameda, a registered transporter of hazardous waste, to conduct emergency response incident operations and PCB waste operations authorized under sections 66263.43 and 66263.44 of the California Code of Regulations, Title 22. The variance permits the grantee to transport emergency response hazardous waste and PCB waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA Exemption. The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on October 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On November 22, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance renewal to the City of Sacramento's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the City of Sacramento's household hazardous waste collection facilities to accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163, subsection (a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On November 22, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued an agricultural oil collection variance revision to Tehama County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes specific Tehama County collection sites to accept waste oil accumulations of used oil of up to 55 gallons per trip from qualified farmers and agricultural growers. Authorized collection sites include:

Red Bluff Sanitary Landfill
19995 Plymire Road, Red Bluff

(new)
Waste Management
3281 Road 99W, Corning

Standards exempted are contained in Health and Safety Code, section 25201. Transported waste oil is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**TITLE 14. FISH AND
GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

**(Continuation of California Notice Register 2002,
No. 48-Z, Notice File No. Z02-1119-03, and
Meeting of December 6, 2002.)**

**(NOTE: See Updated Informative Digest and
Scheduled Adoption Hearing Location changes
shown in bold face type.)**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections **200, 1002, 2118, 2120, 2122, 2150, and 2150.2**, Fish and Game Code and to implement, interpret or make specific sections **200, 1002, 2116-2118, 2118.2, 2118.4, 2119-2155, 2190, 2271, 3005.9, 3005.92 and 12007**, Fish and Game Code, proposes to add new Section 1.92, and amend Sections 671 and **671.1**, Title 14, California Code of Regulations, to define the term "Transgenic", and add transgenic aquatic animals to the list of live animals restricted for importation, transportation and possession

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Transgenic species are an example of biotechnological products that are produced under artificial conditions with the goal of enhancing yield or some other economically important biological trait. For example, some aquaculturists are interested in creating a transgenic fish product that grows faster than a natural fish. Transgenic manipulation involves incorporating genetic material (DNA) from one species **organism** into chromosomes of another. The resulting genetic makeup is unique and these biotechnologically constructed organisms have no genetic counterparts in natural systems. Because of their novel genetic structure, transgenic species should be considered "non-indigenous", and potentially detrimental to native species.

To make clear, and explicit, the authority to allow or deny use of transgenic fish species, the Department recommends that transgenic fish be added, as a general category, to the Commission's list of restricted species in Section 671, Title 14, CCR. **In addition, it is recommended that the terms and conditions for which the Department may issue a permit for transgenic aquatic animals be added to Section 671.1(a).** The Department has already drafted changes to the **application** form (**FG 789**) used for live fish importation **permits**. The change will require applicants to disclose the transgenic nature of the fish applied for.

Permit terms and conditions center around containment of transgenic animals within secure facilities and prevention of their escape or placement into waters of the State. Because of the uniqueness of building configuration, plumbing and security methods of each facility that may hold transgenic animals, permit authorization will be based on site inspections that consider the identified terms and conditions.

With the intent of informing the public of those facilities permitted to import, possess, or transport transgenic aquatic animals, the Department will provide the Commission with information regarding each restricted species permit application or aquaculture registration that has been approved or is under consideration for transgenic species.

In developing the definition of transgenic as used in the context of these regulations, the Department has considered the recommendations and technical expertise of interested persons from the Department, academia, legislature representatives, the aquaculture industry, organizations concerned with natural resource issues, and other interested parties.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **the Resource Building First Floor Auditorium, 1416 Ninth Street, Sacramento**, on Friday, February 7, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January **31**, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in **Sacramento, CA**. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in **strikeout-underline** format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding address or phone number. Dr. Ed Pert, Chief, Fisheries Program Branch, Department of Fish and Game, phone (916) 445-3616, 1812 Ninth Street, Sacramento, CA 95814, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed change will provide for continued research and development of transgenic aquatic organisms under safeguards appropriate to protect the wild-life resources of the State.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF LOCATION FOR ADOPTION HEARING ON PROPOSED REGULATORY ACTION

In a notice of proposed regulatory action published in the California Regulatory Notice Register 2002, No. 49-Z, on December 6, 2002, the Fish and Game Commission proposed to amend subsection 27.82(a) and add sections 1.39, 1.49 and 27.83, Title 14, CCR, relating to coastal pelagic species, highly migratory

species, Cowcod Conservation Areas, California Rockfish Conservation Area, and restricted species and gear in the California Rockfish Conservation Area. The hearing relevant to this action will be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on Friday, February 7, 2003. It is requested, but not required, that written comments be submitted on or before January 31, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in Sacramento. E-mail comments must include the true name and mailing address of the commentor. For additional information, please refer to the notice published on December 6, 2002.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF POSTPONEMENT NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED REGULATIONS FOR WASTE TIRE HAULING & REGISTRATION

BY NOTICE published in the December 6, 2002, California Notice Register, Register 2002, No. 49-Z, the California Integrated Waste Management Board (CIWMB) announced it would conduct a public hearing on proposed regulations for Waste Tire Hauling & Registration. The hearing was scheduled for February 3, 2003 at 1:30 p.m., at the Joseph Serna, Jr. Cal/EPA Building, 2nd Floor, 1001 I Street, Sacramento, CA.

PLEASE BE ADVISED that the hearing is postponed to the following date, time, and place:

DATE: February 4, 2003

TIME: The hearing will begin at 9:30 a.m. and conclude after all testimony is given.

PLACE: Joseph Serna, Jr., Cal/EPA Building, 2nd Floor, 1001 I Street, Sacramento, CA.

This facility is accessible to persons with disabilities. The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The proposed text of the regulations and other rulemaking documents are available on the Proposed Regulations page of the CIWMB's website at

<http://www.ciwmb.ca.gov/Rulemaking/TireManifest>.

Questions or comments may be addressed to:

Keith E. Cambridge, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025

Sacramento, California 95812-4025

Phone: (916) 341-6422

Fax: (916) 319-7605

e-mail: kcambrid@ciwmb.ca.gov

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

Notice to Interested Parties

Announcement of a Public Comment Period

**Public Comments on the Draft Guidance for
Assessing Exposures and Health Risks at Existing
and Proposed School Sites**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available the first Draft Guidance for Assessing Exposures and Health Risks at Existing and Proposed School Sites. This draft guidance document was prepared to comply with California Health and Safety Code Section 901(f), which requires OEHHA to develop and publish a guidance document for use by the Department of Toxic Substances Control and other state and local environmental and public health agencies to assess exposures and health risks at existing and proposed school sites, and including child-specific routes of exposure unique to the school environment, in addition to those in existing exposure models. The draft document will be posted on the OEHHA Web site on December 20, 2002. A one-day public workshop, to be announced, will be held in January, 2003, to discuss the scientific basis of the proposed guidance document. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003(a) and 116365, for conducting the workshop and receiving public input. Oral and written comments received at the workshop will be considered during the revision of the draft guidance document. In order to be considered, written comments regarding the revised risk assessment must be received at **OEHHA by 5:00 p.m. on January 31, 2003.**

Following the workshop and public comment period, OEHHA will evaluate all comments received, revise the document, and make the revised document available for a 30-day public review and scientific comment period. This second review and comment period will be announced and published in the California Regulatory Notice Register and posted on the OEHHA Web site. The responses to the significant comments from the public and scientific reviewers will be available on the OEHHA Web site upon publication of the final guidance document.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Integrated Risk Assessment Section
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street, 12th Floor
Sacramento, California 95812-4010
FAX: (916) 322-9705

**RULEMAKING PETITION
DECISIONS**

DEPARTMENT OF CORRECTIONS

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

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections**

PETITIONER

Thomas A. Porter.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5068 authorizes the Director to prescribe and amend regulations for administration of prisons and specifically require the Director to examine, investigate, and classify each person committed to State prison.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

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

SUMMARY OF PETITION

Petitioner requests the Department of Corrections amend the California Code of Regulations (CCR), Title 15, Division 3, Section 3320 to specify the time

period between the conclusion of a disciplinary hearing and the time the Facility Captain reviews the decision of the disciplinary hearing.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend CCR Section 3320.

The CCR, Section 3320 states that at the conclusion of the disciplinary hearing the inmate shall be informed of the findings and disposition of the charge and the right to and procedure for appeal of the action. Within five working days following review of the CDC Form 115 and CDC Form 115-A by the chief disciplinary officer, the inmate shall be provided a copy of the completed CDC Form 115 containing the findings, disposition, and evidence relied upon in reaching the conclusions. Additionally, CCR, Section 3312 states that the chief disciplinary officer shall affirm, reverse, or modify the disciplinary action and/or credit forfeiture. The chief disciplinary officer may order a different action, order a different method of discipline, dismiss a charge, order a rehearing of the charge, or combine any of these actions.

The Petitioner contends that the current language, which does not specify the time period between the conclusion of a disciplinary hearing and the time the Facility Captain reviews the decision of the disciplinary hearing, impacts his due process.

The Department contends that upon conclusion of the disciplinary hearing the inmate is informed of the Senior Hearing Officer's finding and disposition. The subsequent review of the adjudicated rule violation report by the Captain is merely a process to identify training issues, and to alert the chief disciplinary officer to possibly due process violations. As such, the inmate is not adversely affected due to the time involved in this process. Since many factors, (i.e. institutional emergencies) can impact the time between the disciplinary hearing being conducted and the Captain's review of the rule violation report, it is not practical to assign a determinate time for this process.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

Mathematics and Reading Professional Development Program

This Certificate of Compliance filing makes permanent the prior emergency adoption of provisions implementing the Mathematics and Reading Professional Development Program (AB 466). The prior emergency action added a definition of the phrase "instructional materials. . .otherwise authorized by the State Board of Education" contained in Education Code section 99231(c).

Title 5
California Code of Regulations
ADOPT: 11983.5
Filed 12/10/02
Effective 12/10/02
Agency Contact: Pat McGinnis (916) 657-4669

BOARD OF EQUALIZATION

Interest and Penalties

In this regulatory action, the State Board of Equalization amends a Sales and Use Tax regulation relating to "Interest and Penalties." The amendment pertains to the burden of proof for "fraud or intent to evade" penalties.

Title 18
California Code of Regulations
AMEND: 1703
Filed 12/10/02
Effective 01/09/03
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Computers, Programs, and Data Processing

This regulatory action concerns maintenance contracts sold in connection with the sale or lease of prewritten computer programs. Existing section 1502 of title 18 provides that if the purchase of the maintenance contract is not optional with the purchaser, then the charges for the maintenance contract are taxable. This regulatory action provides that for reporting periods commencing on or after January 1, 2003, 50% of the lump sum charge for an optional maintenance contract is for the sale of tangible personal property and sales tax applies to that amount, and the remaining 50% of the lump sum charge is nontaxable charges for repair. However, this regulatory action further provides that if no tangible personal property whatsoever is transferred to the customer during the period of the maintenance contract, tax does not apply to any portion of the charge.

Title 18
 California Code of Regulations
 AMEND: 1502
 Filed 12/10/02
 Effective 01/01/03
 Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
 Racehorse Breeding Stock

This action implements Revenue and Taxation Code section 6358.5 by establishing the process to claim a partial exemption from sale and use tax on the sale, storage, use, or other consumption of racehorse breeding stock in California.

Title 18
 California Code of Regulations
 ADOPT: 1535
 Filed 12/10/02
 Effective 12/01/01
 Agency Contact: Diane G. Olson (916) 322-9569

CALIFORNIA GAMBLING CONTROL COMMISSION
 Registration of Manufacturers or Distributors of Gambling Equipment

This emergency action amends preexisting emergency regulations which established registration and reporting requirements for manufacturers and distributors of gambling equipment in California. The prior emergency filing amended in this action is OAL file number 02-0926-03E.

Title 4
 California Code of Regulations
 ADOPT: 12309, 12310 AMEND: 12300,12301, 12302, 12303, 12305
 Filed 12/05/02
 Effective 12/05/02
 Agency Contact: Herb Bolz (916) 263-0700

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
 Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 14
 California Code of Regulations
 AMEND: 18419
 Filed 12/05/02
 Effective 01/04/03
 Agency Contact: Elliot Block (916) 255-2821

COMMISSION ON TEACHER CREDENTIALING
 Administrative Services Credential Requirements

The regulatory action deals with the requirements for the Administrative Services Credential.

Title 5
 California Code of Regulations
 AMEND: 80054
 Filed 12/09/02
 Effective 01/08/03
 Agency Contact:
 Terri H. Fesperman (916) 323-5777

COURT REPORTERS BOARD OF CALIFORNIA
 Criteria for Recognition of Court Reporting Schools

This regulatory action amends the criteria for recognition of court reporting schools.

Title 16
 California Code of Regulations
 ADOPT: 2414 AMEND: 2411, 2418
 Filed 12/09/02
 Effective 01/08/03
 Agency Contact: Gail S. Jones (916) 263-4690

DEPARTMENT OF CHILD SUPPORT SERVICES
 Bonding of Employees

This action would specify the requirements and criteria for the bonding of employees by local child support agencies and other entities involved with the local child support agency in the handling of cash and in the accounting of child support funds

Title 22
 California Code of Regulations
 ADOPT: 111550
 Filed 12/09/02
 Effective 12/09/02
 Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CORRECTIONS
 Computation of Time and Preprison Credits

This action supplements the rule on applying credit for a prisoner's time served, explaining the application of the 20% maximum limit on credit set forth in Penal Code section 1170.12(a)(5) to situations in which a prisoner with a sentence enhanced for prior felony convictions has that sentence modified and additional punishment stricken in the "furtherance of justice" pursuant to Penal Code section 1385.

Title 15
 California Code of Regulations
 ADOPT: 3371.1
 Filed 12/10/02
 Effective 01/09/03
 Agency Contact: Cassie Mraz (916) 324-6776

DEPARTMENT OF DEVELOPMENTAL SERVICES
Anticipated Rate Adjustments

This is the third readoption of an emergency amendment to the regulation that describes when a program change that could have been planned for will be sufficient to warrant an adjustment in the payment rate for an in-home respite services agency.

Title 17
California Code of Regulations
AMEND: 58420
Filed 12/05/02
Effective 12/05/02
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF FOOD AND AGRICULTURE
Oak mortality Disease Control

This Certificate of Compliance adds the entire counties of Contra Costa and Humboldt to the regulated areas for Oak mortality disease.

Title 3
California Code of Regulations
AMEND: 3700(b)
Filed 12/10/02
Effective 12/10/02
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
Threshold for Principally At-Fault Accidents

The Department of Insurance is amending subsection 2632.13(c) changing the amount of minimum reportable damage per accident, when applying the principally at fault provision, from \$500.00 to \$750.00 to comply with changes made to Vehicle Code Section 16000, by Stats. 2002, Ch. 766.

Title 10
California Code of Regulations
AMEND: 2632.13(c)
Filed 12/05/02
Effective 01/04/03
Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF JUSTICE
Laboratory Certification, Firearms Safety Devices

This emergency rulemaking action revises firearm safety device listing and delisting procedures and testing standards and provides for "unknown" makes or models on an affidavit of ownership of an acceptable gun safe. The action also specifies the means of establishing proof of ownership of an acceptable, listed lock box, and specifies how long a firearms dealer must keep such proof.

Title 11
California Code of Regulations
ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51

Filed 12/04/02
Effective 12/04/02
Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF PESTICIDE REGULATION
Minimum Qualifications

This is a nonsubstantive change concerning the minimum qualifications for a person who has never held an agricultural pest control adviser license. The current qualifications which are listed in subsection (a) will sunset on December 31, 2002. The qualifications listed in subsection (b) take effect on January 1, 2003

Title 3
California Code of Regulations
AMEND: 6550
Filed 12/05/02
Effective 01/04/03
Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF WATER RESOURCES
Procedures for Making a Just and Reasonable Determination

This emergency rulemaking action adopts the procedure for a determination of a revenue requirement and whether the revenue requirement is just and reasonable. (Previous OAL file #02-0528-02E)

Title 23
California Code of Regulations
ADOPT: 510, 511, 512, 513, 514, 515, 516, 517
Filed 12/05/02
Effective 12/10/02
Agency Contact: Gloria Bell (916) 574-1291

ELECTRICITY OVERSIGHT BOARD
Conflict of Interest Code

This is a Conflict of Interest Code filing which has been approved by the Fair Political Practices Commission. This filing is exempt from OAL review is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
ADOPT: 58700
Filed 12/10/02
Effective 01/09/03
Agency Contact:
Sidney M. Jubien (916) 322-8601

FRANCHISE TAX BOARD
Taxation of Income

The Franchise Tax Board is repealing section 17554 of title 18, California Code of Regulations, due to the fact that Revenue and Taxation Code section 17554 was repealed by Stats. 2001, Ch.920. Sections 17951-1, 17952, and 18001-1, title 18, California

Code of Regulations, are being amended due to changes made by Stats. 1983, Ch. 488, Stats. 1993, Ch. 31, and is making some editorial corrections.

Title 18
 California Code of Regulations
 AMEND: 17951-1, 17952, 180001-1 REPEAL:
 17554
 Filed 12/10/02
 Effective 01/09/03
 Agency Contact:
 Colleen Berwick (916) 845-3306

SCHOLARSHARE INVESTMENT BOARD
 Golden State Scholarshare Trust Program

This Certificate of Compliance amends the Golden State Scholarshare College Savings Program to conform to recent changes in the Internal Revenue Code. (Previous OAL file ## 01-1211-03E and 02-07730-02E)

Title 5
 California Code of Regulations
 AMEND: 30950, 30951, 30951.1, 30952, 30953,
 30954, 30955, 30956, 30957, 30958, 30959
 Filed 12/05/02
 Effective 12/05/02
 Agency Contact:
 Senita Robinson (916) 651-6381

STATE WATER RESOURCES CONTROL BOARD
 TMDL for Bacteria During Dry Weather at Santa
 Monica Bay Beaches

This basin plan amendment establishes a Total Maximum Daily Load (TMDL) for bacteria for Santa Monica Bay Beaches for summer (April 1 to October 31) and winter (November 1 to March 31) dry weather periods. The TMDL: (1) establishes the loading capacity of the bay beaches as the maximum densities of the four bacterial indicators (total coliform, fecal coliform, enterococcus, and total coliform when fecal-to-total ratio exceeds 0.1) specified in the basin plan as bacteriological water quality objectives for marine water having a water contact beneficial use designation; (2) specifies the maximum number of daily and weekly sampling days per dry period which each of the 56 existing shoreline monitoring stations may exceed any single sample maximum bacterial density water quality objective (no days of exceedance are allowed at any station during the summer dry weather period); (3) provides that all responsible jurisdictions and agencies within a subwatershed are jointly responsible for complying with the allowable number of exceedance days for each associated shoreline monitoring site; (4) establishes zero exceedance days during summer and winter dry weather for the three Publicly Owned Treatment Works discharging into Santa Monica Bay; (5) specifies that the samples are to be collected from the

wave wash (the compliance point); and, (6) specifies that the allowable exceedance days, and the rolling 30-day geometric bacteria density means (specified in the basin plan as bacteriological water quality objectives) must be achieved within three years for the summer dry weather period and within six years for the winter dry weather period.

The amendment identifies the principle regulatory mechanisms to be used to implement the TMDL as the Los Angeles County Municipal Storm Water NPDES permit, the Caltrans Storm Water Permit, the three NPDES permits for the POTWs, and the authority vested in the Executive officer by Water Code section 13267. The amendment provides that within 120 days of its effective date responsible jurisdictions and agencies must submit coordinated shoreline monitoring plans and identify and provide documentation on 342 specified, potential discharges, and on unspecified, potential discharges to a specified Area of Special Biological Significance. The amendment also provides that within two years after the effective date the regional board must reopen the TMDL to re-evaluate allowable winter dry weather exceedance days and to re-evaluate the reference system and reference year used for setting allowable exceedance days.

Title 23
 California Code of Regulations
 AMEND: 3933
 Filed 12/09/02
 Effective 12/09/02
 Agency Contact: Ling Tseng (916) 341-5558

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN AUGUST 07, 2002 TO
 DECEMBER 11, 2002**

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
 10/29/02 AMEND: 1, 100

Title 2
 12/10/02 ADOPT: 58700
 11/26/02 AMEND: 57.1
 11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9
 11/14/02 AMEND: 2271

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 51-Z

11/04/02 ADOPT: 1859.70.1, 1859.71.3,
1859.78.5, 1859.78.6, 1859.78.7,
1859.93.1, 1859.120, 1859.121,
1859.122, 1859.122.1, 1859.122.2,
1859.123, 1859.124, 1859.124.1,
1859.125, 1859.125.1, 1859.126,
1859.127, 1859.128, 1859.129, 1859.130,
1859.140, 1859.141, 1859

11/04/02 ADOPT: 549.95
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12/02/02 AMEND: 3423(b)
11/12/02 ADOPT: 4600, 4601, 4602, 4603
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11/18/02 ADOPT: 2980, 2981, 2982, 2983
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09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
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 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51, 350.60(a), 260.001, 260.100.1, 260.100.3, 260.102.4(b), 260.102.8(b), 260.102.16, 260.103, 260.105.28, 260.105.33, 260.111, 260.112, 260.113, 260.121, 260.131, 260.140.71.2, 260.140.87(e), 260.140.110.2, 260.140.11
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 08/29/02 AMEND: 3000, 3001, 3003, 3007, 3008
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11/25/02 AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818
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 10/18/02 AMEND: 1956.8
 09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,

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 12/03/02 AMEND: 2200, 2320, 2500
 11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1], 929.2, [949.2, 969.2], 929.3, [949.3, 969.3], 929.4, [949.4, 969.4] REPEAL: 929.5, [949.5, 969.5], 1037.5(a), 1052
 11/25/02 AMEND: 912.7, 932.7, 952.7
 11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972
 11/21/02 AMEND: 1038(f)
 11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530 and 2690 renumbered to 2850
 11/18/02 AMEND: 932.9, 952.9
 11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2, 932.7, 933.1, 933.2, 952.7, 953.1, 953.2
 11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
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 10/28/02 AMEND: 1058.5
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 10/02/02 ADOPT: 306.3
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 12/02/02 AMEND: 6508
 11/12/02 AMEND: 94006
 10/29/02 AMEND: 54000, 54001
 10/08/02 AMEND: 93105(a)(1)
 09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075
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 08/29/02 AMEND: 57332
 08/22/02 ADOPT: 33001, 33002, 3303, 33004, 33005, 33006, 33007, 33008, 33010, 33011, 33012, 33013, 33014, 33015, 33025, 33050 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010
 08/20/02 ADOPT: 93112
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 08/08/02 AMEND: 30253
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 10/21/02 AMEND: 981.3(a)(b)(d)
 10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5
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10/28/02 ADOPT: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608 REPEAL: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608

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 12/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP Sections 12-000, 12-003, and Appendix I
 12/02/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30
 11/25/02 ADOPT: 119015, 119019, 119045, 119069, 119076, 119191, and Forms CSS 4476 (09/02), CSS 4477 (09/02), CSS 4478 (09/02), CSS 4479 (09/02), CSS 4480 (09/02), and CSS 4481 (09/02)
 11/25/02 ADOPT: 66273.6, 66273.80, 66273.81, 99273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9
 11/18/02 AMEND: 69103
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 11/05/02 AMEND: 1256-9, 1253. 12-1, 1030(a)-1
 10/31/02 ADOPT: 64806
 10/28/02 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 11785, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403, 117404,
 10/21/02 ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132, 116
 10/09/02 ADOPT: 111900, 111910, 111920, 121100, 121120, 121140 REPEAL: (MPP) 12-435
 10/07/02 AMEND: 5000, 5065, 5102
 09/30/02 ADOPT: 110550 AMEND: 110413, 113100, 113200, 113300 REPEAL: 12-401.1, 12-104.432

09/23/02 AMEND: 66261.9
 09/03/02 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107
 09/03/02 AMEND: 40633
 08/27/02 AMEND: 12601, 12201
 08/22/02 ADOPT: 110385, 110449, 110554, 118020, 118203
 08/21/02 AMEND: Chapter 1; Section 7000
 08/14/02 ADOPT: 111560

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12/03/02 AMEND: 101218.1, 102419, 102421
 10/28/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 87010, 87010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031, 9
 08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12
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 09/25/02 AMEND: 645, 717(c), 767(b)
 09/19/02 AMEND: 3937
 08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5
 08/23/02 ADOPT: 2729, 2729.1
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11/07/02 AMEND: 5575
 11/07/02 AMEND: 1317, 1318, 1319
 10/01/02 AMEND: 7202, 7234
 09/30/02 AMEND: Section 6500, Appendix A & B

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1300.43.15, 1300.45, 1300.47, 1300.51,
1300.51.1, 1300.51.2, 1300.52.1,
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11/12/02 ADOPT: 1300.70.4, 1300.74.30
AMEND: 1300.68, 1300.68.01
08/19/02 ADOPT: 1300.73.21
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10/02/02 ADOPT: 40-107.141, .142, .143, .144,
.15, 151, .152; 42-302.114, .114(a)-(c),
.21(h)(l), .3; 44-133.8; 82-833 AMEND:
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