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

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PROPOSED ACTION ON REGULATIONS

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

TITLE 2. DEPARTMENT OF PARKS AND RECREATION

NOTICE OF INTENTION TO AMEND

CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION intends to amend its Conflict of Interest Code pursuant to Government Code § 87302. Pursuant to Government Code § 87300–87302, the code designates classifications of employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

WRITTEN COMMENT PERIOD

A written comment period has been established commencing February 7, 2003 and terminating on March 24, 2003. Any interested person may present written comments concerning the proposed code amendments no later than March 24, 2003, to the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, 1416 Ninth Street, Room 1018, Sacramento CA 95814, Attention: Linda Stott (916) 653-3919. No public hearing on this matter will be held unless any interested person or his or her representative requests in writing, no later than 15 days (March 10, 2003) prior to the close of the written comment period, a public hearing.

WRITTEN EXPLANATION

The CALIFORNIA DEPARTMENT OF PARKS AND RECREATION has prepared a written explanation of these reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

REQUESTS FOR PROPOSED AMENDMENT

Copies of the proposed code amendments and all of the information upon which it is based may be obtained from the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, 1416 Ninth Street, Room 1018, Sacramento CA 95814, Attention: Linda

Stott. Any inquiries concerning the proposed code amendments should be directed to Linda Stott, (916) 653-3919.

CONSIDERATION OF ALTERNATIVES

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION has determined that no alternative considered 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 that the proposed action.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The CALIFORNIA DEPARTMENT OF PARKS AND RECREATION has determined that this proposal imposed no mandate on local agencies or school districts.

Cost or savings to any state agency: none

Cost to any local agency or school district in which reimbursement is required under Part 7 (commencing with § 17500) of Division 4 of the Government Code: none

Other nondiscretionary cost or savings imposed on local agencies: none

Cost or savings in federal funding to the state: none

EFFECT ON HOUSING COSTS AND SMALL BUSINESS

The adoption, amendment or repeal of the proposed regulation will have no significant effect on housing costs or on private persons, businesses, or small businesses.

SPECIAL NOTE FOR STATE AGENCIES

This notice should be filed with Office Administrative Law, and the Fair Political Practices Commission and served individually on agency employees and officers affected by this code 45 days prior to agency action.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

California Managed Risk Medical Insurance Board

A written comment period has been established commencing on **February 7, 2003**, and closing on

March 24, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin Moen**, 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 24, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Embassy Suites South, LAX, 1440 East Imperial Avenue, El Segundo, California, 90245 at 9:00 a.m., on March 26, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Rob Lynch in this Notice, must be received by the California State Athletic Commission at its office not later than 5:00 p.m. on March 25, 2003 or must be received by the California State Athletic Commission at the hearing. The California State Athletic Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18705 and 18706 of said Code, the California State Athletic Commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the Commission to adopt, amend or repeal regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Section 354

The existing regulation specifies that ten seconds before the beginning and ending of each round the timekeeper should give warning to the seconds of the contestants by suitable signal.

The proposed amendment would require the timekeeper to signal five seconds before the ending of each round and ten seconds before the beginning of each round. The objective of the amendment is as follows:

When a referee hears the 10 second warning the referee moves into position to separate the boxers. This takes approximately 2 seconds which places the referee in a precarious position on interfering with the boxers with eight seconds remaining. Most technical fouls occur in the last 10 seconds of the round. Also, experienced fighters will use the last 10 seconds to plan a strategy for getting in the last "shot" which usually occurs at or after the bell. Additionally, the corner workers use the last 10 seconds to climb up on the ring apron which is against the rules.

This amendment is proposed to eliminate or reduce any improper conduct and/or technical fouls by the participants that occur in the last 10 seconds of a round by instructing the timekeeper to issue a warning that the round is about to end when there are only 5 seconds remaining in the round. This change would also contribute to eliminating or reducing the amount of time the referee may be in harms way when separating the fighters at the end of the round. The retention of the ten second warning prior to the beginning of the round gives the corner workers ample time to exit the ring.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

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

The Commission polled other state athletic commissions and the majority of responses favored the five second rule.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this regulation.

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The California State Athletic Commission has determined that the proposed regulations would not affect small businesses. This amendment will affect no one.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue, Suite 33, Sacramento, California 95825.

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

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

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

CONTACT PERSON

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

Name: Rob Lynch
Address: 1424 Howe Avenue, Suite 33
Sacramento, CA 95825
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail Address: Robert_Lynch@dca.ca.gov

The back-up contact person is Jessica Finch at 263-2195.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/csac.

**TITLE 5. STUDENT
AID COMMISSION**

NOTICE OF INTENTION TO AMEND THE
CONFLICT OF INTEREST CODE

Notice is hereby given that the California Student Aid Commission (CSAC), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict of Interest Code. The purpose of this amendment is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

CSAC proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that

may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds "Director of Treasury" to the EdFund designated positions, and specifies the disclosure responsibilities for the position. Additionally, this amendment re-assigns the correct disclosure categories for Chief Deputy Director and Division Chief positions. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendment by submitting them in writing no later than April 1, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendment. If any interested person or the person's representative requests a public hearing, he or she must do so no later than March 17, 2003, by contacting the Contact Person set forth below.

CSAC has prepared a written explanation of the reasons for the proposed amendment and has available the information on which the amendment is based. Copies of the proposed amendment, the written explanation of the reasons, and the information on which the amendment is based may be obtained by contacting the Contact Person set forth below.

CSAC has determined that the proposed amendment:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on 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.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making this proposed amendment, CSAC must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendment is proposed or would be as effective and less burdensome to affected persons than the proposed amendment.

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

Claire Lillie
California Student Aid Commission
Management Services Division
PO Box 419026
Rancho Cordova, CA 95741-9026
(916) 526-8043
clillie@csac.ca.gov

TITLE 10. TECHNOLOGY, TRADE AND COMMERCE AGENCY

Enterprise Zones Chapter 7.8, Sections 5631–5636

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the California Technology, Trade and Commerce Agency proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Agency proposes to adopt new sections 5631–5636 to Title 10 of the California Code of Regulations in order to implement, interpret and make specific Revenue and Taxation Code sections 17053.74 and 23622.7, and Government Code sections 7071, 7072, and 7076.1, relating to the hiring vouchers issued to businesses in the enterprise zone.

PUBLIC HEARING

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments may be submitted to the Agency's office address until **5:00 p.m. on March 24, 2003**. Written comments should be mailed to the following address:

Terri Toohey, Regulations Coordinator
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000
Sacramento, CA 95814
E-Mail: ttoohey@commerce.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code section 7086 in order to implement, interpret, and make specific Revenue and Taxation Code sections 17053.74 and 23622.7, and Government Code sections 7071, 7072, and 7076.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Agency proposes to adopt new sections 5631, 5632, 5633, 5634, 5635 and 5636 to Title 10 of the California Code of Regulations.

The primary purpose of the proposed regulations is to establish procedures for enterprise zone vouchering agents issuing hiring tax credits vouchers for businesses in their jurisdictions.

Government Code section 7086 provides that the Agency shall adopt all regulations necessary to carry out the goals of the enterprise zone statutes. Revenue and Taxation Code sections 17053.74 and 23622.7 provide for a credit against the tax to a taxpayer who employs a qualified employee in an enterprise zone. These sections also provide that the taxpayer shall obtain a certification from either the Employment Development Department or the local county or city Job Training office or social services agencies demonstrating that their employee meets the qualified employee requirements. The enterprise zones are the local agencies issuing these certifications. These regulations will establish the procedures for attaining the vouchers.

Section 5631 will provide that each enterprise zone jurisdiction will have a program authorized to issue the certification, names the certification a "Hiring Tax Credit Voucher", specifies the requirements on the voucher form, establishes the criteria for approval of the voucher and the timeframe for approving vouchers, and requires maintenance of the vouchers and documentation for five years.

Section 5632 will specify the documents required to demonstrate the employee is a qualified employee as defined by the Revenue and Taxation Code sections 17053.74 and 23622.7.

Section 5633 will allow enterprise zones to issue vouchers for businesses not within their zone boundaries and specifies the requirements for the business and enterprise zone to be eligible for cross jurisdictional vouchering.

Section 5634 will provide for retroactive vouchering by the enterprise zone vouchering programs.

Section 5635 will provide for audits by Agency staff of all enterprise zone vouchering programs.

Section 5636 will provide for an appeal process for vouchers denied approval by an enterprise zone vouchering program.

DISCLOSURES REGARDING THE PROPOSED ACTION

The California Technology, Trade and Commerce Agency has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or businesses: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- The adoption of the proposed regulation will not eliminate existing businesses/jobs within the State of California. The adoption of the proposed regulation will create new businesses/jobs within the enterprise zone. The proposed regulation will also affect the expansion of businesses currently doing business within an enterprise zone.
- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The California Technology, Trade and Commerce Agency has determined that the proposed regulation will impact those small businesses within an Enterprise Zone. The adoption of these regulations will allow small businesses within the enterprise zone to seek certification of employees for hiring tax credits permitted within an enterprise zone.

ALTERNATIVES CONSIDERED

The California Technology, Trade and Commerce Agency must determine that no reasonable alternative it considered or that has been otherwise identified and brought to the attention of the agency would be more effective in carrying out the purpose of the proposed action, or be as effective and less burdensome to affected private person than the proposed regulations. The Agency invites interested persons to present

statements or arguments concerning alternatives to the proposed regulation during the public comment period.

CONTACT PERSON

Inquiries and questions regarding the substance of the proposed regulations should be submitted or directed to:

Ellen Fishman
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000
Sacramento, CA 95814
916-322-4093
Fax: 916-322-3524
E-mail: efishman@commerce.ca.gov

The following person is designated as a backup contact person for inquiries regarding the proposed regulation:

Robert Switzer
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000
Sacramento, CA 95814
916-322-5665
Fax: 916-322-3524
E-mail: rswitzer@commerce.ca.gov

Please direct requests for copies of the proposed text, the initial statement of reasons, the modified text of the regulations, if any, or any other rulemaking documents to:

Terri Toohey, Regulations Coordinator
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000
Sacramento, CA 95814
916-324-3787
Fax: 916-322-0669
E-Mail: ttoohey@commerce.ca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Agency may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Agency may determine that changes to the proposed regulation are appropriate. If the Agency makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated)

available to the public for at least 15 days before the Agency adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Terri Toohey at the above address. The Agency will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Agency's office at 1102 Q Street, Fifth Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Agency is required to prepare a Final Statement of Reasons. Once the Agency has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

AGENCY INTERNET WEBSITE

The Agency maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.commerce.ca.gov

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner ("Commissioner") proposes to amend Sections 260.140.72, 260.140.72.1 and 260.140.72.5 of Title 10, California Code of Regulations, under the Corporate Securities Law of 1968, as amended, relating to the offerings of debt securities by churches.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the

Department of Corporations' ("Department") contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Kathy Womack, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m. on March 25, 2003. Written comments may also be sent to Kathy Womack (1) via electronic mail at regulations@corp.ca.gov or (2) via fax (916) 322-3205. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department regulates the offer and sale of securities pursuant to the Corporate Securities Law of 1968, as amended ("CSL"). Under the CSL, it is unlawful to offer or sale any security in the state unless the offer or sale has been qualified with the Commissioner or is exempt from qualification.

Current regulations of the Commissioner set forth specific standards for the qualification of debt securities issued by churches. Specifically, current rules set forth the standards and provisions generally to be followed with respect to an application for qualification filed by a church for a permit to issue promissory notes or other debt securities pursuant to Corporations Code Section 25113 of the CSL.

The proposed rules set forth changes to the Commissioner's rules to: (1) broaden the definition of "church" to include "mosque"; (2) specify that churches are "nonprofit" entities; (3) require an opinion of legal counsel attesting to the authority of the issuer to offer and sell the bonds; and (4) modify language of the regulation to state that the offering shall be accompanied by disclosure documents that contain information required by the offering circular provisions of the Guidelines for Offerings of Church Bonds of the North American Securities Administrators Association ("NASAA") dated April 24, 2002. These changes make various clarifying and conforming revisions to modernize the Commissioners rules consistent with NASAA's Guidelines for Offering Church Bonds dated April 24, 2002.

AUTHORITY

Section 25610, Corporations Code.

REFERENCE

Section 25140, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 25/01-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 25/01-C. These documents are also available at the Department's website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Law and Legislation maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

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

FISCAL IMPACT

- Cost or Savings to any State Agency: None.
- Direct or Indirect costs or savings in federal funding to the state: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not significantly 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 the State of California; or (3) the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses because the proposed action makes clarifying changes to current regulations. Moreover, entities organized as nonprofit institutions are excluded from the definition of small business in Government Code Section 11342.610, subdivision (b)(6).

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations may be directed to Kathy Womack at (916) 322-3553. The backup contact person is Karen Fong at (916) 322-3553. Inquiries regarding the substance of the proposed regulation may be directed to Gayle T. Oshima, Corporations Counsel, Department of Corporations, 1390 Market Street, Suite 810, San Francisco, CA 94102-5303, (415) 557-0107.

TITLE 15. BOARD OF CORRECTIONS

STANDARDS AND TRAINING OF LOCAL CORRECTIONS AND PROBATION OFFICERS

Notice is hereby given that the Board of Corrections, ("Board") Standards and Training for Corrections Program, pursuant to the authority vested by Sections 6035–6036 of the Penal Code, proposes to adopt, amend, or repeal regulations in Sections

100–358 of Subchapter 1, Title 15 of the California Code of Regulations. Any person may present statements or arguments (verbally or in writing) relevant to the proposed regulations.

PUBLIC HEARING

The Board of Corrections has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period pursuant to Section 11346.8. Requests to schedule a public hearing should be forwarded to Nathaniel Reed, Field Representative, Standards and Training Program, 600 Bercut Drive, Sacramento, CA 95814. The public hearing will remain open as long as persons in attendance are presenting testimony.

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 closes at **5:00 p.m. on March 28, 2003**. The Board will consider only comments received at the Board by that time. The Board may adopt the proposal substantially as set forth without further notice, or may modify the proposals if such modifications remain sufficiently related to the text as described in the Informative Digest. If a sufficiently related change is made by the Board, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, will be made available to all persons who request notification from the Board for at least 15 days before the Board adopts, amends, or repeals the resulting regulation. Send requests to modify text to the contact person designated in this Notice.

AUTHORITY AND REFERENCE

The California Penal Code Sections 6035–6036 gives the Board of Corrections statutory authority to adopt and implement the proposed regulations to establish minimum selection and training standards of local corrections and probation officers.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law provides for the Board to establish minimum selection and training standards of local corrections and probation officers.

The Board proposes to adopt sections 100–358 of Subchapter 1, Title 15 of the California Code of Regulations (CCR). These sections establish minimum training standards for local corrections statewide. Pursuant to these mandates of Sections 6035 and 6036 of the Penal Code, the Board of Corrections has

conducted a limited review and evaluation of these regulations. The proposal to adopt, amend or repeal certain sections will effect: 1) title changes of Juvenile Counselor and Corrections Officer as follows:

- Juvenile Counselor changes to Juvenile Correction's Officer
- Corrections Officer changes to Adult Correction's Officer

The title of Executive Officer, will also be changed to Executive Director; and 2) provide language to clarify eligible staff positions for Full and Limited participation. The proposal to the remaining sections of the regulations is for clarification of regulatory language, to reconcile regulatory language with codified requirements, and to reflect current practices of local corrections agencies.

AVAILABILITY OF RULEMAKING FILE AND DOCUMENTS

Copies of the Statement of Reasons and the exact language of the proposed action may be obtained in person or by submitting a request in writing to the contact persons designated in this Notice. The address noted for the contact persons is the location of the rulemaking file and all information considered as the basis for these proposals. The information will be maintained for inspection during the Board's normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

A copy of the Final Statement of Reasons, once it has been prepared, will be made available by the contact person listed below.

All these documents are also available on our website at www.bdcorr.ca.gov.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board of Corrections has made the following initial determinations

Fiscal impact on public agencies including costs or savings to State Agencies or Costs/Savings to Local Agencies or cost or savings in federal funding to the state: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Cost Impact on representative private persons or businesses: The Board is not aware of any costs impacts that a representative private person or

business would necessarily incur in reasonable compliance with proposed action.

Adoption of these regulations will not:

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

Significant effect on housing costs: None

Declaration Relating to Impact on all California Businesses: The Board, in the development of the proposed regulation, has assessed the potential for significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, and has found that the proposed amendment of Title 15, Sections 100–358, will have no effect. This finding was based on the determination that the proposed amendment to Title 15 does not apply to businesses.

Small Business Determination

The Board has determined that the proposed amendment of Title 15, Sections 100–358 of the regulations do not affect small businesses. This finding was based on the determination that the proposed amendment to Title 15 does not apply to small businesses.

CONSIDERATION OF ALTERNATIVES

In order to take this action, 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 that the proposed action.

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to the following staff:

Primary

Nathaniel Reed, Field Representative
Standards and Training for Corrections (STC)
600 Bercut Drive
Sacramento, CA 95814
(916) 324-2878
email: nreed@bdcorr.ca.gov

Backup

Wayne Landberg, Field Representative
Standards and Training for Corrections (STC)
600 Bercut Drive
Sacramento CA 95814
(916) 323-6152
email: wlandberg@bdcorr.ca.gov

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to promulgate Regulation 1707, Electronic Funds Transfer, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on March 26, 2003. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by March 26, 2003.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code sections 6479.3 and 6479.5, require the Board of Equalization to administer the Electronic Funds Transfer (“EFT”) payment process for specific types of tax payments. Regulation 1707, Electronic Funds Transfer, is proposed to be promulgated to interpret, implement and make specific Revenue and Taxation Code sections 6479.3 and 6479.5.

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 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 1707 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed 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**

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

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Proposed Regulation 1707 has no comparable federal regulations.

AUTHORITY

Section 7051 Revenue and Taxation Code.

REFERENCE

Sections 6479.3 and 6479.5 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 initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street,

Sacramento, California. The notice, initial statement of reason and the text of the proposed regulation are available on the internet at the Board's website <http://www.boe.ca.gov>.

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.

**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.

**TITLE 18. BOARD
OF EQUALIZATION****NOTICE IS HEREBY GIVEN**

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to promulgate Regulation 1803.5, Long-Term Leases of Motor Vehicles, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on March 26, 2003. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by March 26, 2003.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Prior to 1996, the local use tax revenues from long-term lease of motor vehicles were allocated to the place where the vehicle was presumed to be used

generally, the place of registration. Regulation 1803.5, Long-Term Leases of Motor Vehicles, is proposed to be promulgated to interpret, implement and make specific Revenue and Taxation Code section 7205.1, enacted operative January 1, 1996 (SB 602, Stats. 1995, Ch. 676), as amended operative January 1, 1999 (AB 1946, Stats. 1998, Ch. 140) and as clarified by SB 2092 (Stats. 2002, Ch. 775, § 42). The statute changed the allocation of local use tax derived from defined long-term automobile lease transactions to the place of business of the lessor, as defined.

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 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 1707 will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed 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 COSTS

No significant effect.

FEDERAL REGULATIONS

Proposed Regulation 1803.5 has no comparable federal regulations.

AUTHORITY

Section 7051 Revenue and Taxation Code.

REFERENCE

Section 7205.1 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 alternative considered 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 initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The notice, initial statement of reason and the text of the proposed regulation are available on the internet at the Board's website <http://www.boe.ca.gov>.

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.

**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 you inspection at 450 N Street, Sacramento, California.

**TITLE 18. BOARD
OF EQUALIZATION**

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1553, Miscellaneous Repair Operations, 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 regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on March 26, 2003. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by March 26, 2003.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Current law, Revenue and Taxation Code section 6006, provides that a transfer of tangible personal property for a consideration is a sale. Sales tax attached only to sales of tangible personal property. Section 6008 defines "tangible personal property," but services are not defined. As a result, the Board must define when a person who sells tangible personal property along with services makes a retail sale of the tangible personal property or merely transfers it incidentally to the service.

Regulation 1553, Miscellaneous Repair Operations, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code section 6006 as it applies to transfers of tangible personal property pursuant to repairs of watches and jewelry. Amendments are proposed to (1) amend subdivision (e) of Regulation 1553 to clarify that repairers are consumers of parts used in repairing watches and

jewelry and that tax is due on their cost except as defined therein; and (2) to make non-substantive changes to correct the reference to Revenue and Taxation Code section 6006 in the California Code of Regulations, add a reference to Regulation 1546, correct a typographical error in subdivision (a) of the regulation, and enhance clarity and consistency.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

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

EFFECT ON BUSINESS

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

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

The proposed regulations may affect small business.

**COST IMPACT ON PRIVATE PERSON
OR BUSINESSES**

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

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Regulation 1553 and the proposed changes have no comparable federal regulations.

AUTHORITY

Section 7051, Revenue and Taxation Code.

REFERENCE

Section 6006 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 INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The notice, initial statement of reason and the text 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 the 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 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking
Title 22, California Code of Regulations

SUBJECT

Drug Medi-Cal Rates, R-32-01E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct a public hearing commencing at 10 a.m. on April 2, 2003 in the auditorium at 714 P Street, Sacramento, CA, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on April 4, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-32-01E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Mary Conway of the Department of Alcohol and Drug Programs at (916) 327-4742.
3. All other inquiries concerning the action described in this notice may be directed to Barbara Gallaway, R.N., M.S.N., of the Office of Regulations at (916) 657-3197, or to the designated backup contact person, Michelle Tedrow, at (916) 653-1747.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This emergency regulatory action amends California Code of Regulations, title 22, section 51516.1 by updating Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for State Fiscal Year (FY) 2001–2002. The emergency regulation implements, interprets, and makes specific the provisions of Welfare and Institutions Code sections 14021.5, 14021.6 and 14105 and Health and Safety Code section 11758.42. These provisions require the Department of Alcohol and Drug Programs, in consultation with the Department of Health Services, to establish rates for Drug Medi-Cal services, establish a dosing fee for Methadone and Levoalphacetylmethadol, and establish a per capita uniform statewide monthly reimbursement rate for ancillary services.

This emergency regulatory action is necessary to implement Health and Safety Code sections 11758.42 and 11758.46 and Welfare and Institutions Code sections 14021.5 and 14021.6. Health and Safety Code section 11758.42 requires the Department of Alcohol and Drug Programs to establish rates for the use of the narcotic replacement drugs Methadone and Levoalphacetylmethadol. Health and Safety Code section 11758.46 specifies Drug Medi-Cal services that are reimbursable under the Medi-Cal program. Welfare and Institutions Code section 14021.5 specifies rates for Drug Medi-Cal services and specifies that rates shall take effect July 1 through June 30 of the state

fiscal year in which the rates are established. Welfare and Institutions Code section 14021.6 and Health and Safety Code section 11758.42 specify how rates for Drug Medi-Cal services shall be determined.

Specific changes are described below:

- The fiscal year shown in California Code of Regulations, title 22, section 51516.1, subdivision (a)(3) was updated to FY 2001–2002. This change is needed for clarity.
- California Code of Regulations, title 22, section 51516.1, subdivision (a)(3) was amended to specify, in accordance with Welfare and Institutions Code section 14021.5, subdivision (e), that the statewide maximum allowances (SMAs) shown in California Code of Regulations, title 22, section 51516.1, subdivision (a)(3) shall apply to services provided for the FY 2001–2002. This change is needed to improve clarity by establishing the period for which the SMAs are in effect.
- The SMAs shown in California Code of Regulations, title 22, section 51516.1, subdivision (a)(3) were amended for FY 2001–2002 to reflect rates established by the Department of Alcohol and Drug Programs, in accordance with Welfare and Institutions Code section 14021.6. The SMAs are based on the aggregated median rates from the most recent cost data for each modality as reported by county-operated providers, county contract providers, and the Department of Alcohol and Drug Programs' direct contract providers, in their year-end cost reports. Cost report data is the best available data for use in calculating a median rate to establish the SMA reimbursement rate for each treatment modality for the prospective fiscal year. The cost data for all providers who submit claims to the Department of Alcohol and Drug Programs for services rendered and paid under a Drug Medi-Cal contract, or a combined Drug Medi-Cal contract and a county negotiated net amount contract, is included. The FY 2001–2002 SMAs are based on cost report data from FY 1999–2000, which is the most recent cost report data available. Cost reports for FY 1999–2000 were due to the Department of Alcohol and Drug Programs by November 30, 2000. Rates for Naltrexone are at the same rate as FY 2000–2001, because no beneficiaries were reported in the cost reports for FY 1999–2000. Consequently, there are too few observations to justify sharp variations in the Naltrexone rates with any degree of confidence. The specific methodology used to calculate Drug Medi-Cal SMAs for FY 2001–2002 is described in more detail in the document entitled, "Drug Medi-Cal Rate Setting Methodology, Fiscal Year

2001–2002,” which is included in the Department of Health Services’ rulemaking file, which is maintained by the Office of Regulations.

- The uniform statewide monthly reimbursement rates (USMRs) for narcotic treatment services, listed in California Code of Regulations, title 22, section 51516.1, subdivision (g) were amended to reflect an increase in components. The specific methodology used to calculate narcotic treatment USMRs for FY 2001–2002 is described in more detail in the document entitled, “Drug Medi-Cal Rate Setting Methodology, Fiscal Year 2001–2002,” which is included in the Department of Health Services’ rulemaking file, which is maintained by the Office of Regulations.

AUTHORITY

Section 10725, 14021.3, 14021.5, 14021.6, 14105 and 14124.5, Welfare and Institutions Code; and Section 11758.41, Health and Safety Code.

REFERENCE

Sections 5075, 5715, 14021.5, 14021.6 and 14132.9, Welfare and Institutions Code and Sections 11758.42 and 11758.46, Health and Safety Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: The fiscal impact for fiscal year 2001–2002 was \$592,500.
- C. Fiscal Effect on Federal Funding of State Programs: The federal financial participation for fiscal year 2001–2002 was \$592,500.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which

reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

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

The Department has determined that the regulations may affect small businesses that choose to participate in the voluntary Medi-Cal program.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department’s Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

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

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking
Title 22, California Code of Regulations

SUBJECT

Long Term Care Rates (Fiscal Year 2001–2002)
R-38-01E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct a public hearing commencing at 10 a.m. on April 2, 2003 in the auditorium at 714 P Street, Sacramento, CA, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on April 4, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-38-01E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Gene Morrow of the Medi-Cal Policy Division, Long Term Care Reimbursement at (916) 657-2733.
3. All other inquiries concerning the action described in this notice may be directed to Barbara Gallaway, R.N., M.S.N., of the Office of Regulations at (916) 657-3197, or to the designated backup contact person, Marylyn Willis, at (916) 657-3174.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 14105, Welfare and Institutions Code, requires the Department to adopt regulations establishing reimbursement rates for Medi-Cal providers of health care services and provides for the emergency adoption of regulations for these changes in response to legislative budgeting decisions.

This emergency regulatory action amends regulations to implement reimbursement rate adjustments to reflect decisions within the allotted funds passed by the Legislature and approved by the Governor in the 2001–2002 Budget Act Items 4260-101-0001 and 4260-101-0890 (Statutes of 2001, Chapter 106). The individual rate adjustments amend the following Sections of Title 22, California Code of Regulations,

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and are described below as averages, weighted by actual patient days, for all the facility categories in that regulation section.

Section	Service	Percentage Change
51510 (e)	Nursing Facility Level A Services	0.082
51510.1(d)	Intermediate Care Services for the Developmentally Disabled	0.052
51510.2(a)	Intermediate Care Services for the Developmentally Disabled-Habilitative	4.052
51510.3(a)	Intermediate Care Services for the Developmentally Disabled-Nursing	0.725
51511(a)	Nursing Facility Level B Services	2.486
51511.5	Nursing Facility Services Subacute Care Reimbursement	2.493
51511.6	Nursing Facility Services Pediatric Subacute Care Reimbursement	1.788
51532.3(a)	EPSDT Supplemental Services Provider Pediatric Day Health Care Facility Reimbursement	10.000
51535(d)	Leave of Absence	1.464
51535.1(d)	Bed Hold for Acute Hospitalization	1.464
51544(h)	Hospice Care-NF-A	0.531
	Hospice Care-NF-B	2.405
54501(b)	Adult Day Health Care	0.045

The annual percentage change shown above is an average of all facility categories in each regulation section, weighted by patient days for those categories.

In regulation Sections 51511(a)(2)(C) and 51511.5(g) of this emergency action, where an audit disallowance factor is used, the audit disallowance factor is based on audits of a random sample of facilities, reflects costs that are found not to be allowable costs to the Medi-Cal program, and is applied to all facilities in that regulation section. Wherever dates are used in these regulations, they have been updated to the dates in effect for the current rate setting period.

The change in Section 51532.3, Early Periodic Screening, Diagnosis and Treatment (EPSDT) implements a section that was left out of the long term care rate regulation package for 2000. There is no fiscal impact for this section because the increase was included in the 2000 budget along with the other EPSDT regulation sections.

References to "transitional inpatient care" are deleted from Section 51535.1 since the statutory

provision authorizing this program, Welfare and Institutions Code Section 14132.22, was repealed by its own terms on January 1, 2002.

AUTHORITY

Sections 10725, 14105, 14108, 14108.1, 14108.2, 14109.5, 14110.6, 14110.7, 14124.5, 14126.23, 14570, Welfare and Institutions Code; and Sections 1267.7 and 1275.3 Health and Safety Code.

REFERENCE

Sections 14053, 14087.3, 14105, 14105.981, 14108, 14108.1, 14108.2, 14109.5, 14110.1, 14110.4, 14110.6, 14110.7, 14132, 14132.10, 14132.22, 14132.25, 14171, and 14571 Welfare and Institutions Code; Section 1250, 1250.1, 1267.7 and 1275.3, Health and Safety Code; Statutes of 2000, Chapter 52, Items 4260-101-0001 and 4260-100-0890; Statutes of 2001, Chapter 106, Items 4260-101-0001 and 4260-101-0890; Section 447.15 and 483.1, et seq., Title 42, Code of Federal Regulations; and Settlement Agreement in *California Association for Adult Day Services v. Department of Health Services*, January 12, 1994, San Francisco County Superior Court (Case Number 944047).

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: The fiscal impact for fiscal year 2001–2002 was \$92,769,000 (\$46,069,000 General Fund). The fiscal impact for fiscal year 2002–2003 is \$101,600,000 (\$50,454,000 General Fund).
- C. Fiscal Effect on Federal Funding of State Programs: The federal financial participation for fiscal year 2001–2002 was \$46,700,000. The federal financial participation for fiscal year 2002–2003 is \$51,146,000.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which

reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

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

This determination is made on the basis that the regulations reflect rate changes based upon reported costs that are prospectively updated for economic indicators and adjusted for audit results.

The Department has determined that the regulations would affect small businesses by increasing reimbursement rates for health-related services.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

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

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES IN BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT, REGARDING THE SENATE BILL 1801 MANDATE (STATUTES OF 2000, C. 850) & ASSEMBLY BILL 2194 MANDATE (STATUTES OF 2000, C.841) & ASSEMBLY BILL 444 MANDATE (STATUTES OF 2001, C.1022) & ASSEMBLY BILL 832 MANDATE (STATUTES OF 2001, C.228) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1 & 2 (California Building Standards Code) REGULATIONS FOR SEISMIC EVALUATION OF HOSPITALS & SAFETY STANDARDS FOR HEALTH FACILITIES

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Parts 1 and 2 on behalf of the Office of Statewide Health Planning and Development (Office).

PUBLIC HEARING

A public hearing has not been scheduled; however, written comments will be accepted from Friday, February 7, 2003, until 5:00 p.m. on Monday, March 24, 2003. Please address your comments to Stan Nishimura, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130,

Sacramento, California 95833. Pursuant to Government Code Section 11346.5, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 1276.05, 130005, 130010, 130021, 130050, 130060, 130065, and 130070. The Office is proposing this regulatory action based on Health and Safety Code Sections 130021 and 130063.

INFORMATIVE DIGEST

Summary of existing laws related directly to the proposed action

The Alfred E. Alquist Hospital Facilities Seismic Safety Act (Alquist Act) of 1983 establishes, under the jurisdiction of the Office, a seismic safety building standards program for general acute care hospitals constructed on or after March 7, 1973. Senate Bill 1953 (SB 1953, Statutes of 1994, Chapter 740) amended the Alquist Act. These statutory provisions are now chaptered into law in Health and Safety Code Sections 130000 through 130070 et seq. These provisions mandate the Office to develop procedures and regulations to ensure that by January 1, 2030 all general acute care hospitals in California are substantially compliant with the Alquist Act. The intent of the Alquist Act is that these compliant general acute care hospital facilities will be reasonably capable of providing acute care services to the public after a seismic event. The law deemed the regulations developed under this provision as emergency and required their adoption as such.

This submittal of proposed changes falls under the mandates of Health and Safety Code Sections 130021 and 130063, is deemed an emergency and should be adopted as such.

Summary of existing regulations related directly to the proposed action

Existing regulations directly related to this proposed action are codified in Title 24, Part 1, Chapters 6 & 7 and Part 2, Chapters 4 & 10. The regulations' purpose is to ensure that all general acute care licensed hospitals in California are substantially compliant with the Alquist Act and will be reasonably capable of providing acute care services to the public after a seismic event. The regulations include the statutory dates for seismic evaluation reports, compliance plans and schedules to the Office in addition to building

code language that hospitals must comply with when retrofitting older hospital buildings or constructing new hospital buildings.

Currently, Section 420A.4.0 requires that services/systems and utilities that are necessary for the operation of a hospital, skilled nursing facility, intermediate care facility or correctional treatment center originate or pass through or under buildings that meet the structural requirements of the 1973 or later edition of the California Building Standards Code (CBSC). Existing code requires that both the building in which the services/systems and utilities originate and buildings in the path between the point of origin and the project area must either be a conforming building, or be structurally retrofitted to immediate occupancy standards.

Additionally, current code upgrades which are required to meet the structural provisions of the 1973 or later edition of the CBSC, do not adequately address the range of anchorage and bracing requirements stipulated by the Nonstructural Performance Category ratings. Furthermore, existing code does not distinguish between conforming and nonconforming buildings, nor does it clearly state conditions, which trigger a structural upgrade.

California Building Code Section 1001.1 defines the means of egress as "an exit system that provides a continuous, unobstructed and undiminished path of exit travel. . .". But, it is unclear if this definition is intended to apply to the potential collapse of the building or adjacent buildings through which the means of egress passes, or to obstructions caused by non-structural elements falling into the exit path.

Summary of the effect of the proposed action

The effect of the proposed regulation language constitutes amendments to the seismic compliance dates and evaluation procedures and defines and clarifies the conditions and requirements for compliance with statutory provisions.

Senate Bill 1801 (SB 1801, Chapter 850, Statutes of 2000) allows the functional contiguous grouping of a general acute care hospital to receive a five-year extension to the January 1, 2008 seismic compliance deadline. Assembly Bill 2194 (AB 2194, Chapter 841, Statutes of 2000) allows flexibility for the relocation of general acute care services on an interim basis for compliance with the seismic compliance requirements. Assembly Bill 444 (AB 444, Chapter 1022, Statutes of 2001) requires additional information from hospitals requesting an extension to the January 1, 2008 seismic compliance deadline based on diminished capacity. Assembly Bill 832 (AB 832, Chapter 228, Statutes of 2001) stipulates that a nonstructural evaluation need not exceed the specific requirements to attain the planned NPC level.

The proposed amendments to Section 420A.4.0 tie the structural requirements for services/systems and utilities to the expected seismic performance of the building where the additions, alterations, or remodels occur for both conforming and nonconforming buildings. The proposed amendments clearly state that additions, alterations, remodels or permanent removal of all acute care services from a hospital building are the conditions triggering the regulation requirements.

The requirements for services/systems and utilities for skilled nursing facilities, intermediate care facilities, or correctional treatment centers are left unchanged. However, provisions have been added to permit alterations and remodels without triggering the structural upgrades. An alternative, which will allow the use of the acute-care hospital requirements for skilled nursing facilities, intermediate care facilities, or correctional treatment centers is added, and may be an attractive alternative when planning an addition or alteration.

The proposed amendments to Section 1001.1 are intended to clarify the application of the egress requirements as they relate to the structural upgrade provisions of SB 1953. This change is intended to accomplish several things. The first is to ensure that hospital buildings are provided with a path of egress travel that will not collapse and is free from obstructions caused by falling equipment or pipes. The second purpose of the proposed amendments is to clarify the requirements for egress through buildings that may be removed from acute care service. The proposed language also clarifies requirements for egress from skilled nursing and intermediate care facilities.

These proposed regulations will amend Title 24, Part 1, Chapters 6 & 7 and Part 2, Chapters 4 & 10.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations.

Small Business Affect

The proposed regulations have no affect on small businesses.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

- A. Cost or Savings to any state agency: See Attached Form 399
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500 of Division 4: No
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500 of Division 4: No
- D. Other non-discretionary costs or savings imposed on local agencies: See attached Form 399
- E. Cost or savings in federal funding to the state: No

ECONOMIC IMPACT ON BUSINESSES

The Office finds that the adoption of this regulation would not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Office has not considered proposed alternatives that would lessen any adverse economic impact on businesses.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed regulations are an amendment to the seismic regulations required under the auspices of the Alfred E. Alquist Hospital Facilities Seismic Safety Act requiring all general acute care hospital buildings in California to be substantially compliant with the provisions of the Act by January 1, 2030.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION

The Office has assessed whether or not and to what extent this proposal will affect the following

The creation or elimination of jobs within the State of California: N/A

The creation of new businesses or the elimination of existing businesses within the State of California: N/A

The expansion of businesses currently doing business with the State of California: N/A

SIGNIFICANT EFFECT ON HOUSING COSTS

The Office has determined that this proposal would not have a significant effect on housing costs.

EFFECT ON PRIVATE PERSONS

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

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed regulatory activity. If modifications are made, the full text of the proposed action with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulations. The CBSC will accept written comments on the modified regulations during the 15-day period.

SPECIFIC OR TECHNICAL QUESTIONS

Specific questions regarding the regulations should be addressed to Susan M. Botelho Office of Statewide Health Planning and Development, (916) 654-2012.

AVAILABLE DOCUMENTS

The Office has prepared and has available for public review an Initial Statement of Reasons (ISOR) for the proposed action, all the information upon which the proposal is based, and the express terms of the proposed action. Copies of the ISOR and the regulation text are available upon request by contacting the CBSC, at (916) 263-0916. The CBSC contact will also make available upon request the location of public records, including reports, documentation, and other materials, related to the proposed action.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

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

bid must present evidence that its Nondiscrimination Program has been certified by the Department.

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

Bay Recycling
800 77th Avenue
Oakland, CA 94621

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

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

Fries Landscaping
25421 Clough
Escalon, CA 95320

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

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

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

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

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

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

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

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

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

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2003-002-03

Project: Benicia-Martinez New Bridge Project
Location: Carquinez Strait between the Cities of Benicia and Martinez
Notifier: California Department of Transportation

BACKGROUND

On January 16, 2003, the National Marine Fisheries Service ("NOAA Fisheries") issued Biological Opinion No. 151422SWR02SR6292 for the Benicia-Martinez New Bridge Project ("project"), which describes the project and includes measures to mitigate impacts to Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*), which are listed as endangered and threatened, respectively, under the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 et seq.). On January 17, 2003, the Director of the Department of Fish and Game ("Department") received written notice from the California Department of Transportation ("Caltrans") that Caltrans had received incidental take authorization from NOAA Fisheries for winter- and spring-run Chinook salmon for the project, in accordance with Fish and Game Code section 2080.1.

The project is located in the Carquinez Strait between the Cities of Benicia (Solano County) and Martinez (Contra Costa County). The project consists of the construction of a new main span to the east of the existing Highway 680 bridge; construction of a new south approach with a new toll plaza; modification of the existing span; and construction of a new north approach. The over water sections will be supported on 12 piers, 9 of which will be erected in deep water. Each pier will have a total of 8 pilings, each of which will be driven into the bottom of the Carquinez Strait using a high energy (i.e., 550 kilo Joules) hammer requiring approximately 4 hours of driving per piling. The sound and pressure waves generated by the pile driving have the potential to adversely affect winter-run and spring-run Chinook salmon.

DETERMINATION

The Department has determined that the incidental take authorization in NOAA Fisheries's biological opinion for the project is consistent with CESA. The mitigation measures in the biological opinion meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), which, when

met, authorize the incidental take of CESA-listed species. Specifically, the Department finds that the take of winter- and spring-run Chinook salmon will be incidental to an otherwise lawful activity (i.e., construction of the new Benicia-Martinez Bridge) and the mitigation measures identified in the biological opinion will minimize and fully mitigate the impacts of the authorized take on winter- and spring-run Chinook salmon. The mitigation measures included in the biological opinion include, but are not limited to, the following:

1. To minimize deep water pile driving-related impacts to winter- and spring-run Chinook salmon during January 2003 and from June 1 to October 31, 2003, pile driving in those months will occur using an unconfined air bubble curtain around slack current (i.e., when currents are 1 knot or less) that attenuates sound by 6 decibels ("dB") or greater, except for a period not to exceed a total of four hours in January 2003 for testing the unconfined air bubble curtain under a wider range of current conditions. During the tests, currents may exceed 1 knot and sound reduction may be less than 6 dB.
2. To minimize deep water pile driving-related impacts to winter- and spring-run Chinook salmon from February 1 to May 31, 2003, and from November 1, 2003, to January 31, 2004, pile driving in those months will occur using an isolation pile air bubble curtain.
3. To minimize shallow water pile driving-related impacts to winter- and spring-run Chinook salmon, the shallow water piers (Piers 6, 16, and 17) will be constructed within cofferdams. Caltrans will attempt to fully de-water the cofferdams during pile driving. If the cofferdams at Piers 6 and 16 cannot be de-watered to a depth of less than one foot, an air bubble curtain will be placed at the mud-line elevation inside the cofferdam.
3. Caltrans will deposit \$4.45 million in an escrow account prior to June 30, 2003, to fund projects that restore winter- and spring-run Chinook salmon spawning and breeding habitat. The restoration projects and expenditures from the account will be approved jointly by the Department and NOAA Fisheries after consulting with Caltrans and the Federal Highway Administration.

Based on the Department's consistency determination, Caltrans does not need to obtain authorization from the Department under CESA for take of winter- and spring-run Chinook salmon that occurs in completing the project, provided Caltrans complies with the mitigation measures and other conditions described in the biological opinion. However, if the project as described in the biological opinion, includ-

ing the mitigation measures therein, changes after the date of NOAA Fisheries's biological opinion (i.e., January 16, 2003), Caltrans will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2003-001-03

Project: Benicia-Martinez New Bridge Project

Location: Carquinez Strait between the Cities of Benicia and Martinez

Notifier: California Department of Transportation

BACKGROUND

On January 15, 2003, the U.S. Fish and Wildlife Service ("USFWS") issued Biological Opinion No. 1-1-02-F-0299 for the Benicia-Martinez New Bridge Project ("project"), which describes the project and includes measures to mitigate impacts to Delta smelt (*Hypomesus transpacificus*). Delta smelt is listed as threatened under the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 et seq.). On January 17, 2003, the Director of the Department of Fish and Game ("Department") received written notice from the California Department of Transportation ("Caltrans") that Caltrans had received incidental take authorization from USFWS for Delta smelt for the project, in accordance with Fish and Game Code section 2080.1.

The project is located in the Carquinez Strait between the Cities of Benicia (Solano County) and Martinez (Contra Costa County). The project consists of the construction of a new main span to the east of the existing Highway 680 bridge; construction of a new south approach with a new toll plaza; modification of the existing span; and construction of a new north approach. The over water sections will be supported on 12 piers, 9 of which will be erected in deep water. Each pier will have a total of 8 pilings, each of which will be driven into the bottom of the Carquinez Strait using a high energy (i.e., 550 kilo Joules) hammer requiring approximately 4 hours of driving per piling. The sound and pressure waves generated by the pile driving have the potential to adversely affect Delta smelt.

DETERMINATION

The Department has determined that the incidental take authorization in USFWS's biological opinion for the project is consistent with CESA. The mitigation

measures in the biological opinion meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), which, when met, authorize the incidental take of CESA-listed species. Specifically, the Department finds that the take of Delta smelt will be incidental to an otherwise lawful activity (i.e., construction of the new Benicia-Martinez Bridge) and the mitigation measures identified in the biological opinion will minimize and fully mitigate the impacts of the authorized take on Delta smelt. The mitigation measures included in the biological opinion include, but are not limited to, the following:

1. To minimize deep water pile driving-related impacts to Delta smelt during January 2003 and from June 1 to October 31, 2003, pile driving in those months will occur using an unconfined air bubble curtain around slack current (i.e., when currents are 1 knot or less) that attenuates sound by 6 decibels ("dB") or greater, except for a period not to exceed a total of eight hours in January 2003 for testing the unconfined air bubble curtain under a wider range of current conditions. During the tests, currents may exceed 1 knot and sound reduction may be less than 6 dB.
2. To minimize deep water pile driving-related impacts to Delta smelt from February 1 to May 31, 2003, and from November 1, 2003, to January 31, 2004, pile driving in those months will occur using an isolation pile air bubble curtain.
3. To minimize shallow water pile driving-related impacts to Delta smelt, the shallow water piers (Piers 6, 16, and 17) will be constructed within cofferdams. Caltrans will attempt to fully de-water the cofferdams during pile driving. If the cofferdams at Piers 6 and 16 cannot be de-watered to a depth of less than one foot, an air bubble curtain will be placed at the mud-line elevation inside the cofferdam.
4. Caltrans will restore a presently diked and filled historic tidal salt marsh on a 22.8 acre parcel of land along Industrial Road in the City of Benicia. A total of 17.4 acres of new tidal salt marsh will be created on the parcel to compensate for project-related loss of Delta smelt habitat.
5. To compensate for the incidental take of Delta smelt, Caltrans will create shallow water habitat by restoring full tidal action to a 70 acre area of existing tidal salt marsh in the Goodyear Slough Unit which is part of the Department's Grizzly Island Wildlife Area.
6. Caltrans will deposit \$2 million in an escrow account prior to June 30, 2003, to fund projects to conserve, protect, restore, and enhance habitat for Delta smelt in Suisun Bay, Napa River marshes,

and the Sacramento-San Joaquin Delta. The projects and expenditures from the escrow account will be approved jointly by the Department and USFWS in consultation with Caltrans and the Federal Highway Administration.

Based on the Department's consistency determination, Caltrans does not need to obtain authorization from the Department under CESA for take of Delta smelt that occurs in carrying out the project, provided Caltrans complies with the mitigation measures and other conditions described in the biological opinion. However, if the project as described in the biological opinion, including the mitigation measures therein, changes after the date of USFWS's biological opinion, Caltrans will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR AN EMERGENCY RESPONSE INCIDENT OPERATIONS VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR THE COUNTY OF SAN DIEGO, DEPARTMENT OF ENVIRONMENTAL HEALTH

On January 21, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to the County of San Diego, Department of Environmental Health, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport emergency response hazardous waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying

these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on February 29, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Xantus's Murrelet (*Synthliboramphus hypoleucus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 23, 2002, meeting in Crescent City, accepted for consideration the petition submitted to list the Xantus's Murrelet (*Synthliboramphus hypoleucus*) as threatened. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared as a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of this notice of finding, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 23, 2002, Commission meeting, are on file and available for public review from Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, CA 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

DECISION NOT TO PROCEED

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF DECISION NOT TO PROCEED

California Code of Regulations

Title 13. Article 3.5

Sections 220.00, 220.02, 220.04, 220.06, 220.08,
220.10, 220.12, 220.14, 220.16, 220.18, 220.20,
221.00, 221.02, 221.04, 221.06, 221.08,
221.10, and 221.12

Pursuant to Government Code Section 11347, NOTICE IS HEREBY GIVEN that the California Department of Motor Vehicles has decided not to

proceed with the amendment of Sections 220.00, 220.02, 220.04, 220.06, 220.08, 220.10, 220.12, 220.16, 220.18, 221.00, 221.02, 221.06, 221.08, 221.10, 221.12 and adoption of Sections 220.14 and 220.20, Article 3.5, Chapter 1, Division 1, of Title 13, of the California Code of Regulations, regarding the Motor Carriers of Property Permit Program, (Notice File No. Z02 1217-03, published December 27, 2002, in the California Regulatory Notice Register) and therefore withdraws this proposed action for further considerations. No public hearing shall be held.

RULEMAKING PETITION DECISIONS

AIR RESOURCES BOARD

January 21, 2003

Mr. Thomas L. Darlington
Air Improvement Resource, Inc.
47298 Sunnybrook Lane
Novi, Michigan 48374

Re: Denial of December 20, 2002 Petition for
Amendment of the Zero-Emission Vehicle
Regulations

Dear Mr. Darlington:

By letter dated and hand-delivered December 20, 2002, you submitted a petition pursuant to Government Code section 11340.6 requesting that the Air Resources Board (ARB or Board) conduct a public hearing on a specific set of proposed amendments to the California zero-emission vehicle (ZEV) regulations. You noted that at a December 5, 2002 workshop, ARB staff invited recommendations from the public on possible revisions to the ZEV program. By this letter, I am advising you that the ARB has denied your petition.

The ARB's Executive Officer may be delegated any duty that the Board deems appropriate. (Health and Safety Code § 39515(a).) Any power that the Board may lawfully delegate is conclusively presumed to have been delegated unless the Board expressly reserves the power to itself (Health and Safety Code § 39516.) The power to act on rulemaking petitions has not been reserved by the Board. As Acting Executive Officer and Chief Deputy Executive Officer, I believe it is appropriate for me to deny the petition pursuant to my delegated authority. The reasons for the denial are described below.

Procedural Context

Your December 20 letter included the regulatory text of your proposed amendments (Attachment I to your letter), and a 21 page description of the amendments and the reasons why you believe the ARB should adopt them (Attachment II). The primary amendments are to the ZEV regulation itself, title 13, California Code of Regulations (CCR), section 1962. Your cover letter requested "that the Board conduct a public hearing on our proposal when the Board next considers amendment of the ZEV regulation." You indicated that you were submitting the proposal on December 20, 2002, "to permit its consideration at the Board's regularly scheduled public meeting in February 2003, if that is the time when the Board will next consider the ZEV rule."

As you know, in a November 15, 2002 notice (Reference 1), the ARB staff advised interested parties of a December 5, 2002 workshop to discuss proposed ZEV regulation amendments being developed by the staff. The notice stated that the amendments were being prepared for consideration at a February 27-28, 2003 hearing to be conducted by the Board. Then in a November 22, 2002 transmittal the ARB notified interested parties that background and discussion materials for the December 5 workshop were available on the ARB's Internet site (Reference 2). These materials included a seven-page description of a "strawman proposal" containing a number of substantial amendments to the ZEV regulation that could evolve into amendments formally proposed for consideration at the February 27-28, 2003 hearing.

In order for a rulemaking hearing to be conducted on February 27, 2003 as planned, the hearing notice had to be published no later than January 10, 2003, and filed by the ARB with the Office of Administrative Law (OAL) no later than December 31, 2002. (Gov. Code § 11346.4(a); 1 CCR § 5(a) and (b).) This filing date was six working days after receipt of your petition.

The ARB proceeded with its planned rulemaking by transmitting to OAL a hearing notice dated December 31, 2002 (Reference 3), which described the staff's proposed amendments to be considered at the February 27-28, 2003 hearing. The hearing notice was published in the California Notice Register on January 10, 2003 and on that date a Staff Report: Initial Statement of Reasons (ISOR; Reference 4) was posted on the ARB's Internet site and otherwise distributed. The hearing notice included on page 14 a nonexclusive list of modifications to the staff's initially proposed amendments that could be considered and adopted by the Board in the course of this rulemaking. The hearing notice and ISOR lay out the background for the rulemaking, including the 2001 amendments to the ZEV regulation and the issuance

on June 11, 2002, of a preliminary injunction that prohibits the ARB's Executive Officer from enforcing the 2001 ZEV amendments with respect to the sale of new motor vehicles in the 2003 or 2004 model years (MY).

Given the many legal requirements under the California Administrative Procedure Act (APA) when an agency issues a hearing notice and Initial Statement of Reasons for a rulemaking (see Gov. Code §§ 11346 et seq.), the ARB did not have sufficient time to prepare the necessary materials in order to submit a hearing notice for your proposal to OAL by December 31, 2002 and distribute an Initial Statement of Reasons supporting it, while at the same time completing the materials for the proposed amendments staff had been working on. However, the rulemaking hearing to be conducted on February 27–28, 2003 will provide AIR and other parties the opportunity to provide written and oral comments to the Board on the amendments proposed by staff. Those comments may include recommendations that the Board adopt amendments to the ZEV regulation that differ in various respects from the staff-proposed amendments. Thus AIR may use the forum of this currently scheduled hearing to urge the Board to adopt modified amendments that incorporate all or some of the amendments presented in your December 20, 2002 petition. To the extent that elements of the AIR proposal represent sufficiently related changes under Government Code section 11346.8(c) and title 1, CCR, section 42, the Board will have the ability to adopt modified amendments in the pending rulemaking reflecting those elements if it wishes to do so. The opportunity that AIR will have in the pending rulemaking represents an important reason justifying denial of the petition, since in many respects AIR will be receiving the benefit of the underlying objective of a rulemaking petition—a rulemaking hearing at which the petitioner's proposed amendments may be adopted.

Substantive Elements of the AIR Proposal

Extended delay of mandate for “gold” category ZEVs. At the heart of the AIR proposal are three amendments to section 1962(b)(2)(A) that in combination would provide an extremely lengthy delay before manufacturers will be obligated to introduce *any* pure “gold” category ZEVs in California. These are: (1) allowing PZEVs and credits from PZEVs to satisfy all MY 2011 and earlier ZEV obligations, including those in the gold and “silver” categories as well as the “bronze” category; (2) allowing banked credits from 2006 and earlier MY PZEVs be used to meet gold and silver obligations for MYs 2011 and

later; and (3) delaying the start of the phase-in of LDT2s in the ZEV baseline until MY 2012. With these three amendments and the proposed MY 2006 restart, a manufacturer could meet all of its 2006–2011 MY ZEV obligations with 2006 and subsequent MY PZEVs. During that time such a manufacturer could bank all credits generated from 2005 and earlier MY vehicles—including all credits generated from the early introduction multipliers, including 4.0 for MY 2001–2002 ZEVs and MY 2000–2003 PZEVs and 2.0 for MY 2004 PZEVs. Attachment 1 shows that using the same calculation methodology and assumptions as are used in the staff proposal estimates of vehicle production and a “free credit trading” approach, manufacturers could comply with the AIR proposal without introducing a single gold category ZEV *for the next 15 years*—until MY 2017. This reflects an overly pessimistic view of future development of ZEV technologies and fails to provide adequate incentives to continue stimulating that development.

MY 2006 restart. You propose that the ZEV requirements, including the need to produce and sell PZEVs, be deferred to MY 2006 rather than MY 2005 as proposed by staff. You indicate that there is insufficient lead-time for an earlier start date “taking into account the need to maintain a level playing field among all the companies competing in the California market.” (Att. 1 to Petition, p. 12, fn. 17.) On the contrary, it appears that the most appropriate approach to maintain a level playing field is to restart the ZEV requirements as quickly as possible so that continuity of the ZEV program is maintained for all manufacturers. Staff expects to be able to have the 2003 amendments finalized well before the start of MY 2005 so that adequate lead-time is provided. In any case, you will be able make your arguments regarding the re-start date to the Board in the pending rulemaking, since deferring the re-start to MY 2006 is a modification that could be made without a new 45-day notice.

Postponing start of the phase-in of LDT2s in the ZEV baseline to MY 2012. You propose a five-year delay in the phase-in of LDT2s into the baseline, so that it would start in MY 2012 and not be completed until MY 2017. With the continuing displacement of passenger cars by vehicles such as SUVs in the LDT2 class, it is important for the various elements of the ZEV requirements to apply to LDT2s without inordinate delay. In any event, the notice for the February 27 hearing states that the Board is accepting comment on whether it should reaffirm the LDT2 provisions in the ZEV regulation, and a delay of those requirements would accordingly be within the scope of the notice.

Amending the test procedures for the “zero evaporative” emission standard for PZEVs. You state that the current text of the regulatory requirements for the test procedures for the “zero evaporative” emission standard for PZEVs are infeasible on their face, and that the Board must adopt the procedures set forth in a Manufacturers’ Advisory Correspondence now covering pre-MY 2005 vehicles. While this proposal may well have merit, including it in proposed amendments to be considered at a February 27, 2003 hearing was infeasible given its technical nature. The staff intends to work with manufacturers and other interested parties to determine the best approach on this issue.

Definition of hybrids in the AT PZEV category. Under your proposal, any PZEV with start/stop technology and zero evaporative emissions would qualify as a PZEV, as would any PZEV that is a hybrid electric vehicle (HEV) and carries an 8 year/100,000 mile warranty on the battery. You oppose the element of the strawman proposal that allows a non-grid connect hybrid vehicle to qualify as an AT PZEV only if it has a “peak power ratio” of more than 13 percent for four reasons: (1) it regulates fuel economy and thus presents the same legal problems as the other AT PZEV provisions staff is proposing to eliminate, (2), it is arbitrary, (3) it interferes with the introduction of cost-effective hybrid technologies that would have broader market acceptance, and (4) there is no difference in the expected in-use emissions as long as the system uses engine-off-at-idle.

As you know, the staff proposal ultimately noticed for the February 27 hearing includes an additional option to the 13 percent peak power ratio requirement—an 8 percent peak power ratio requirement coupled with a zero emission drive system having a maximum power rating of at least 10 kilowatts. The justification of the staff proposal is set forth on pages 13–14 of the ISOR, and we do not believe it is federally preempted by the Energy Policy and Conservation Act. The provisions would no longer make any reference to fuel economy or efficiency, or to federal regulations pertaining to fuel economy or efficiency. The ISOR explains on pages 13–14:

“[P]eak power ratio” measures the degree to which a vehicle relies upon electric drive, and thus is a useful indicator of the extent to which the componentry on the vehicle supports the commercialization of pure ZEV technologies. The peak power ratio is not, on the other hand, correlated with fuel economy. Manufacturers seeking to improve vehicle fuel economy can follow a number of different design and engineering strategies, some of which involve increased use of electric drive and others of which do not. As a result, vehicles with very

different peak power ratios can achieve similar fuel economy ratings. For example, the unadjusted U.S. Environmental Protection Agency fuel economy ratings for the Toyota Prius and Honda Civic hybrid are similar, but the Prius has a peak power ratio of 0.29 while the Civic ratio is 0.14.

Meanwhile, increased use of electric drive, as measured by the peak power ratio, can provide benefits other than fuel economy. Vehicles with high peak power can have increased acceleration relative to conventional vehicles and also provide smooth zero-emission performance at low speeds. This point is emphasized, for example, in an Automotive News article which quotes a Toyota source as stating that while fuel economy will be improved [by the hybridization of the Lexus RX 330 and Toyota Highlander], the main goal of the hybrids will be advances in horsepower and acceleration.

In any event, the notice expressly identifies “the threshold performance requirements to earn advanced componentry credit” as one of the areas in which the Board may adopt modifications to the staff proposals, and the pending rulemaking accordingly provides a forum in which AIR has the opportunity of convincing the Board to adopt AIR’s preferred treatment of HEVs.

Fuel cell vehicle activities outside California. You note that your proposal does not require fuel cell vehicles to be placed in California in order to receive ZEV credits. Another area of potential regulatory modifications identified in the Notice for the pending rulemaking is minimizing the impact of section 177 of the federal Clean Air Act on manufacturers. As you know, section 177 allows other states to adopt California motor vehicle emission standards under certain circumstances, and New York, Massachusetts and Maine have used that provision to adopt ZEV requirements. One way the impact of section 177 could be minimized would be to allow fuel cell vehicles placed in section 177 states to earn ZEV credits in California. Thus in the pending rulemaking the Board could allow ZEV credits for at least some vehicles placed outside California if the Board is persuaded to do so.

Non-vehicle fuel cell applications. Your proposed amendments award credit against the ZEV requirement for activities that develop fuel cell technology in non-vehicle applications. Since the hearing notice expressly includes credits for stationary fuel cells as another of the modifications that the Board may adopt, you will have the opportunity in the pending rulemaking to convince the Board to make such changes as part of the rulemaking.

Eliminating the post-MY 2005 NEV credit usage cap and the NEV discount multiplier. The rationales for these provisions, which were added by the 2001 ZEV amendments, were set forth in the ISOR (pp. 11–12) and FSOR (pp. 18–19 and 171–4) in that rulemaking (References 5 and 6). Because we believe that those rationales continue to justify the provisions, the pending rulemaking proposal does not include changing them.

Conclusion

Based on the foregoing analysis I believe that denial of the AIR petition is appropriate at this time. While I am denying the petition, I again emphasize that the objective of any rulemaking petition is to have the agency conduct a rulemaking in which the proposed regulatory amendments may be adopted, and the pending rulemaking provides just such an opportunity with regard to many of the changes you are seeking. I look forward to your participation in this rulemaking, both before and at the February 27, 2003 hearing.

The record upon which this denial is based includes the Petition and its attachments, and this letter and its references and attachment.

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. Your petition cites the following as authority for the requested action: Health & Safety Code sections 39600, 43013(a), and 43018(c), “among other provisions.” The agency contact person on this matter is Chuck Shulock, Vehicle Programs Specialist, at (916) 322-6964. Interested parties may obtain a copy of the AIR Petition from Stacey Dorais, Clerk of the ARB, 1001-I Street, P.O. Box 2815, Sacramento, CA 95812, (916) 322-5594.

Sincerely,

TOM CACKETTE
Acting Executive Officer

Attachments

LIST OF REFERENCES

- Reference 1: November 15, 2002 Notice for Public Workshop to Discuss Possible Modifications to the Zero-Emission Vehicle (ZEV) Regulations.
- Reference 2: November 22, 2002 ARB staff transmittal, “Background Material for the Air Resources Board Staffs Workshop on Possible Amendments to the Zero Emission Vehicle Regulations

Reference 3: Notice of Public Hearing to Consider Adoption of the 2003 Amendments to the California Zero-Emission Vehicle Regulation

Reference 4: Staff Report: Initial Statement of Reasons, 2003 Amendments to the California Zero-Emission Vehicle Regulation (Date of Release: January 10, 2003)

Reference 5: Staff Report: Initial Statement of Reasons, Proposed Amendments to the California Zero-Emission Vehicle Program Regulation (Date of Release: December 8, 2000)

Reference 6: Final Statement of Reasons, Amendments to the California Zero Emission Vehicle Program Regulations (December 2001)

ATTACHMENT

Estimate of the Effect of the AIR Petition on Required ZEV Production

ATTACHMENT 1

Estimate of the Effect of the AIR Petition on Required ZEV Production

This analysis looks at the effect of several provisions contained in the December 20, 2002 rulemaking petition from Air Improvement Resource, Inc. (AIR) on required “gold category” pure zero-emission vehicle (ZEV) production. The provisions taken into account are (1) delay of the LDT2 phase-in until 2012, (2) allowing PZEVs to satisfy the gold and silver requirements through MY 2011, and (3) allowing banked credits from MY 2006 and earlier PZEVs to be used for gold and silver compliance after MY 2011.

This analysis focuses solely on gold compliance and does not address the effect of the petition on silver category vehicle production.

The estimates provided below use the same calculation methodology and assumptions as are used in the staff proposal estimates of vehicle production. With regard to use of banked credits, this analysis uses the “free credit trading” approach.

Delay LDT2 Phase In

Delay of the LDT2 phase-in until 2012 significantly reduces the number of credits needed in the gold category in model years 2012 through 2016. In MY 2017 and beyond, after LDT2s are fully phased in under the AIR petition, there is no effect. The following table shows the credits needed under the staff proposal versus the AIR petition.

	2012	2013	2014	2015	2016	2017
Staff proposal sales base	1778173	1778173	1778173	1778173	1778173	1778173
Percent gold obligation	3.00	3.00	3.00	4.00	4.00	4.00
Staff proposal gold credit requirement	53345	53345	53345	71127	71127	71127
AIM petition sales base	1153419	1281380	1409342	1537304	1665266	1778173
Percent gold obligation	3.00	3.00	3.00	4.00	4.00	4.00
AIM petition gold credit requirement	34603	38441	42280	61492	66611	71127
Difference (staff proposal minus AIM petition)	18743	14904	11065	9635	4516	0

Allow PZEVs to satisfy the gold and silver requirements through MY 2011

Under this provision, manufacturers would be able to fully satisfy the gold obligation in model years 2006 through 2011 using PZEVs. Staff assumes that all manufacturers are able to produce PZEVs sufficient to take full advantage of this option.

Using PZEV credits to fully satisfy the gold obligation would free up “banked” gold credits that manufacturers would otherwise need to use in those years. The staff proposal assumes that manufacturers will have a total of approximately 90,000 banked ZEV credits available. Under the AIR proposal these credits could be used to satisfy the ZEV obligation beginning in MY 2012, after newly-earned PZEV credits no longer qualify.

Allow banked credits from MY 2006 and earlier PZEVs to be used for gold and silver compliance after MY 2011

Under this provision, PZEVs placed in the 2006 and earlier model years could be used for gold compliance in MY 2012 and beyond. (Please note that MY 2006 PZEV credits would be needed for compliance in that year. Therefore in this estimate we only include credits earned for voluntary PZEV production in model years 2003–2005, prior to the 2006 effective date of the regulation.)

This estimate assumes that all manufacturers voluntarily produce PZEVs in model years 2003 through 2005 at the levels that would have been needed to comply with the 2001 amendments. In that event, the number of PZEV credits earned would be as follows:

	2003	2004	2005	Total
PZEV credits earned	55044	55044	55044	165132

Please note that some manufacturers will not have the capability to produce PZEVs at the 2001 amendment level in the early years. On the other hand, other manufacturers will have the capability to exceed their 6 percent option and would likely do so given this

incentive. Therefore staff believes that the assumptions used here provide a reasonable estimate of the effect of this provision.

Effect on Required ZEV Production

The following table shows the cumulative number of gold credits that would be needed in model years 2012 and beyond under the AIR petition.

	2012	2013	2014	2015	2016	2017
AIM petition cumulative gold credit requirement	34603	73044	115324	176816	243427	314554

The provisions in the AIR petition discussed above would result in roughly 255,000 credits being available for post-2012 gold compliance (90,000 existing banked credits and 165,000 credits from 2003–2005 PZEV production). Taking into account the cumulative credit requirement under the AIR petition, these 255,000 credits would be sufficient to fully satisfy the gold obligation through MY 2016. Thus under this petition and the staff proposal estimation methodology manufacturers would not need to build any gold category ZEVs until MY 2017.

DEPARTMENT OF CONSERVATION

January 17, 2003

Mr. Joseph W. Massey
Coalition of Independent Recyclers
1271 S. Taft Avenue
Anaheim, CA 92806-5533

Dear Mr. Massey:

Thank you for your letter dated December 16, 2002 regarding your request (petition) to amend regulations relating to the Beverage Container Recycling Program. The petition is made pursuant to Government Code Section 11340.6. The Department of Conservation, Division of Recycling (Division) appreciates the interest and concern you have expressed in this petition. However, your petition has been denied for the reasons explained below:

1. Section 2500(a)(4)(a) Hours of Operation

You stated in your petition that current regulations require all certified recycling centers to operate 30 hours per week. You believe Public Resources Code (PRC) Section 14571(b)(1) requires only recycling centers that are within a convenience zone to operate 30 hours a week.

Public Resources Code (PRC) Section 14571 provides very limited circumstances under which the Division may certify any recycler that will operate less than 30 hours per week.

Section 2500(a)(4)(A) of the California Code of Regulations (CCR) is very clear that *all* recycling centers, regardless of location and except those specifically excluded, must be open at least 30 hours per week.

2. Section 2401(b) and 2501(b) Load Inspection

You stated in your petition that these sections are extremely burdensome to recyclers and that the current language requires a certified processor to deny reimbursement of CRV if there are *any* ineligible containers in the load. These sections require a recycler or a processor to deny reimbursement of the entire load *only* if a load of aluminum contains pieces of broken, densified bales or biscuits, or if a load of plastic contains pieces of bales of plastic

3. Section 2516 Handling Fee Eligibility

You stated in your petition that PRC Section 14585 is flawed. We cannot address issues relating to statute in the regulatory process. You also state that the Division is incorrectly calculating handling fee eligibility by applying the two-for-one conversion twice for containers 24 ounces or more. The two-for-one conversion is mentioned in PRC Section 14560(a)(2) and 14585(a)(3), and the conversion process is only used once when calculating handling fees.

4. Section 2045 Applications for Recycling Centers and Processors

You stated in your petition that this entire section should be reopened for discussion in light of recent discoveries that certified recyclers did not have the capability to understand these regulations.

This request is vague and you have not proposed a specific change in the regulations to which the Division can respond. We need more detailed information from you to respond to a change for Section 2045.

Sincerely,

JIM FERGUSON
Assistant Director
for Recycling

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

BOARD OF EQUALIZATION

Process for Reviewing Local Tax Reallocation Inquiries

The regulatory action deals with the process for reviewing local tax reallocation inquiries. The regulation is effective January 1, 2003 pursuant to Revenue and Tax Code section 7051.

Title 18

California Code of Regulations

ADOPT: 1807

Filed 01/23/03

Effective 01/01/03

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF PRISON TERMS

Witness and Subpoena Regulations

The regulatory action deals with witnesses and subpoenas.

Title

California Code of Regulations

AMEND: 2000, 2465, 2640, 2643, 2666, 2668, 2676, 2677, 2678, 2714

Filed 01/23/03

Effective 01/23/03

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Vocational Nursing Regulations

This action permits licensed vocational nurses who are Board-certified in intravenous therapy to administer specified intravenous medications in hemodialysis, pheresis and blood bank settings under certain conditions.

Title 16

California Code of Regulations

AMEND: 2542, 2542.1, 2547, and 2547.1

Filed 01/29/03

Effective 02/28/03

Agency Contact: Kim Frankland (916) 263-7848

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

This emergency action readopts regulations establishing registration and reporting requirements for manufacturers and distributors of gambling equipment in California. The regulations readopted here were initially adopted in OAL file numbers 02-0926-03E and 02-1127-07E.

Title 4**California Code of Regulations**

ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310

AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310

Filed 01/27/03

Effective 01/27/03

Agency Contact: Herb Bolz (916) 263-0700

CALIFORNIA STATE UNIVERSITY**Alumni Associations**

The California State University is adopting the captioned sections. These adoptions are exempt from review by the Office of Administrative Law pursuant to Education Code section 89030.1, and were filed by the California State University with the Secretary of State's Office on November 20, 2002.

Title 5**California Code of Regulations**

ADOPT: 42397, 42397.1, 42397.2, 42397.3, 42397.4, 42397.5, 42397.6, 42397.7, 42397.8, 42397.9, 42397.10, 42397.11

Filed 01/27/03

Effective 01/27/03

Agency Contact:

Bruce M. Richardson (562) 951-4500

DEPARTMENT OF BOATING AND WATERWAYS**Boating Safety and Enforcement Financial Aid Program**

This action adopts regulations for administration of the Boating Safety and Enforcement Financial Aid Program.

Title 14**California Code of Regulations**

ADOPT: 6593, 6593.1, 6593.2, 6593.3, 6593.4, 6593.5, 6593.6, 6593.7, 6593.8, 6593.9, 6593.10, 6593.11

Filed 01/28/03

Effective 01/28/03

Agency Contact: David Johnson (916) 263-0780

DEPARTMENT OF FOOD AND AGRICULTURE**Mexican Fruit Fly Interior Quarantine**

This emergency rulemaking establishes an additional approximate 13 square miles to the existing

approximately 117 square miles surrounding the infestation in the Valley Center area of San Diego County as the area under quarantine for Mexican fruit fly.

Title 3**California Code of Regulations**

AMEND: 3417(b)

Filed 01/28/03

Effective 01/28/03

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE**Oak Mortality Disease Control**

This Certificate of Compliance adds coast redwood and Douglas-fir as hosts of *Phytophthora ramorum*, which causes Oak Mortality Disease, and will establish the portions of these plants that will be subject to restrictions on handling and movement.

Title 3**California Code of Regulations**

AMEND: 3700(C)

Filed 01/27/03

Effective 01/27/03

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES**Long term Rates (fiscal Year 2001–2002)**

This emergency regulatory action raises the rate paid to long term care facilities

Title 22**California Code of Regulations**

AMEND: 51510, 515110.1, 51510.2, 51510.3, 515111, 51511.5, 515111.6, 51532.3, 51535, 51535.1, 51544, 54501

Filed 01/27/03

Effective 01/27/03

Agency Contact:

Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF SOCIAL SERVICES**Definition of Entry Date for CAPI**

The emergency regulatory action defines the term "entry date" for purposes of determining eligibility for the Cash Assistance Program for Immigrants. (Department of Social Services File Number 1202-29.)

Title MPP**California Code of Regulations**

AMEND: 49-020

Filed 01/23/03

Effective 01/23/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Group Home Emergency Intervention Plan
section 100

The Department of Social Services is renumbering the captioned sections.

Title 22
 California Code of Regulations
 AMEND: 84001,84022, 84061, 84063, 84065,
 84800, 84801, 84802, 84802.1, 84803, 84804,
 84805, 84806, 84807, 84808
 Filed 01/24/03
 Effective 02/23/03
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
CalWORKs 180-Day Family Reunification Extension

Assembly Bill No 429, Chapter 111, Statutes of 2001, made changes to Welfare and Institutions Code section 11203 as it pertains to the temporary absence of CalWORKs Assistance Unit members. The revisions permit the parents of children who have been removed from the home and receiving out-of-home care to continue for up to 180 days to receive CalWORKs funded services, such as abuse and mental health services, if the county determines such services are necessary for family reunification. This emergency filing is a readoption of an emergency regulatory action which implemented changes made by Assembly Bill No. 429 and was deemed an emergency, effective for 180 days, and was exempt from review by the Office of Administrative Law (Stats. 2001, ch. 111, section 60(b).) This initial readoption is similarly deemed an emergency, effective for 180 days, and exempt from OAL review.

Title MPP
 California Code of Regulations
 AMEND: 40-181.1(e), 42-710.6, 42-711.5, 42-711.6, 42-711.8, 42-721.1, 42-721.4, 44-314.1, 44314.2, 80-301(r), 82-812.6
 Filed 01/23/03
 Effective 01/28/03
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DIVISION OF WORKERS COMPENSATION
Vocational Rehabilitation

This rulemaking action sets the procedure for settling prospective vocational rehabilitation services in compliance with Labor Code section 4646(b). It also concerns the sending of reports to the qualified rehabilitation representative, the termination of vocational rehabilitation services, and the forms relating to vocational rehabilitation.

Title 8
 California Code of Regulations
 ADOPT: 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22, 10122.1, 10127.3, 10131.2, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15 AMEND: 10122, 10131, 10133, 10133.2 REPEAL: 10133.1
 Filed 01/29/03
 Effective 01/29/03
 Agency Contact:
 Destie Overpeck (415) 703-4659

FRANCHISE TAX BOARD
Joint Strike Fighter Wage Credit; Joint Strike Fighter Property Credit

This regulatory action implements the Joint Strike Fighter Wage and Property Credits.

Title 18
 California Code of Regulations
 ADOPT: 17053.36, 10753.37, 23636, 23637
 Filed 01/23/03
 Effective 02/22/03
 Agency Contact:
 Colleen Berwick (916) 845-3306

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Construction Hoistway Doors and Door Locking Devices

This action adopts additional strength requirements for construction elevator hoistway doors and supporting machinery.

Title 8
 California Code of Regulations
 AMEND: 1604.5(c)(3), 1604.6(a)
 Filed 01/28/03
 Effective 02/27/03
 Agency Contact: Marley Hart (916) 274-5721

SCHOLARSHARE INVESTMENT BOARD
Governor's Scholarship Programs

This Certificate of Compliance clarifies and streamlines administrative functions for the Governor's Scholarship Programs. (Previous file 01-1219-05E)

Title 5
 California Code of Regulations
 AMEND: 31000,31001, 31003, 31004, 31005, 31006, 31007
 Filed 01/29/03
 Effective 01/29/03
 Agency Contact: Wanda Wallis (916) 651-8826

SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD
Required Professional Experience

The regulatory action deals with the reissuance of required professional experience temporary licenses.

Title 16
California Code of Regulations
ADOPT: 1399.153.10 AMEND: 1399.153,
1399.153.1, 1399.153.2, 1399.153.3, 1399.153.4,
1399.153.5, 1399.153.6, 1399.153.7 1399.153.8,
1399.153.9,
Filed 01/23/03
Effective 01/23/03
Agency Contact: Candace Raney (916) 263-2666

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN SEPTEMBER 25, 2002
TO JANUARY 29, 2003**

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

Title 1

01/21/03 REPEAL: 121, 122, 123, 124, 125, 125.5,
126, 127, 128, Appendix A
10/29/02 AMEND: 1, 100

Title 2

01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72,
1859.73.1, 1859.73.2, 1859.74.1,
1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.100, 1859.101, 1859.102, 1859.107
01/16/03 ADOPT: 18545
01/16/03 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943
01/16/03 AMEND: 18705.1
01/16/03 AMEND: 18700
01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3,
1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1,
1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6,
1866.5.7, 1866.5.8, 1866.9.1, 1866.12,
1866.13, 1866.14 AMEND: 1866,
1866.1, 1866.2, 1866.3, 1866.4, 1866.5,
1866.5.3, 1866.7, 1866.8, 186
01/08/03 ADOPT: 18535
12/19/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.218, 1859.219, 1859.220,
12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700
11/26/02 AMEND: 57.1
11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9
11/14/02 AMEND: 2271
11/04/02 ADOPT: 1859.70.1, 1859.71.3,
1859.78.5, 1859.78.6, 1859.78.7,
1859.93.1, 1859.120, 1859.121,
1859.122, 1859.122.1, 1859.122.2,
1859.123, 1859.124, 1859.124.1,
1859.125, 1859.125.1, 1859.126,
1859.127, 1859.128, 1859.129, 1859.130,
1859.140, 1859.141, 1859
11/04/02 ADOPT: 549.95
10/31/02 ADOPT: 18531.7
10/31/02 AMEND: 51000
10/24/02 ADOPT: 2351
10/09/02 AMEND: 18539.2
10/04/02 ADOPT: 18544
10/04/02 AMEND: 1859.81, 1859.91

Title 3

01/28/03 AMEND: 3417(b)
01/27/03 AMEND: 3700(C)
01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37
12/24/02 ADOPT: 1392.12
12/12/02 AMEND: 3417(b)
12/12/02 AMEND: 3417(b)
12/12/02 AMEND: 3423(b)
12/10/02 AMEND: 3700(b)
12/05/02 AMEND: 6550
12/03/02 AMEND: 6622
12/02/02 AMEND: 3423(b)
12/02/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
11/12/02 ADOPT: 4600, 4601, 4602, 4603
11/07/02 AMEND: 6000, 6710
11/01/02 AMEND: 3417(b)
10/28/02 AMEND: 3604(b)
10/24/02 AMEND: 1380.19, 1430.10, 1430.12,
1430.14, 1430.26, 1430.27, 1430.32,
1430.45, 1430.50, 1430.51
10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5
10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7
REPEAL: 1420.9, 1442.10

Title 4

01/27/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12300, 12301,
12302, 12303, 12304, 12305, 12306,
12307, 12308, 12309, 12310

12/12/02 ADOPT: 12100, 12101, 12104, 12105,
12120, 12122, 12124, 12126, 12128,
12130, 12132, 12140, 12142
12/05/02 ADOPT: 12309, 12310 AMEND: 12300,
12301, 12302, 12303, 12305
10/15/02 ADOPT: 1867
10/07/02 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308

Title 5

01/29/03 AMEND: 31000,31001, 31003, 31004,
31005, 31006, 31007
01/27/03 ADOPT: 42397, 42397.1, 42397.2,
42397.3, 42397.4, 42397.5, 42397.6,
42397.7, 42397.8, 42397.9, 42397.10,
42397.11
01/16/03 ADOPT: 9531, 9532
01/08/03 ADOPT: 11303, 11304, 11305, 11306,
11307, 11308, 11316 AMEND: 11303,
11304, 11305 REPEAL: 4304, 4306,
4311, 4312
12/23/02 AMEND: 80054.5, 80020.4.1
12/10/02 ADOPT: 11983.5
12/09/02 AMEND: 80054
12/05/02 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959
10/21/02 AMEND: 18301
10/17/02 ADOPT: 80434 AMEND: 80001
09/30/02 AMEND: 42356
09/30/02 AMEND: 42933

Title 8

01/29/03 ADOPT: 10133.16, 10133.17, 10133.18,
10133.19, 10133.20, 10133.21, 10133.22,
10122.1, 10127.3, 10131.2, 10133.10,
10133.11, 10133.12, 10133.13, 10133.14,
10133.15 AMEND: 10122, 10131,
10133, 10133.2 REPEAL: 10133.1
01/28/03 AMEND: 1604.5(c)(3), 1604.6(a)
01/21/03 ADOPT: 339.9 AMEND: 339.8.1
01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772,
9779, 9779.1, 9779.3, 9779.4, 9779.45
01/09/03 AMEND: 769
01/09/03 ADOPT: 412.2 AMEND: 403, 404,
405.1, 411, 411.1, 411.2, 418, 420 RE-
PEAL: 407, 407.1, 407.2, 407.3,
01/08/03 ADOPT: 46.1
01/06/03 AMEND: 1527
01/03/03 AMEND: 344.30
12/30/02 AMEND: 14300.10, 14300.12, 14300.29
12/30/02 ADOPT: 10114.1, 10114.2, 10114.3,
10114.4, 101002, 10103.2, 10106.1,
10107.1, 10111.2, 10113.1, 10113.2,
10113.3, 10113.4, 10113.5, 10113.6
AMEND: 10104, 10105, 10106.5, 10108,
10109, 10113, 10114, 10115.1 REPEAL:
10115.3

12/19/02 AMEND: 5221, 5223,
12/03/02 AMEND: 4794, 4848, 4850
12/02/02 AMEND: 3441(a)
11/18/02 ADOPT: 2980, 2981, 2982, 2983
10/01/02 AMEND: 3457(b)
09/25/02 AMEND: 451, 527

Title 9

01/02/03 AMEND: 10355
12/26/02 ADOPT: 7149.1 AMEND: 7174
11/26/02 ADOPT: 9526, 9531 AMEND: 9500,
9505, 9515, 9530, 9535

Title 10

01/21/03 AMEND: 2690.1, 2690.2
01/16/03 AMEND: 2498.6
01/13/03 ADOPT: 2498.6
01/02/03 AMEND: 2509.40, 2509.41, 2509.42,
2509.45, 2509.77
12/31/02 AMEND: 2318.6, 2353.1, and 2354.
12/26/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.5
12/16/02 ADOPT: 1422, 1423
12/12/02 AMEND: 2632.8
12/12/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6717 AMEND:
2699.6500, 2699.6600, 2699.6605,
2699.6607, 2699.6611, 2699.6613,
2699.6617, 2699.6623, 2699.6625,
2699.6629, 2699.6631, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.680
12/05/02 AMEND: 2632.13(c)
11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,
2689.5, 2689.6, 2689.7, 2689.8, 2689.9,
2689.10, 2689.11, 2689.12, 2689.13,
2689.14, 2689.15, 2689.16, 2689.17,
2689.18, 2689.19, 2689.20, 2689.21,
2689.22, 2689.23, 2689.24,
11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,
2542.4, 2542.5, 2542.6, 2542.7, 2542.8
11/18/02 ADOPT: 2187.4
11/14/02 AMEND: 5002
11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3
11/04/02 ADOPT: 2698.99
10/31/02 ADOPT: 2632.13
10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,
2651.1, 2652.5, 2655.1, 2655.5, 2655.6,
2655.10, 2656.1, 2656.2, 2656.3, 2656.4,
2657.2, 2658.1, 2659.1, 2661.3, 2697.3
09/25/02 ADOPT: 2698.90, 2698.91
09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
350.60(a), 260.001, 260.100.1,
260.100.3, 260.102.4(b), 260.102.8(b),
260.102.16, 260.103, 260.105.28,
260.105.33, 260.111, 260.112, 260.113,
260.121, 260.131, 260.140.71.2,
260.140.87(e), 260.140.110.2, 260.140.11

Title 11

- 01/17/03 ADOPT: 3100, 3101, 3102, 3103, 3200, 3201, 3203, 3204 AMEND: 3000, 3001, 3002, 3003, 3007, 3008
- 12/04/02 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51
- 12/03/02 AMEND: 1001, 1010 REPEAL: 1009
- 11/26/02 AMEND: 1005
- 10/10/02 ADOPT: 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 48
- 10/07/02 ADOPT: 1012 AMEND: 1001, 1004, 1005, PAM D-13 REPEAL: former 1005
- 12/03/02 AMEND: 2200, 2320, 2500
- 11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1], 929.2, [949.2, 969.2], 929.3, [949.3, 969.3], 929.4, [949.4, 969.4] REPEAL: 929.5, [949.5, 969.5], 1037.5(a), 1052
- 11/25/02 AMEND: 912.7, 932.7, 952.7
- 11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972
- 11/21/02 AMEND: 1038(f)
- 11/18/02 AMEND: 932.9, 952.9
- 11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530 and 2690 renumbered to 2850
- 11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2, 932.7, 933.1, 933.2, 952.7, 953.1, 953.2
- 11/07/02 ADOPT: 749.2
- 11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
- 10/28/02 ADOPT: 4971
- 10/28/02 AMEND: 1058.5
- 10/24/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
- 10/21/02 AMEND: 163, 163.5, 164
- 10/15/02 AMEND: 2030
- 10/09/02 ADOPT: 819.06, 819.07 AMEND: 815.03, 815.05, 817.02, 817.03, 818.02, 818.03, 819, 819.01, 819.02.8, 19.03, 819.04, 819.05
- 10/09/02 AMEND: 502, 507(c)
- 10/08/02 AMEND: 2135
- 10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817
- 10/03/02 AMEND: 3502
- 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948
- 10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656, 3658
- 09/30/02 AMEND: 3901, 3909, 3910
- 09/30/02 AMEND: 17400, 17402, 17402.5

Title 13

- 01/03/03 ADOPT: 2606 AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610
- 12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2271, 2272, 2296
- 11/25/02 AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818
- 11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36, 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms
- 10/18/02 AMEND: 1956.8

Title 14

- 01/28/03 ADOPT: 6593, 6593.1, 6593.2, 6593.3, 6593.4, 6593.5, 6593.6, 6593.7, 6593.8, 6593.9, 6593.10, 6593.11
- 01/21/03 ADOPT: 14120 AMEND: 14101, 14102, 14111, 14112, 14113, 14115, 14116
- 01/17/03 AMEND: 180.15
- 01/09/03 ADOPT: 52.00, 52.01, 52.02, 52.03, 52.04, 52.05, 52.09 AMEND: 150.16, 150.17
- 01/07/03 AMEND: 630
- 01/03/03 ADOPT: 1.91 AMEND: 1.90, 27.60, 27.82, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58
- 12/31/02 AMEND: 150.06(a)
- 12/30/02 AMEND: 150.06, 150.16
- 12/30/02 AMEND: 150.16
- 12/30/02 AMEND: 670.2
- 12/26/02 AMEND: 670.2
- 12/19/02 AMEND: 11900 and 11901
- 12/19/02 AMEND: 11900
- 12/18/02 ADOPT: 3704.1
- 12/05/02 AMEND: 18419
- 12/03/02 AMEND: 2200, 2320, 2500
- 11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1], 929.2, [949.2, 969.2], 929.3, [949.3, 969.3], 929.4, [949.4, 969.4] REPEAL: 929.5, [949.5, 969.5], 1037.5(a), 1052
- 11/25/02 AMEND: 912.7, 932.7, 952.7
- 11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972
- 11/21/02 AMEND: 1038(f)
- 11/18/02 AMEND: 932.9, 952.9
- 11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530 and 2690 renumbered to 2850
- 11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2, 932.7, 933.1, 933.2, 952.7, 953.1, 953.2
- 11/07/02 ADOPT: 749.2
- 11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
- 10/28/02 ADOPT: 4971
- 10/28/02 AMEND: 1058.5
- 10/24/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
- 10/21/02 AMEND: 163, 163.5, 164
- 10/15/02 AMEND: 2030
- 10/09/02 ADOPT: 819.06, 819.07 AMEND: 815.03, 815.05, 817.02, 817.03, 818.02, 818.03, 819, 819.01, 819.02.8, 19.03, 819.04, 819.05
- 10/09/02 AMEND: 502, 507(c)
- 10/08/02 AMEND: 2135
- 10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817
- 10/03/02 AMEND: 3502
- 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948
- 10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656, 3658
- 09/30/02 AMEND: 3901, 3909, 3910
- 09/30/02 AMEND: 17400, 17402, 17402.5

Title 15

- 01/21/03 AMEND: 3075.2
- 12/10/02 ADOPT: 3371.1
- 10/04/02 AMEND: 3025, 3315
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- 01/23/03 ADOPT: 1399.153.10 AMEND: 1399.153, 1399.153.1, 1399.153.2, 1399.153.3, 1399.153.4, 1399.153.5, 1399.153.6, 1399.153.7 1399.153.8, 1399.153.9,
- 01/21/03 ADOPT: 1356.6
- 01/21/03 AMEND: 3340.42 REPEAL: 3340.42.1
- 01/15/03 ADOPT: 118.5 AMEND: 109, 116, 117, 121
- 01/07/03 AMEND: 1399.660, 1399.664

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 12/23/02 ADOPT: 1398.52 AMEND: 1398.37
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 12/19/02 AMEND: 1398.3, 1398.20, 1398.21.1, 1398.28, 1398.42, 1398.47, 1399.12, 1399.20, 1399.21, 1399.22, 1399.52
 12/16/02 ADOPT: 1937.17 AMEND: 1996, 1996.2
 12/16/02 ADOPT: 1435.15 AMEND: 1435, 1435.2, 1435.3, 1435.5, 1435.6
 12/12/02 AMEND: 2310(a)(b)
 12/09/02 ADOPT: 2414 AMEND: 2411, 2418
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 01/21/03 AMEND: 25137-2
 01/15/03 AMEND: 904
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 10/21/02 AMEND: 981.3(a)(b)(d)
 10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5

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 01/21/03 AMEND: 51516.1
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