



California Regulatory Notice Register

REGISTER 2004, NO. 5-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 30, 2004

PROPOSED ACTION ON REGULATIONS

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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.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:
Truckee Sanitary District

A written comment period has been established commencing on **January 30, 2004** and closing on **March 15, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **March 15, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

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

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

Enhancing Education Through Technology

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

PUBLIC HEARING

Staff will hold a public hearing starting at **10:00 a.m. on March 23, 2004**, at 1430 N Street, Room 6103, Sacramento, California. 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 Superintendent requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Superintendent requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. 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. The written comment period closes at **5:00 p.m. on March 16, 2004**. The Superintendent will only consider written comments received by the Regulations Adoption Coordinator by that time (in addition to those comments received at the public hearing). Written comments for the Superintendent's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
1430 N Street, Room 5319
Sacramento, California 95814
Telephone: (916) 319-0860
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Authority: Section 52295.30, Education Code.
Reference: Sections 52295.10-52295.55, Education Code; Public Law 107-110, Title II, Part D, Sections 2401-2441; 20 USC Sections 6751-6777.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Superintendent proposes to amend Sections 11973, 11974, 11975, 11977, 11978, and 11979, Subchapter 20.5 Enhancing Education Through

Technology Grant Program, in Title 5 of the California Education Code. These sections concern the Enhancing Education Through Technology (EETT) Competitive grant established as part of the federal No Child Left Behind Act of 2001, Public Law 107-110, Title II, Part D, section 2401.

The California Department of Education administers the federal EETT Competitive grant. Emergency Regulations allowed the dissemination of the first cycle of competitive grant funding. Amended regulations were written to remove specific date references, include more detail regarding evaluation criteria, define terminology used in the grant application, and to remove reference to the School Renovation Technology Grant, which is no longer funded. These minor changes will allow subsequent funding cycles of the EETT Competitive grant that will disseminate millions of dollars in scarce education technology funding to California schools.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

Other non-discretionary cost or savings imposed upon 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 impact on a representative private person or business: The Superintendent 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 affect on housing costs: The superintendent has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small businesses: The proposed regulations will have no effect on small businesses because the regulations only apply to Local Education Agencies (LEAs) and their subgrantees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Superintendent must determine that no reasonable alternative considered by the Superintendent or that has otherwise been identified and brought to the attention of the Superintendent 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 Superintendent invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

CONTACT PERSONS

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

Joyce Hinkson, Consultant
 California Department of Education
 Data Management Division
 1430 N Street, Room 3600
 Sacramento, California 94244-2720
 Telephone: (916) 323-2241
 E-mail: jhinkson@cde.ca.gov

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 the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

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 Superintendent may adopt the proposed regulations substantially as described in this notice. If the Superintendent makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the Superintendent

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 Regulations Adoption Coordinator 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 Rulemaking, 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>.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in a meeting or function of the California State Board of Education (SBE), may request assistance by contacting the Data Management Division, Joyce Hinkson, 1430 N Street, Room 3600, Sacramento, CA, 95814; telephone, (916) 323-5715.

TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

- TITLE 14. NATURAL RESOURCES**
- DIVISION 7. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
- CHAPTER 6. PERMITTING OF WASTE TIRE FACILITIES**
- ARTICLE 8.5. WASTE TIRE HAULER REGISTRATION**

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 6, by amending Articles 8.5, sections 18460.1 through 18465 and adding section 18464. The proposed

regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, and add clarifying language to make the regulations more functional, and delete unnecessary language.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period for this rulemaking closes at the close of the hearing on March 19, 2004.** The Board will only consider comments received at the Board's headquarters by that time. Please submit your written comments to:

Tom Micka, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
Fax: (916) 319-7491
e-mail: tmicka@ciwmb.ca.gov

If an individual previously commented on these regulations at a board meeting, that person should be aware that those comments were considered and often incorporated into the regulations. However, if such individuals are not satisfied with the proposed regulations, as they exist in the current proposed regulations, they must resubmit their comments so that they will be considered anew and made a part of this rulemaking record.

PUBLIC HEARING

A public hearing to receive public comments has been scheduled for March 19, 2004. The hearing will be held at the

Joe Serna Jr., Cal EPA Building
1001 I Street, 2nd Floor
Sacramento, CA 95814

The hearing will begin at **1:30 p.m. on March 19, 2004**, and will conclude after all testimony is given. The California Integrated Waste Management Board requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact Tom Micka at (916) 341-6425.

INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) § 40000 et. seq., gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC § 40502 requires the Board to adopt rules and regulations to implement the Act. Senate Bill (SB) 744 (McCorquodale, 1993)

established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. On May 9, 1996, the Board's Waste Tire Hauler Regulations became effective. With the passage of these and subsequent regulations the Board has been regulating the hauling of used and waste tires. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that used or waste tires be manifested from the generator to the end-use or disposal facility.

Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) expanded the Board's authority to oversee the management of used and waste tires and to better serve the regulated community and to protect public health and safety and the environment. The Board was also charged with implementing a new and improved "California Uniform Waste and Used Tire Manifest System." The proposed regulations allow the Board to establish the amount of administrative penalties imposed against waste and used tire haulers (tire haulers) who have violated applicable laws. This will allow the Board to more effectively use administrative penalties as an enforcement tool against tire haulers, and will make the Board's regulations consistent with statutory changes (PRC section 42962). In addition, the proposed amendments to the manifest requirements allows for up to 20 waste or used tires to be hauled to an Amnesty Day Event or for a Local Enforcement Authority (LEA) authorized one-time exemption without completing a manifest. Further, staff has reviewed, interpreted, and updated inaccuracies in the existing regulations found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

Previously, the CIWMB had set the maximum administrative penalty for tire haulers at \$1,000 pursuant to statute, and had set criteria to use in determining, on a case-by-case basis, the amount of penalty for a given violation. Senate Bill 876 amended Public Resources Code (PRC) section 42962(c), effective in January 2001, to increase the administrative penalty that could be imposed upon a tire hauler to five thousand dollars (\$5,000) per violation of a "separate provision" or \$5,000 per day for a continuing violation. This statute requires the Board to adopt regulations specifying the amounts for the imposition of administrative civil penalties. These amounts were adopted as emergency regulations so that enforcement actions that are necessary for the protection of the public health and safety and the environment would not be delayed.

The Legislature found (SB 876, Section 1) that there was a need for increased enforcement to prevent illegal waste and used tire hauling to help prevent

illegal tire stockpiles, like those which caused the Westley and Royster tire fires. Existing regulations do not specify the amounts for the imposition of penalties as required by this bill. The proposed regulations comply with the statutory requirements to “specify the amounts for the imposition of administrative civil penalties” which will allow the CIWMB to move forward with appropriate enforcement activities.

The CIWMB decided to impose administrative penalties through penalty schedules because it provides a framework to the trier of fact hearing penalty cases. These penalty schedules take into account whether the tire hauler’s actions are a first or subsequent offense, the type of violation, the number of violations, and the number of waste or used tires involved. This schedule of administrative penalties provides the regulated community and the trier of fact hearing the case with a consistent, predictable method of enforcement. It will also allow for more efficient and timely prosecution of violations.

POLICY STATEMENT OVERVIEW

Over the past seven years the California Integrated Waste Management Board has been regulating the hauling of used and waste tires in California. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that every used or waste tire be manifested from the generator to the end-use or disposal facility. Existing waste tire hauler regulations set forth procedures for the waste tire haulers registration process and current manifest requirements.

The proposed regulations establish the amount of administrative penalties imposed against waste and used tire haulers who have violated applicable laws. The regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, add clarifying language to make the regulations more functional, and delete unnecessary language.

PLAIN ENGLISH REQUIREMENTS

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC §§ 40502, 42966, and 43020 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific numerous statutes and regulations related to the transportation of used and waste tires. The following is a list of references cited in these proposed regulation changes: PRC §§, 42951, 42954, 42956, 42961.5, and 42962.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

LOCAL MANDATE AND FISCAL DETERMINATIONS

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§ 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESS AND SMALL BUSINESSES/ SMALL BUSINESS DETERMINATION

Board staff made an initial determination that the proposed regulations 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 proposed regulations may apply to business and small businesses, but as stated above, they will not have a significant adverse economic impact on business and small businesses. For Amnesty Day Events or one-time exemptions authorized by a local enforcement authority 20 or more tires would trigger the manifest requirement instead of 10 tires. And those involved in Amnesty Day Events or one-time exemptions will be able to carry up to 19 tires without having to complete a manifest instead of the current limit of less than 10 waste tires.

The proposed regulations comply with the statutory requirements to “specify the amounts for the imposition of administrative civil penalties” which will allow the CIWMB to move forward with appropriate enforcement activities. There is no cost associated for

businesses and small businesses with regard to the penalties. The penalties only impact those individuals or businesses that are not complying with the applicable statute and regulations.

**EFFECT ON COMPETITION WITH
OUT-OF-STATE BUSINESS**

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

**EFFECT ON CREATION OR ELIMINATION OF
JOBS, EXISTING OR NEW BUSINESS IN THE
STATE OF CALIFORNIA**

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

**COST IMPACT ON PRIVATE PERSONS
OR ENTERPRISES**

Board staff has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises. Cost impacts for the program in general have already been identified in a previous rulemaking. There is no cost associated for haulers that are exempt from being registered and are now being allowed to carry up to 20 waste tires for a Local Enforcement Agency approved Amnesty Day Event or a One Time Exemption.

The penalty schedule for administrative complaints does not represent a new Board activity. This schedule will, therefore, not increase the universe of individuals and businesses presently regulated. Waste and used tire haulers who violate the waste tire statute and regulations will continue to be prosecuted. The addition of this penalty schedule to the regulations should not have a significant adverse economic impact on individuals and businesses that comply with the statute and regulations governing waste and used tire hauling.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Tom Micka, Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-4025
(916) 341-6425 phone, (916) 319-7491 facsimile
e-mail: tmicka@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Georgianne Turner., Special Waste Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6429 phone, (916) 319-7165 facsimile
e-mail: gturner@ciwmb.ca.gov

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

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process 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. The Final Statement of Reasons will also be made available once it is prepared. Copies may be obtained by contacting Tom Micka at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board's Internet homepage at www.ciwmb.ca.gov/rulemaking

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN:

The State Board of Equalization, pursuant to the authority vested in the Board by section 15606, subdivision (c) of the Government Code, proposes to adopt Rule 136, Limited Liability Companies as Qualifying Organizations for the Welfare Exemption in Title 18, Division 1 of the California Code of Regulations. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2004. Any person interested may present statements or arguments orally at that time and place. Written statements or arguments will be considered by the Board if received by March 23, 2004.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Equalization proposes to adopt Rule 136 to interpret and clarify that organizations eligible for the welfare exemption from property taxation include nonprofit tax-exempt limited liability companies wholly owned by qualified organizations and meeting all the exemption law requirements in section 214 et. seq. The proposed rule is in response to a petition for regulatory action pursuant to Government Code section 11340.6, requesting that the Board of Equalization exercise its rulemaking authority to adopt a regulation that would clarify that a nonprofit tax-exempt limited liability company meeting all the requirements for exemption is an organization eligible to claim the welfare exemption on its property.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that proposed Rule 136 does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed rule will not result in direct or indirect costs 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 Rule 136 will not have a significant statewide adverse economic impact

directly affecting business because the proposed rule merely interprets and clarifies existing statutory provisions.

The proposed rule 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 adoption of the proposed rule will not be detrimental to California businesses in competing with businesses in other states.

The proposed rule will not affect small business because the new rule only interprets and clarifies property tax exemption law statutory provisions and does not impose any additional compliance or reporting requirements on taxpayers.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

There will be no adverse economic impact on private businesses or persons because the adoption of the proposed rule interprets and make specific existing statutory law and does not impose any additional compliance or reporting requirements on private persons or businesses.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Rule 136 has no comparable Federal regulations.

AUTHORITY

Government Code section 15606, subdivision (c).

REFERENCE

Sections 214 et seq. of the Revenue and Taxation Code; Article XIII, Sections 4(b) and 5, California Constitution.

CONTACT

Questions regarding the substance of the proposed rule should be directed to: Ms. Mary Ann Alonzo, Senior Tax Counsel, at the State Board of Equalization, P.O. Box 942879, 450 N Street, MIC:82, Sacramento, CA 94279-0082. Telephone: (916) 324-1392; FAX (916) 323-3387, e-mail MaryAnn.Alonzo@boe.ca.gov.

Written comments for the Board's consideration, requests to present testimony, bring witnesses to 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. Joann Richmond, Property Taxes Analyst, telephone (916) 322-1931, e-mail Joann.Richmond@boe.ca.gov or by mail to the

State Board of Equalization, Attn: Diane Olson or Joan Richmond, MIC: 80, P.O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080.

TITLE 18. BOARD OF EQUALIZATION

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been 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 REGULATIONS

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed rule. Those 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. Requests for copies should be addressed to Ms. Diane Olson, Regulations Coordinator, (916) 322-9569, at P. O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080. The express terms of the proposed regulation (rule) are available on the Internet at the Board's website <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 adoption of the proposed rule. It is also available for public inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the proposed rule 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 the modified rule 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 rule will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified rule for fifteen days after the date on which the modified rule is made available to the public.

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 promulgate Regulation 1828, *Process for Reviewing Transactions & Use Tax Inquiries*, 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 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2004. 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 March 23, 2004.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code section 7270, provides that, pursuant to contract with each participating special taxing jurisdiction ("district"), the State Board of Equalization administers and enforces the taxes enacted by districts pursuant to the Transactions and Use Tax ("District Tax") Law. (Rev. & Tax. Code, §§ 7251-7279.6.) The District Tax Law provides no formal procedures for appealing decisions of the Board staff redistributing district taxes reported by taxpayers.

Proposed Regulation 1828, *Process for Reviewing Transactions & Use Tax Inquiries*, is proposed to be promulgated to interpret, implement and make specific Revenue and Taxation Code section 7270. The regulation is proposed to establish a formal process for administering district tax distribution inquiries and appeals.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed regulation does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed regulation 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 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 proposed

Regulation 1828 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete in other states.

The adoption of the proposed regulation 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 regulation 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 COST

No significant effect.

FEDERAL REGULATIONS

Proposed Regulation 1828 has no comparable federal regulations.

AUTHORITY

Section 7051 Revenue and Taxation Code.

REFERENCE

Section 7270 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 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 STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a 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 website <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 law 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 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

NOTICE IS HEREBY GIVEN

The State Board of Equalization proposes to amend Regulations 5020, 5021, 5022, 5023, 5030, 5070, 5071, 5075, 5075.1, 5076, 5076.1, 5079, 5082.1, 5083, 5090, 5091, and 5093 and repeal Regulation 5087 in Title 18, Division 2, of the California Code of Regulations. A public hearing relevant to this action will be held in Room 121, 450 N Street, Sacramento, at 9:30 a.m., or as soon thereafter as the matter may be heard, on March 23, 2004. At the hearing, any person interested may present statements or arguments orally

at that time and place. The State Board of Equalization will consider written statements or arguments if received before March 23, 2004.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The State Board of Equalization proposes to amend Regulations 5020, 5021, 5022, 5023, 5030, 5070, 5071, 5075, 5075.1, 5076, 5076.1, 5079, 5082.1, 5083, 5090, 5091, and 5093 and repeal Regulation 5087 in Title 18, Division 2, of the California Code of Regulations.

The State Board of Equalization has an ongoing process of reviewing and amending the Rules of Practice to ensure that they accurately reflect hearing procedures at the Board. For that purpose, the Board is currently proposing the following action:

Regulations 5020, 5030, 5071 and 5090—Taxes
Affected by This Article

These regulations are being amended to reflect statutory name changes to tax and fee programs and additions or corrections to statutory references.

Regulation 5021—Petition for Redetermination

The second sentence of the regulation is being amended to eliminate the passive voice and the redundant phrase “or any person directly interested,” which is already included in the definition of the term “taxpayer” in Regulation 5070(j). The third sentence of the regulation is being deleted, eliminating the requirement that the taxpayer include the areas of agreement in the petition. This provision is not truly necessary and has not been enforced.

Regulation 5022—Claims for Refund

The second sentence of this regulation is being amended to eliminate the passive voice and the redundant phrase “or any person directly interested,” which is already included in the definition of the term “taxpayer” in Regulation 5070(j).

Regulation 5023—Appeals Conference

The regulation is being amended to reference the currently available option of videoconferencing for appeals conferences.

Subdivision (a) of the regulation is being amended to correct a punctuation error that appears in Barclays California Code of Regulations. The colon after the word “oath” is being changed to a semi-colon.

Subdivision (b) is being amended to clarify that requests to reschedule or postpone appeals conferences are to be directed to the Board Proceedings Division. Subdivision (b) is also being amended to provide that a second rescheduling will be at the discretion of the Chief of Board Proceedings. The last sentence of (b)(1) is being amended to improve readability.

Subdivision (d) is being amended to change “Appeals Section” to “Appeals Division,” consistent with current Board organization.

Subdivision (f) is being amended to clarify that this subdivision addresses oral hearings before the Board.

Regulation 5070—Definitions

The term “and includes” is being deleted throughout this regulation because it is a redundant term.

Subdivisions (a), (d) and (f) are being revised to reflect organizational changes at the Board.

Subdivision (g) is being amended to cross-reference the definition of “party” in local tax reallocation or district tax redistribution appeals.

Subdivision (h) is being amended to change the word “reconsideration” to “rehearing” for consistency. Petition for review of local tax reallocation inquires and petition for review of district tax redistribution inquires are being added to the list of petitions.

Subdivision (j) is being amended to cross-reference the definition of taxpayer in local tax reallocation or district tax redistribution appeals.

Regulations 5075—Briefs Generally

“Chief, Board Proceedings Division” has been restyled “Chief of Board Proceedings” throughout.

Subdivision (a) is being amended to provide guidance regarding the appropriate briefing schedule for certain types of appeals.

Subdivision (b) is being amended to clarify that it is the Board Proceeding Division, rather than the Chief, who will return the documents; to add “excluding Table of Contents and exhibits” from the page count, which reflects Board practice; to add a hyphen to “30 page,” and to eliminate the passive voice.

In subdivision (f), the word “submissions” is being amended to “brief” to avoid confusion with submissions of evidence.

In subdivision (i), the word “briefing” is being capitalized for consistency.

Regulations 5075.1—FTB Briefing Schedule

“Chief, Board Proceedings Division” has been restyled “Chief of Board Proceedings” throughout.

Subdivision (a) is being amended to clarify that it is the Board Proceedings Division who will notify the parties of the schedule and procedure for filing briefs.

Subdivisions (b)(1) and (c)(1) are being amended to require that two copies of the briefs be mailed to the Board Proceedings Division, who will then forward a copy to the Franchise Tax Board. This will ensure that the Franchise Tax Board receives a copy of all materials filed with the Board. The taxpayer will no longer be required to mail a copy of the material to the FTB.

Subdivision (b)(1) is also being amended to explain that in order to perfect the appeal the taxpayer must submit the information requested in the letter from the Board Proceedings Division and to specify that it is the Chief of Board Proceedings who may dismiss an incomplete appeal if it is not perfected within 90 days.

Subdivision (b)(2) is being amended to provide that the notification letter will come from the Board Proceedings Division rather than the Chief of Board Proceedings. Subdivision (b)(2) is also being amended to add the word “reply” in front of “brief” and to add a reference to new subdivision (b)(3).

New subdivision (b)(3) provides that for Senior Citizen Homeowner and Renters Property Tax Assistance appeals the Franchise Tax Board shall have 60 days, rather than 90 days, to file the reply brief.

Subdivision (d)(2) is being deleted because it serves no purpose since the taxpayer is not required to file a brief other than as provided in subdivision (b)(1). The “(1)” in front of the first paragraph is being deleted because it is no longer needed.

Subdivision (e) is being amended to eliminate the passive voice. The word “staff” is being capitalized for consistency.

Regulation 5076—Notice and Scheduling

“Chief, Board Proceedings Division” has been restyled “Chief of Board Proceedings” throughout.

Subdivision (c) is being amended for clarity and to specify that it is the Chief of Board Proceedings who may grant a continuance.

In subdivision (d), the word “for” is being replaced by “upon a showing of” for consistency.

Subdivision (e) is being amended to provide that the Chief of Board Proceedings may make an exception to the general rule for failure to respond to a hearing notice or to appear for hearing.

Regulation 5076.1—FTB Appeals Voluntary Dismissal, Negotiations and Deferrals

Subdivision (a) is being amended to specify that it is the Chief of Board Proceedings who has the authority to dismiss an appeal of an action of the Franchise Tax Board for the reasons stated. It is also being amended to eliminate the passive voice and to clarify that at any time prior to a final decision by the Board the taxpayer and the FTB may enter into settlement negotiations.

Subdivision (b) is being amended to specify that it is the Board Proceedings Division who may defer a hearing. Additionally, the word “for” is being replaced by “upon a showing of” for consistency.

Regulation 5079—Hearing Procedure

“Chief, Board Proceedings Division” has been restyled “Chief of Board Proceedings” throughout.

Subdivision (a) is being amended to provide for the fact that more specific requirements exist in other regulations within the Rules of Practice.

Subdivision (c) is being amended to provide that the names and addresses of witnesses may be provided to the Board Proceedings Division rather than the Chief of Board Proceedings.

Regulation 5082.1—Petition for Rehearing—FTB

New subdivisions (d) provides that if a petition for rehearing is timely filed, but incomplete, the filing party shall be granted 30 days from the date of the acknowledgement letter to perfect the petition for rehearing. This revision is consistent with existing Board practice.

New subdivision (e) provides that the opposing party shall be given 30 days from the date of the acknowledging letter of a perfected appeal in which to file a reply brief. This revision is consistent with existing Board practice.

Regulation 5083—Fees and Removal of Board Records and Files

The first sentence of the regulation is being amended to eliminate the passive voice. The third sentence, which provides that records and files shall not be removed from the offices of the Board, is being deleted because it does not reflect current practice because there are Board employees who telework and therefore must remove records and files from the offices of the Board. The statutory reference in the last sentence is being updated.

Regulation 5087—Withdrawal of Exhibits

This regulation is being repealed because it is unnecessary under current Board practice, which does not require the submission of original documents into evidence.

Regulation 5091—Eligible Claims

Currently, the Board receives Taxpayers’ Bill of Rights claims from taxpayers who have not prevailed in their cases before the Board. Although such claims are denied, processing these claims requires staff time in the Legal Department and Board Proceedings Division. In order to provide further guidance to taxpayers regarding eligible claims, this regulation is being amended to specifically state that a taxpayer does not have an eligible claim if the Board did not grant the taxpayer’s petition or claim. Additionally, “Appeals Section” is being amended to “Appeals Division,” consistent with current Board organization.

The provision regarding the Franchise Tax Board’s Review and Write procedure is being deleted because it no longer exists.

Regulation 5093—Claim Procedure

“Chief, Board Proceedings Division” has been restyled “Chief of Board Proceedings” throughout.

Subdivision (b) is being amended to specify that failure to file a complete claim within the time granted will result in dismissal of the claim by the Chief of Board Proceedings.

A new subdivision (c), addressing the dismissal of ineligible claims, is being added to authorize the Chief of Board Proceedings to dismiss a claim when the Board previously disposed of the case without granting the petition or claim.

Relettered subdivision (d) is being amended to specify that the 60-day period for submittal of a staff statement begins with the filing of a complete claim form. The word “Staff” after “Franchise Tax Board” is being amended to lower case.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed action does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed action 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 Board of Equalization makes an initial determination that the amendments to Regulations 5020, 5021, 5022, 5023, 5030, 5070, 5071, 5075, 5075.1, 5076, 5076.1, 5079, 5082.1, 5083, 5090, 5091, and 5093 and repeal of Regulation 5087 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with other states.

The proposed action 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 action may affect small business.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulations 5020, 5021, 5022, 5023, 5030, 5070, 5071, 5075, 5075.1, 5076, 5076.1, 5079, 5082.1, 5083, 5087, 5090, 5091, and 5093 have no comparable federal regulations.

AUTHORITY

Government Code section 15606(a); Health and Safety Code sections 105190 and 105310; Public Resources Code section 42882; Public Utilities Code section 893; Revenue and Taxation Code sections 7051, 7202, 7203, 7261, 7262, 7270, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 41071, 41128, 43501, 44003, 45851, 46601, 50152, 55301, and 60601.

REFERENCE

Government Code section 6253 and 15613; Civil Code section 1798.33; and Revenue and Taxation Code sections 254.5, 270, 742, 1840, 4877, 6538, 6538.5, 6561, 6561.5, 6562, 6814, 6902, 6904, 7091, 7209, 7270, 7700, 7700.5, 7710, 7710.5, 7711, 8128, 8129, 8269, 8828, 8828.5, 8851, 8851.5, 8852, 9152, 9153, 9269, 11340, 11353, 11657, 12428, 12429, 12978, 12979, 19045, 19046, 19047, 19048, 19072, 19084, 19085, 19087, 19331, 19332, 19333, 19334, 19335, 19345, 19346, 20645, 21013, 30243, 30243.5, 30261, 30261.5, 30262, 30362, 30363, 30458.9, 32301, 32301.5, 32302, 32312, 32313, 32402, 32469, 38433, 38435, 38441, 38442, 38443, 38602, 38603, 38708, 40091, 40092, 40093, 40112, 40113, 40209, 41085, 41086, 41087, 41101, 41102, 41169, 43301, 43302, 43303, 43351, 43352, 43452, 43520, 45301, 45302, 45303, 45352, 45353, 45652, 45865, 46302, 46303, 46351, 46352, 46353, 46502, 46503, 46620, 50114, 50115, 50116, 50120.2, 50120.3, 50140, 50156.9, 55081, 55082, 55083, 55102, 55103, 55222, 55330, 60332, 60333, 60350, 60351, 60352, 60522, 60523, and 60630.

CONTACT

Questions regarding the content of the proposed action should be directed to Ms. Ani Kindall, Senior Tax Counsel, telephone (916) 324-2195, fax (916) 323-3387, email Ani.Kindall@boe.ca.gov, or by mail at State Board of Equalization, Attn: Ani Kindall, MIC:82, P. O. Box 942879, 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 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, 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.

TITLE 20. PUBLIC UTILITIES COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION

The Public Utilities Commission (Commission) proposes to amend regulations described below after considering all comments, objections, or recommendations regarding the proposal.

At a duly noticed regularly scheduled meeting not earlier than June 10, 2004 at 10:00 a.m., the Commission will consider a proposal to amend Articles 2, 2.5, 3.5, 4, 7, 12.5, 13.5, 18, 19, 21, and 23 of the Commission's Rules of Practice and Procedure, set forth in Division 1, Chapter 1 of Title 20 of the California Code of Regulations. The proposed amended regulations will allow, but not require, the routine use of electronic mail to serve documents in Commission formal proceedings.

AUTHORITY TO ADOPT RULES

Article XII, Section 2 of the California Constitution and Section 1701 of the Public Utilities Code authorize the Commission to adopt Rules of Practice and Procedure.

INITIAL STATEMENT OF REASONS

The Commission proposes to revise its procedures in all its formal proceedings to facilitate the use of electronic mail to serve documents. The Commission also proposes minor revisions to enhance compatibility of existing rules with the new rules related to service of documents and to remove existing inconsistencies.

COMMENTS, OBJECTIONS, AND INQUIRIES

Any interested person may submit written comments or objections concerning the proposed amendments. The written comment period closes at 5:00 p.m. on March 15, 2004. All comments must be filed (by submitting an original and four copies) at the Commission's Docket Office by that time. Send one additional copy of comments to:

Anne E. Simon
California Public Utilities Commission
Division of Administrative Law Judges
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-2014
E-mail: aes@cpuc.ca.gov

Inquiries concerning the substance of the proposed amendments, requests for copies of the text of the proposed amendments, or other questions should be directed to Anne Simon. The Commission's Opinion Instituting Rulemaking for the proposed amendments is available on the Commission's web site,

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 these amendments are proposed or be as effective and less burdensome to affected private persons than the proposed amendments.

AVAILABILITY OF 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 action. 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 action 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 action. It will also be available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the proposed amendments to the 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 regulations. The text of any modified regulation will be mailed to those interested parties who commented 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 Board 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.

www.cpuc.ca.gov. The entire rulemaking file is also available for inspection and copying at the Commission's Central Files, Room 2002, at the above street address.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the comment period, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Anne Simon at either the mail or electronic mail address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which the modifications are made.

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

**ITEM # 1 Motor Vehicle Regulations:
CalWORKs and Food Stamp Programs**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held March 17, 2004 as follows:

March 17, 2004
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 17, 2004.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are attached. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

California Department of Social Services Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards Manual, Division 42 (Nonlinking Factors of Public Assistance Eligibility), Sections 42-207 (Property Which May Be Retained By An Applicant) and 42-215 (Determining Value Of Property); and Food Stamp Program Manual, Division 63, Sections 63-501 (Resource Determinations) and 63-1101 (Tables of Coupon Issuance).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Assembly Bill (AB) 231 (Chapter 743, Statutes of 2003) becomes effective January 1, 2004. AB 231 adopts Welfare and Institutions Code Section 18901.9 which allows the California Department of Social Services to align its vehicle resource rules governing the Food Stamp Program with those of an alternative program. Under the authority of this statute, the food stamp regulations will be aligned with those of the CalWORKs Child Care Program, and, consequently,

vehicles are exempt from being counted as resources when determining food stamp eligibility as allowed in Public Law 106-387, Section 847(a) and proposed 7 CFR 273.8(f)(4) as published in Federal Register Volume 68, No. 168, Page 51933 on August 29, 2003. Existing law requires CalWORKs to use the Food Stamp Program vehicle evaluation rules when determining eligibility for the CalWORKs Program. AB 231 eliminates this requirement and amends Welfare and Institutions Code Section 11155 to establish treatment of motor vehicles when determining CalWORKs eligibility. It is the intent of the Legislature that the current Food Stamp Program rules governing treatment of motor vehicles continue to apply in the CalWORKs Program. Therefore, the current Food Stamp Program regulations, located in the California Department of Social Services Manual of Policies and Procedures, governing treatment of motor vehicles, are being moved from Division 63 (Food Stamp Program Manual) to Division 42 (Eligibility and Assistance Standards Manual).

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$145,000 in the current State Fiscal Year.
2. Costs to Local Agencies or School Districts: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No county fiscal impact exists because the costs (\$48,000) are countable towards the County Maintenance of Effort for the CalWORKs Program. However, the SGF MOE dollars must be increased to backfill this \$48,000.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$159,000 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are "state-mandated local costs" in these regulations, which require federal and state reimbursement due to the increased administrative costs under Section 17500 et seq. of the Government Code. These regulations are mandated by the passage of AB 231, and will make more applicants eligible for the Food Stamp Program. There will be increased costs for the remaining CFAP population; however, the majority of the increased costs of benefits are paid entirely by the federal government.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting busi-

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

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments 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.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

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

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554 and 18904. Subject regulations implement and make specific Welfare and Institutions Code Section 18901.9 and 11155.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Everardo Vaca
(916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

GENERAL PUBLIC INTEREST

**PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

PROPOSED ADOPTION OF ARTICLE 7.5,
SECTIONS 584 THROUGH 584.10

NOTICE OF RESCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has re-scheduled the public hearing regarding the above referenced regulatory action pertaining to the participation of contracting agencies, county offices of education, school districts and community college districts in risk pools for retirement purposes from the originally noticed date and time of February 18, 2004 at 1:30 p.m. (or upon conclusion of the Health Benefits Committee meeting).

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

February 18, 2004
9:00 a.m.
California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702

Telephone: (916) 326-3007

Fax: (916) 326-3379

E-mail: marilyn_clark@calpers.ca.gov

**PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

PROPOSED AMENDMENT OF
SECTION 599.515(e)

NOTICE OF RESCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has re-scheduled the public hearing regarding the above referenced regulatory action pertaining to contracting public agencies that elect to terminate participation under the Public Employees' Medical and Hospital Care Act (PEMHCA) from the originally noticed date and time of February 18, 2004 at 9:00 a.m.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Health Benefits Committee:

February 18, 2004
10:00 a.m. (or upon the conclusion of the Benefits and Program Administration Committee Meeting)
California Public Employees' Retirement System
400 P Street

Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120

P.O. Box 942702

Sacramento, California 94229-2702

Telephone: (916) 326-3007

Fax: (916) 326-3379

E-mail: marilyn_clark@calpers.ca.gov

DECISION NOT TO PROCEED

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF DECISION NOT TO PROCEED

California Code of Regulations
Title 13, Sections 230.00-230.30, Lien Sales

Pursuant to Government Code Section 11347, NOTICE IS HEREBY GIVEN that the California Department of Motor Vehicles has decided not to proceed with the adoption of sections 230.00-230.30 of Title 13, Article 3, Chapter 1, Division 1, of the California Code of Regulations, regarding Lien Sales, (Notice File No. Z-03-0225-02, published March 7, 2003, in the California Regulatory Notice Register) and therefore withdraws this proposed action for further consideration.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

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

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code Sec. 11349.3)
OAL File No. 03-1201-02S**

DECISION OF DISAPPROVAL OF REGULATORY ACTION

In re:

AGENCY: DEPARTMENT OF SOCIAL SERVICES

REGULATORY ACTION: Title 22, California Code of Regulations, Manual of Policies and Procedures (MPP)

**Adopt sections 87725, 87725.1, and 87725.2;
Amend sections 87101, 87111, 87222, 87565, 87566, 87569, 87570, 87582, 87591, 87593, and 87724**

DECISION SUMMARY

In this regulatory action, the Department of Social Services (“DSS”) adopts and amends regulations pertaining to Residential Care Facilities for the Elderly (“RCFEs”). The regulations principally relate to the care of persons with dementia in RCFEs, including the implementation of dementia care-related provisions contained in Statutes of 2000, Chapter 434 (AB 1753).

On January 14, 2004, the Office of Administrative Law (“OAL”) notified DSS of the disapproval of the above-referenced regulatory action. OAL disapproved the regulations because of a failure to follow required procedures and because of a failure to comply with the “Clarity” standard of Government Code section 11349.1.

Date: January 20, 2004

BRADLEY J. NORRIS
Counsel

DEBRA M. CORNEZ
Senior Counsel

Original: Tameron Mitchell, Chief Deputy Director
cc: Anthony J. Velasquez, Chief, ORD

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.

Payment of Surcharges for Late Enrollment in Medicare Part B

This emergency regulatory adopts the criteria for the payment of the surcharge for late enrollment in Part B of Medicare.

Title 2
California Code of Regulations
ADOPT: 599.516
Filed 01/15/04
Effective 01/15/04
Agency Contact: Joe Parilo (916) 326-3484

BOARD OF EQUALIZATION
Sales to Common Carriers

This nonsubstantive filing deals with sales to common carriers. It adds a new operative date of April 1, 2004 through December 31, 2013 to an exemption from sales tax for water common carriers that meet specified criteria. This is a nonsubstantive change needed for consistency with Revenue and Taxation Code section 6385 (Stats. 2003, Ch. 712.) which reinstated the exemption for the specified operative dates of April 1, 2004 through December 31, 2013.

Title 18
California Code of Regulations
ADOPT: 1621
Filed 01/21/04
Effective 01/21/04
Agency Contact: Diane G. Olson (916) 322-9569

DEPARTMENT OF CORPORATIONS

Time Period for Filing 25102(f) Notice

In this emergency regulatory action, the Department of Corporations amends its regulation pertaining to the "Limited Offering Exemption Notice of Transaction" under Corporations Code section 25102(f).

Title 10

California Code of Regulations

AMEND: 260.102.14

Filed 01/16/04

Effective 01/16/04

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF HEALTH SERVICES

Authorization of Prosthetic and Orthotic (P& O) Appliances

This filing contains the first re-adoption of emergency amendments to section 51315. The action will decrease fraudulent billing by increasing the to 90 days the time frame in which costs can accumulate. This decreases the amount of reimbursement that can be received for appliances that have not gone through the prior authorization process. Pursuant to Welfare and Institutions Code, section 14043.75, and Statutes 1999, chapter 146, section 78 the initial adoption of these regulations and one re-adoption shall be deemed to be an emergency, exempt from review by the Office of Administrative Law, and shall remain in effect for no more than 180 days.

The filing also contains the repeal of section 51515, which is required by Welfare and Institutions Code, section 14105.21(e), and which, pursuant to Welfare and Institutions Code, section 14105.21(f) is not subject to the rulemaking provisions of the Administrative Procedure Act or to the review and approval of the Office of Administrative Law.

Title 22

California Code of Regulations

ADOPT: 51315 REPEAL: 51515

Filed 01/14/04

Effective 01/14/04

Agency Contact: Marylyn Willis (916) 657-3174

DEPARTMENT OF PESTICIDE REGULATION

Methyl Bromide Fiedl Fumigation

This emergency action repeals and readopts the current emergency regulations on methyl bromide field fumigation in order to preserve the status quo and allow DPR more time before adopting final regulations.

Title 3

California Code of Regulations

ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784

AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

Filed 01/14/04

Effective 01/14/04

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF SOCIAL SERVICES

ABAWD, Food Stamp Voluntary Quit, FSET Regulations

This filing is a certificate of compliance for an emergency regulatory action intended to bring California's Food Stamp regulations concerning voluntary quit and reduction of work effort into compliance with Federal Food Stamp Employment and Training (FSET) regulations.

Title MPP

California Code of Regulations

AMEND: 63-300, 63407, 63-408, 63-410, 63-411, 63-503, 63-505

Filed 01/16/04

Effective 01/16/04

Agency Contact:

Anthony J. Velasquez (916) 657-2586

FAIR POLITICAL PRACTICES COMMISSION

Notification to Contributors of \$5000 or More

The Fair Political Practices Commission is amending section 18427.1, title 2, California Code of Regulations, which pertains to notification of contributors of \$5,000.00 or more in a calendar year.

Title 2

California Code of Regulations

AMEND: 18427.1

Filed 01/14/04

Effective 02/13/04

Agency Contact: Carla Wardlow (916) 322-5660

FISH AND GAME COMMISSION

Commercial Groundfish

This action adjusts the seasonal two month closure for commercial cabezon, greenlings, and sheephead fishing in the north, central and southern ocean waters of California to coincide with the seasonal commercial closures of shallow nearshore and deeper nearshore rockfish fisheries.

Title 14

California Code of Regulations

AMEND: 150.06(c)

Filed 01/15/04

Effective 01/15/04

Agency Contact: Robert Treanor

PUBLIC UTILITIES COMMISSION

Petitions for Rulemaking

This rulemaking action establishes procedures for petitioning the commission to adopt, amend, or repeal a regulation pursuant to Public Utilities Code, section 1708.5.

Title 20
 California Code of Regulations
 ADOPT: 14.7
 Filed 01/14/04
 Effective 02/13/04
 Agency Contact: Myra Prestidge (415) 703-2629

STATE LANDS COMMISSION

Marine Invasive Species Control Fund Fee

This emergency action increases the existing Marine Invasive Species Control Fund fee from \$200 to \$500 per vessel voyage effective February 1, 2004.

Title 2
 California Code of Regulations
 AMEND: 2270, 2271
 Filed 01/15/04
 Effective 02/01/04
 Agency Contact:
 Livin D. Prabhu (562) 499-6312

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN SEPTEMBER 17, 2003
 TO JANUARY 21, 2004**

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

Title 2

01/15/04 ADOPT: 599.516
 01/15/04 AMEND: 2270, 2271
 01/14/04 AMEND: 18427.1
 12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013
 12/22/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
 12/19/03 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, 185
 12/01/03 ADOPT: 22100, 22110, 22120, 22130

12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
 11/20/03
 11/10/03 ADOPT: 18728.5 AMEND: 18703.3
 11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
 10/23/03
 10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
 10/10/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
 10/09/03 AMEND: 1555
 10/09/03 AMEND: 1859.77.2
 10/09/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
 10/06/03 AMEND: 18320, 18321, 18361, 18370, 18419, 18420, 18703.1, 18747
 10/02/03 ADOPT: 18709
 10/01/03 ADOPT: 559.937.3

Title 3

01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
 01/05/04 AMEND: 3700(c)
 12/26/03 AMEND: 3417(b)
 11/06/03 AMEND: 2303, 2309, 2311
 11/06/03 AMEND: 3700 (d)
 11/03/03 ADOPT: 6148, 6148.5, 6216, 6217 AMEND: 305, 6168, 6170, 6386, 6500, 6502, 6505, 6508, 6512
 10/27/03 AMEND: 3417(b)
 10/27/03 AMEND: 3423 (b)
 10/20/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4, 755.5, 755.6, 756, 756.1, 756.2, 756.3, 757, 758, 758.1, 759 AMEND: 753.2 REPEAL: 757, 759, 759.1, 759.2, 759.3, 759.4, 795.5
 10/14/03 AMEND: 3423(b)
 10/06/03 AMEND: 1430.35, 1430.36
 09/30/03 AMEND: 3651, 3655, 3658, 3662
 09/29/03 AMEND: 3055.6(c)
 09/25/03 AMEND: 3417

Title 4

12/15/03 ADOPT: 12250 AMEND: 12101, 12122
 11/06/03 ADOPT: 12200, 12201, 12202, 12203, 12204, 12205, 12206, 12207, 12208, 12209, 12210, 12211, 12212, 12213,

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 5-Z

12214, 12220, 12221, 12222, 12223,
12224, 12225, 12226, 12227, 12228,
12229, 12230, 12231, 12232
10/30/03 ADOPT: 12270, 12271, 12272
10/14/03 ADOPT: 12371 AMEND: 12370
10/02/03 AMEND: 4001
09/23/03 ADOPT: 2100, 2101, 2102, 2103, 2104,
2105 AMEND: 1928
09/18/03 AMEND: 1979.1

Title 5

12/29/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,
18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021
12/01/03 AMEND: 30950, 30953, 30954, 30958,
30959
11/21/03 AMEND: 50500
11/20/03 ADOPT: 600, 601, 602, 603, 604, 605,
606, 607, 608, 609, 610, 611
11/06/03 AMEND: 51025
11/06/03 ADOPT: 1068, 1069, 1070., 1071,1072,
1073, 1074
11/05/03 AMEND: 53001, 53021
11/04/03 ADOPT: 15060, 15070, 15071
10/29/03 ADOPT: 13075
10/28/03 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4, 11963.5, 11963.6
10/20/03 AMEND: 80020.1
09/23/03 ADOPT: 18270.5, 18280, 18281
AMEND: 18023, 18272, 18273, 18274,
18275, 18279
09/22/03 ADOPT: 40520, 40521, 40522, 40523

Title 8

01/02/04 ADOPT: 9789.10, 9789.11, 9789.20,
9789.21, 9789.22, 9789.23, 9789.24,
9789.30, 9789.31, 9789.32, 9789.33,
9789.34, 9789.35, 9789.36, 9789.37,
9789.38, 9789.40, 9789.50, 9789.60,
9789.70, 9789.80, 9789.90, 9789.100,
9789.110
12/31/03 ADOPT: 10250
12/22/03 AMEND: 341.17
12/18/03 ADOPT: 15611 AMEND: 15600, 15601,
15601.7, 15602, 15603, 15604, 15605,
15606, 15607, 15608 REPEAL: 15610
11/20/03
11/13/03 AMEND: 32120, 32125, 32135, 32603,
32605, 32620, 32635, 32798, 32980,
61000, 61090, 31240, 61380, 61420,
61480
11/12/03 ADOPT: 15220, 15220.1, 15220.2,
15220.3, 15200.4, 15220.5, 15220.6,
15220.7, 15220.8 AMEND: 15201,
15210, 15210.1, 15210.2, 15216, 15430
10/30/03 ADOPT: 3663(g), 3663(h)
10/30/03 AMEND: 4968

10/27/03 ADOPT: 5148
10/20/03 ADOPT: 5035(c) AMEND: 5035(b)
10/16/03 AMEND: 21200
10/09/03 ADOPT: 341.17
10/06/03 AMEND: 10104, 10107.1, 10111.2

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

01/16/04 AMEND: 260.102.14
01/02/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42 REPEAL: 2698.40,
2698.41, 2698.42, 2698.43, 2698.44,
2698.45
12/31/03 AMEND: 2318.6, 2353.1, 2354
12/31/03 AMEND: 2318.6, 2353.1
12/30/03 ADOPT: 2699.6612, 2699.6827
AMEND: 2699.6500, 2699.6600,
2699.6607, 2699.6611, 2699.6705,
2699.6715, 2699.6717, 2699.6725,
2699.6813, 2699.6815, 2699.6819
12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074
REPEAL: 4070, 4071, 4072, 4073, 4074
12/26/03 REPEAL: 4550, 4551, 4552, 4553
12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614,
4615, 4616, 4617, 4618, 4619
12/26/03 REPEAL: 4620
12/26/03 REPEAL: 4035, 4036, 4037, 4038
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204,
6205, 6206, 6207
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029,
4030, 4031, 4032
12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313,
5314, 5315, 5316, 5317, 5318, 5319,
5320, 5321, 5322, 5323, 5324, 5326,
5327, 5328, 5329, 5330, 5340, 5341,
5342, 5343
12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12
12/22/03 AMEND: 2190.05, 2190.7
12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3,
2591.4
11/18/03 ADOPT: 2361
11/07/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3,
2194.4, 2194.5, 2194.6, 2194.7, 2194.8
10/31/03 AMEND: 260.102.14

Title 11

01/06/04 ADOPT: 2000, 2001, 2020,2050, 2051, 2052, 2053, 2070, 2071, 2072, 2140, 2141, 2142
 12/30/03 AMEND: 1005
 12/05/03 AMEND: 1002(a)(8)
 12/01/03 AMEND: 51.18
 11/13/03 AMEND: 1005
 11/12/03 ADOPT: 994, 994.1, 994.2, 994.3, 994.4, 994.5, 994.6, 994.7, 994.8, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16
 11/10/03 AMEND: 2010, 2030, 2060 REPEAL: 2031, 2032, 2034, 2035, 2036
 10/07/03 AMEND: 1004, 1005
 10/01/03 ADOPT: 995
 09/29/03 ADOPT: 1081(a)(34)

Title 13

01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.1 25.13, 25.14, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 12/31/03 AMEND: 550, 551.1, 551.2, 551.11, 551.12, 551.13, 551.14, 551.15, 551.16, 551.17, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 565, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595, 598
 12/23/03 ADOPT: 225.48
 12/23/03 ADOPT: 220.20 AMEND: 220.00, 220.02, 220.04, 220.06, 220.08, 220.12, 220.14, 220.16, 220.18, 221.00, 221.02, 221.04, 221.06, 221.08, 221.10, 221.12,
 11/04/03 AMEND: 1956.1, 1956.8, 1961, 1965, 1978, 2065,
 10/30/03 AMEND: 1214
 10/29/03 AMEND: 125.00, 125.02, 125.06, 125.10, 125.12, 125.14, 125.16, 125.18, 125.20, 125.22
 10/16/03 AMEND: 1956.1, 1956.2, 1956.4, 1956.8, 2112
 10/10/03 ADOPT: 158.00

Title 14

01/15/04 AMEND: 150.06(c)
 01/12/04 ADOPT: 17946, 17949
 12/31/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 4970.21, 4970.21, 4970.22, 4970.23, 4970.2
 12/30/03 ADOPT: 1.18
 12/26/03 AMEND: 7.50(b)(147)

12/01/03 AMEND: 895.1, 898(a), 914.8, [934.8, 954.8](g), 916 [936, 956](e), 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11, [936.11, 956.11](b), 916.12, [936.12, 956.12](f), 923.3, [943.3, 963.3](h), 923.9, [943.9, 963.9](g)
 12/01/03 AMEND: 895, and 913.4, 933.44, 953.4 (Special Prescriptions)
 11/18/03 REPEAL: 895, 895.1, 913.13, 936.13, 956.13, 916.13, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956
 11/13/03 AMEND: 163, 164
 11/07/03 AMEND: 52.10, 150.06, 150.16
 11/03/03 AMEND: 18464, 18465
 10/16/03 AMEND: 4400
 10/14/03 ADOPT: 17346, 17346.1, 17346.2, 17346.3, 17346.4, 17346.5, 17346.6, 17346.7, 17347, 17347.1, 17348, 17349
 10/06/03 AMEND: 120.7, 190
 09/26/03 AMEND: 502
 09/18/03 AMEND: 180.2

Title 14, 27

12/26/03 ADOPT: 17387, 17387.1, 17387.5, 17388, 17388.1 17388.2, 17388.3, 17388.4, 17388.5, 17389, 17390, 18223.6 AMEND: 24565, 21570

Title 15

01/09/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376
 12/30/03 AMEND: 3044, 3092, 3138, 3190
 12/02/03 AMEND: 3082(a)
 12/01/03 AMEND: 3044(d) & (e)
 11/07/03 AMEND: 2576, 2578, 2580
 10/27/03 AMEND: 2051, 2052, 2054
 10/23/03 AMEND: 3043.5, 3043.6, 3044
 10/14/03 AMEND: 4941
 10/14/03 AMEND: 2000, 2041, 2042, 2043, 2044

Title 16

12/29/03 AMEND: 3830
 12/18/03 AMEND: 1920
 11/25/03 AMEND: 1610, 1615, 1690 REPEAL: 1622
 11/13/03 ADOPT: 1314.1 AMEND: 1300.4
 11/12/03 AMEND: 1399.662, 1399.666, 1399.667, 1399.668
 11/03/03 ADOPT: 2317, 2317.1, 2317.2, 2326.5, 2328.1
 10/22/03 ADOPT: 356.1
 10/16/03 AMEND: 390.2
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09/30/03 ADOPT: 1313.01, 1313.02, 1313.03, 1313.04, 1313.05, 1313.06

09/29/03 AMEND: 1361

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12/05/03 ADOPT: 94166, 94167 AMEND: 94010, 94011, 94163, 94164, 94165

12/04/03 AMEND: 70600, 70601

12/02/03 AMEND: Division 2, Chapter 1', Article 5, Subchapter 3, Section 50300

10/09/03 AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671

09/25/03 AMEND: 54001, 54010

09/23/03 ADOPT: 13676 AMEND: 13675

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01/21/04 ADOPT: 1621

12/22/03 ADOPT: 1598.1

12/04/03 REPEAL: 24348 (a)

10/29/03 AMEND: 1802

10/14/03 AMEND: 462.040, 462.240

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01/14/04 ADOPT: 14.7

12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3, 1395.4, 1395.6

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01/14/04 ADOPT: 51315 REPEAL: 51515

12/24/03 ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6

12/09/03 AMEND: 66262.32

11/03/03 ADOPT: 115500, 115510, 115520 REPEAL: MPP Section 12-223.2 through .22

10/27/03 AMEND: 4304.3 (renumber to 4304-3)

10/22/03 AMEND: 66264.143, 66264.145, 66265.143, 66265.145

10/16/03 ADOPT: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51532.3, 51535, 51535.1, 51544, 54501

09/26/03 AMEND: 70217, 70225, 70455

09/23/03 AMEND: 67450.42

09/23/03 ADOPT: 97244, 97245, 97246, 97247, 97248, 97249, 97250 AMEND: 97045, 97210, 97211, 97212, 97213, 97215, 97241 REPEAL: 97214, 97239, 97242, 97243

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01/05/04 AMEND: 3977

12/23/03 ADOPT: 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 3833.1 AMEND: 655, 656, 676, 736, 791, 793, 812, 842, 871, 1010, 3833, 3867 REPEAL: 677

12/22/03 AMEND: 3926

12/18/03 ADOPT: 3927

11/19/03 ADOPT: 3924

10/27/03 AMEND: CCR Title 23, Division 3, Chapter 9, section 2200 & 2200.5

09/23/03 ADOPT: 2050.6 AMEND: 2050, 2050.5, 2051, 2052, 2053, 2064, 2066, 2067

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09/29/03 ADOPT: 7715, 7716, 7717, 7718, 7719, 7720, 7721, 7722, 7723, 7724, 7725, 7726, 7727, 7728, 7729, 7730, 7731, 7732, 7733, 7734, 7735, 7736, 7737, 7738, 7739, 7740, 7741, 7742, 7743, 7744, 7745, 7746, 7747, 7748, 7749, 7750, 7751, 7752, 7753, 7754 7755, 77

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09/19/03 ADOPT: 7003 AMEND: 7000, 7002, 7004, 7005, 7006, 7008, 7012, 7016 REPEAL: 7010, 7014, 7018

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10/29/03 ADOPT: 1009

10/27/03 AMEND: 1005

10/20/03 AMEND: 1300.67.8

09/23/03 ADOPT: 1300.74.72

09/18/03 ADOPT: 1300.87

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12/30/03 AMEND: 101170, 102370

12/29/03 ADOPT: 87701.2 AMEND: 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87702, 87702.1, 87703, 87704, 87705, 87707, 87708, 87709, 87710, 8711, 87713

12/17/03 ADOPT: 85001(a)(2)-(4), 85001(d)(1), 85001(f)(1), 85001 (h)(1) -(4), 85001(t)(1);85075.1, 85075.2, 85075.3 AMEND: 85075.4

12/10/03 ADOPT: 89002 AMEND: 80017, 87118, 87817, 88030, 89317, 110168, 102368

11/18/03 ADOPT: 84065.2(a)(1)(A)(1)(A)(2), 64065.5(b)(1)(b)(2), 64065.7(d), 8400(b)(b)(1)(2)(3)(4)(), 84222(a)(5)(B)(a) (12)(a)(13), 84265(c)(1)(C)(D)(c)(4)(C)(D)(e)(e)(1), 84268.3(a)(1), 84272.1(e), 84274(c)(3), 84275(c), 84277(a)(1), 84278(g), 84278.1(g) AMEND:

11/12/03 ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 81819.1, 87854, 87861, 87865, 87866,

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10/27/03 ADOPT: 86000, 86001, 86005, 86009,
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86065.5, 86066, 86068.1, 86068.2,
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12/31/03 AMEND: 42-207, 42-215, 63-501, 63-
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12/29/03 AMEND: 42-712, 42-719, 44-111

12/15/03 AMEND: 11-405.2, 11-406(f)

11/26/03 AMEND: 40-181.1,(e), 40-181.22, 42-
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