



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

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

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<p><b>PROPOSED ACTION ON REGULATIONS</b></p>
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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after August 7, 2003 at 9:30 a.m. Written comments should be received at the Commission offices no later than noon on August 5, 2003.

**BACKGROUND/OVERVIEW**

On November 7, 2000, the voters approved Proposition 34, which significantly amended the Political Reform Act ("Act"). Among those changes is a new statute, section 89519 of the Government Code. Generally speaking, the new law governs the use of campaign funds once they become surplus.

The use of campaign funds and the prohibition on their expenditure for "personal use" is governed by Government Code sections 89511 through 89522. The expenditure of campaign funds by candidates must be, at a minimum, reasonably related to a political, legislative, or governmental purpose associated with the candidate's office. However, where an expenditure confers a substantial personal benefit on a candidate, the expenditure must be directly related to a political, legislative, or governmental purpose. Where campaign funds become "surplus" campaign funds, Government Code section 89519 further limits their expenditure.

The Commission notices for adoption regulation 18951 to assist in the implementation of section 89519. Generally, the regulation seeks to define terms in the statute, describe implementation in common factual scenarios such as the defeat of a candidate, and establish the parameters in which the statute operates pre- and post January 1, 1989.

**REGULATORY ACTION**

Adopt 2 Cal. Code Regs. § 18951: The proposed regulation governs the circumstances under which candidates may use surplus campaign funds.

**FISCAL IMPACT STATEMENT**

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

**AUTHORITY**

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

**REFERENCE**

The purpose of this regulation is to implement, interpret and make specific Government Code section 89519.

**CONTACT**

Any inquiries should be made to C. Scott Tocher, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

**ADDITIONAL COMMENTS**

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

**TITLE 2. STATE ASSISTANCE FUND FOR ENTERPRISE, BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATION (SAFE-BIDCO)**

**NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the State Assistance Fund for Enterprise, Business and Industrial Development Corporation hereinafter referred to as SAFE-BIDCO, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code. The purpose of those amendments is to implement the requirements of section 87300 through 87302, and section 87306 of the Government Code.

SAFE-BIDCO proposes to amend its Conflict of Interest Code to delete a designated employee position that no longer exists at the SAFE-BIDCO and adds

language to the disclosure categories which clarifies the definition of "income" to include gifts and travel payments.

Copies of the amended code are available and may be requested from the contact person set forth below.

Any interest person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 10, 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 amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 30, 2003 by contacting the contact person set forth below.

SAFE-BIDCO has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person set forth below.

SAFE-BIDCO has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are 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 saving in federal fundings to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, SAFE-BIDCO must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

#### CONTACT PERSON

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

Kathy Alexander  
SAFE-BIDCO  
1211 N. Dutton Ave., Suite D  
Santa Rosa, CA 95401  
(707) 577-8621

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture proposes to amend Sections 1430.35 and 1430.36 of the regulations in Title 3 of the California Code of Regulations pertaining to maturity standards for oranges.

Notice is also given of a written public comment period. Any interested person may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on August 27, 2003. A public hearing has been scheduled for 10:00 a.m., August 27, 2003 at the Exeter Memorial Building Auditorium, 324 North Kaweah Avenue, Exeter, CA. Please refer to the contact section of this notice for the contact persons and address information when submitting comments. Following the public hearing and written comment period, the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Sections 1430.35 and 1430.36 provide criteria for determining the maturity of oranges at the time of harvest. The existing regulation provides packers with two color options, (a) and (b), each with a ratio of soluble solids to acid that determines the sweetness of an orange at the time of harvest.

The specific purpose of amending Sections 1430.35 and 1430.36 is to delete all references pertaining to orange color (b) and add criteria for reconditioning fruit that has failed to meet color (a) at the time of harvest.

#### FISCAL IMPACT STATEMENTS

The Department has initially determined that these proposed regulations would have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department determined that these proposed regulations do not impose a mandate on local agencies or school districts.

#### EFFECT ON SMALL BUSINESS

The Department has initially determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by

these proposed changes. The Department does recognize that there could be a potential economic impact to some growers. However, additional costs, if any, are unknown at this time. This is based on the fact that any additional costs would come from the disposal of fruit failing to meet the color (a) maturity standards when harvested and again after reconditioning.

The Department believes this can be minimized through the use of good agricultural practices by determining fruit meets both the color (a) and soluble solids to acid ratio maturity tests prior to harvesting. Leaving fruit on trees longer will also minimize the spotting that can occur on the rind therefore enhancing its appearance. Providing the consumer with better quality fruit would have a positive effect on the ability of such businesses to market their products. The proposed changes meet the needs of both, the affected commodity group and the consumer, without requiring substantial changes on the part of industry.

**EFFECT ON HOUSING COSTS**

The Department has initially determined that the amendments of the proposed regulation would have no effect on housing costs.

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

The Department has initially determined that these proposed changes would have no statewide adverse economic impact directly on businesses, including the ability for California businesses to compete with businesses in other states.

**ASSESSMENT STATEMENT**

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

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

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

**ALTERNATIVES**

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

**AUTHORITY AND REFERENCE**

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407, 42681 and 42684 of the Food and Agricultural Code, and to implement, interpret, and make specific Section 42941 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

**CONTACT**

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Gary Manning. Inquiries pertaining to the substance of the proposed regulation may be directed to Gary Manning. The contact persons may be reached at the Department of Food and Agriculture, Fruit, Vegetable, and Egg Quality Control Branch, 1220 N Street, Sacramento, CA 95814, (916) 445-2180, fax (916) 445-2427. Written comments may also be submitted via e-mail to sdame@cdfa.ca.gov.

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

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained on request from the Department of Food and Agriculture. These documents are available on our website at [www.cdfa.ca.gov/cdfa/regs](http://www.cdfa.ca.gov/cdfa/regs).

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in the notice. The Final Statement of Reasons, when available, may also be obtained from the agency contact persons named in the notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

**TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION**

**NOTICE OF PROPOSED RULEMAKING**

**Accounting and Financial Reporting (Cardrooms)**

The California Gambling Control Commission (“Commission”) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Commission proposes to adopt Sections 12400, 12401, 12402, 12403, 12404, 12405, and 12406 of Title 4 of the California Code of Regulations,

concerning accounting and financial reporting requirements applying to cardrooms regulated under the Gambling Control Act.

#### PUBLIC HEARING

The Commission will hold a public hearing starting at 11:00 a.m. on Wednesday, September 10, 2003, at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., Wednesday, September 10, 2003 (the day of the public hearing).

Written comments for the Commission's consideration should be directed to:

Herb Bolz, Senior Legal Counsel  
and Regulations Coordinator  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
Telephone: 916-263-0490  
E-mail: [hbolz@cgcc.ca.gov](mailto:hbolz@cgcc.ca.gov)  
FAX 916-263-0452.

#### AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions ("B & P") Code sections 19800-19980. In particular, B & P Code sections 19811, 19824, 19840, and 19841.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific B & P Code section 19841.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act authorizes and mandates the Commission to regulate the operation of cardrooms. The Act requires the Commission to adopt regulations concerning maintenance of accounting records, reports of transactions, procedures for licensees to exercise effective control over their internal fiscal affairs, and preparation of reports to the Division of Gambling Control in the California Department of Justice.

As currently drafted, the proposed regulations provide definitions, require certain accounting records, contain requirements concerning the chart of accounts,

require preparation of standardized financial statements, require records and reports of certain currency transactions, specify how long records must be retained, and specify the language in which records must be made and maintained.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

##### **Mandate on local agencies and school districts:**

These regulations do not impose a mandate on local agencies or school districts.

##### **Cost or savings to any state agency:** None

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561:** None

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

**Cost or savings in federal funding to the state:** None

**Cost impact on representative private person or business:** Licensees that currently maintain complete accounting records and file required transaction reports would likely not experience significantly increased costs. Concerning other licensees, as required by Government Code section 11346.5(a)(9), the Commission states that it "is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action." Such costs as may be incurred are likely traceable in general to the statutory mandate (B & P Code section 19841), rather than to the provisions of the proposed action.

**Impact on Business:** The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Significant effect on housing costs:** The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

**Effect on small business:** The Commission has made an initial determination that the effect these regulations will have on small business will be minor.

#### CONSIDERATION OF ALTERNATIVES

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

ested parties to recommend alternatives, if any are available, that would carry out the statutory mandate in more effective or less burdensome ways.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that 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 or create or expand businesses in the State of California.

CONTACT PERSONS

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

Herb Bolz, Senior Legal Counsel  
and Regulations Coordinator  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
Telephone: 916-263-0490  
E-mail: [hbolz@cgcc.ca.gov](mailto:hbolz@cgcc.ca.gov)  
FAX 916-263-0452.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Herb Bolz, Senior Legal Counsel  
and Regulations Coordinator  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
Telephone: 916-263-0490  
E-mail: [hbolz@cgcc.ca.gov](mailto:hbolz@cgcc.ca.gov)  
FAX 916-263-0452.

Or:

Susie Hernandez, Regulations Analyst  
Telephone: (916) 274-0688  
FAX number: (916) 263-0499  
e-mail [shernandez@cgcc.ca.gov](mailto:shernandez@cgcc.ca.gov).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>.

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of the Regulations Coordinator at the address indicated above. The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Forms for Annual Financial Statements

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

PUBLIC HEARING

The State Board will hold a public hearing beginning at **2:00 p.m. on Monday, August 25, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Thursday, August 21, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those

comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

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

#### AUTHORITY AND REFERENCE

Authority: Sections 1628, 33031, 33050, 41010, 41023, and 42100, Education Code.

References: Sections 1628, 41023, and 42100, Education Code.

#### INCORPORATION BY REFERENCE

These regulations incorporate by reference the California School Accounting Manual (Sections 15060 and 15071 of the regulations) and the standardized account code structure (SACS) Unaudited Actuals Financial Report forms (Sections 15070 and 15071 of the regulations). These items can be found on our Web site pages at [www.cde.ca.gov/fiscal/software](http://www.cde.ca.gov/fiscal/software) and [www.cde.ca.gov/fiscal/sacs](http://www.cde.ca.gov/fiscal/sacs).

Note: The California School Accounting Manual is updated every year, usually in December (the most recent edition is December 2002). The SACS report forms are updated every year, usually in April and July (April 2003 is the latest edition).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to adopt Sections 15060 in Article 2 and Sections 15070 and 15071 in Article 3 of Division 1, Chapter 14, Subchapter 2 of Title 5 of the California Code of Regulations. These sections concern the accounting system and the format for the annual financial statements for school districts, county offices of education, educational joint powers agencies, and charter schools.

The purpose of the regulations is 1) to define the current accounting and reporting format used to record the financial affairs of local educational agencies, 2) to adopt the forms that are prescribed by the Superintendent of Public Instruction for local educational agencies to report their annual statement of all receipts and expenditures for the preceding fiscal year, and 3) to provide an alternative annual financial statement form for charter schools.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Affect on small businesses: The regulations clarify which materials may be purchased with state Instructional Materials Funds and the percentages that can be spent on various specified categories. There may be a financial impact on some publishers of supplementary materials to the extent that some materials may no longer be purchased by districts using state Instructional Materials Funds. This impact is minimal and therefore, the proposed regulations would not have a significant adverse affect on any small businesses.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

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

Caryn Becker, Administrator  
School Fiscal Services Division  
California Department of Education  
1430 N Street, Suite 3800  
Sacramento, CA 95814

E-mail: [cbecker@cde.ca.gov](mailto:cbecker@cde.ca.gov)  
 Telephone: (916) 322-1770  
 FAX: (916) 324-7141

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

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

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

**AVAILABILITY OF CHANGED  
 OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
 STATEMENT OF REASONS**

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

**AVAILABILITY OF DOCUMENTS  
 ON THE INTERNET**

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

**TITLE 5. BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**Supplemental Services**

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

**PUBLIC HEARING**

The State Board will hold a public hearing beginning at **10:00 a.m. on Wednesday, August 20, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Tuesday, August 19, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
 California Department of Education  
 LEGAL DIVISION  
 1430 N Street, Room 5319  
 Sacramento, California 95814  
 Telephone: (916) 319-064  
 E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)

**AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.  
 Reference: 20 U.S.C. section 6316(e)(1) and Section 12000, Education Code.

**INFORMATIVE DIGEST/POLICY  
 STATEMENT OVERVIEW**

The State Board of Education proposes to add Section 13075 to Title 5 of the California Code of Regulations. This section pertains to providers of

supplemental educational services that are approved by the State Board of Education.

Title I of the 2001 reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) requires that certain local education agencies contract with providers of supplemental educational services from a list established by the State Education Agency (SEA.)

These services are primarily tutoring for eligible disadvantaged school children, occurring before or after school, or during inter-session periods. Parents may select a provider from the approved list.

Approved providers of supplemental educational services must have a "demonstrated record of effectiveness." STAR test data on student progress must be available as one factor for determining program effectiveness.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Affect on small businesses: The program regulations will not have an affect on small businesses because the regulations only apply to Local Education Agencies (LEAs).

#### CONSIDERATION OF ALTERNATIVES

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

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

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

#### CONTACT PERSONS

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

Jerry Cummings, Consultant  
Specialized Programs Division  
California Department of Education  
1430 N Street, Room 4309  
Sacramento, CA 95814  
E-mail: [jcumming@cde.ca.gov](mailto:jcumming@cde.ca.gov)  
Telephone: (916) 319-0381

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

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

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

**PUBLIC MEETING:** On **August 21, 2003** at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

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

**PUBLIC HEARING:** On **August 21, 2003** following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

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

**BUSINESS MEETING:** On **August 21, 2003** following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on August 21, 2003.

1. TITLE 8: CONSTRUCTION SAFETY ORDERS  
Chapter 4, Subchapter 4, Article 19  
Section 1632  
GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 2  
Section 3212  
**Guarding of Skylights**
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 100  
Section 5035(b) and  
New Section 5035(c)  
**Repair and Testing of Crane Booms and Boom Extensions**

A description of the proposed changes are as follows:

1. TITLE 8: CONSTRUCTION SAFETY ORDERS  
Chapter 4, Subchapter 4, Article 19  
Section 1632  
GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 2  
Section 3212  
**Guarding of Skylights**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking action is being initiated at the request of the Division of Occupational Safety and Health (Division). The Division submitted a

Form 9, Request for New, or Change in Existing Safety Order, dated December 1, 2000, to amend the Construction Safety Orders (CSO) Section 1632 to indicate to employers that requirements for guarding existing skylights can be found in General Industry Safety Orders (GISO) Section 3212. The Form 9 contained another request to amend GISO, Section 3212 to make it at least as effective as its federal counterpart regulation by deleting the requirement permitting temporary warning lines and cones positioned 24 inches from the skylight curb.

The Division stated that on review of Title 8 regulations, it appears that existing regulations are not at least as effective as federal counterpart regulations. According to the Division, the federal regulations require guarding the skylights by means of covers, railings or fall protection systems, whereas Title 8 regulations permit the use of temporary warning lines or cones placed near the skylight or roof opening.

The Division indicated that a review of injury and illness data maintained in the Federal Integrated Management System shows that there have been at least 103 instances of falls through skylights in OSHA Region 9 (California, Nevada, Arizona and Hawaii) between 1990 and 2001. Most of these accidents, about 83 percent, occurred in California and of those, 16 were fatal falls through skylights or roof openings. Almost half of these fatalities have occurred since January 1998. Consequently, the Division is requesting the Occupational Safety and Health Standards Board to amend the aforementioned safety orders to effectively address this hazard.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Construction Safety Orders, Section 1632(b). Floor, Roof, and Wall Openings to Be Guarded.

Section 1632 applies to temporary or emergency conditions where there is a danger of employees or materials falling through floor, roof, or wall openings, or from stairways or runways. Existing Section 1632(b) requires that floor, roof, and skylight openings be guarded using standard railings and toeboards or covers. Subsection (b) also outlines specific requirements for covers.

For employers to understand the various requirements of this section clearly, it is proposed to further subdivide Section 1632(b) into three subsections. It is proposed to label the first sentence of existing Section 1632(b) as (b)(1), which specifies the methods of

guarding floor, roof and skylight openings. For clarity purposes, it is proposed to editorially revise this sentence to read, "Floor, roof and skylight openings shall be guarded by either temporary railings and toeboards or by covers." It is also proposed to add an instructive "note" at the end of subsection (b)(1) to indicate to employers that the requirements for guarding existing skylights can be found in Section 3212 of the General Industry Safety Orders.

Currently, Section 1632 does not address the design, construction, and installation specifications for railings and toeboards that are specified as one of the means of guarding floor, roof, and skylight openings. Therefore, it is proposed to add a new subsection (2) to specify that railings and toeboards shall meet the requirements of Sections 1620 and 1621. Also, since the last sentence of existing Section 1632(b) pertains to guardrails, it is proposed to relocate this requirement to proposed new subsection (2), which addresses guardrail requirements.

The remaining portion of existing Section 1632(b), which addresses requirements specific to covers, is proposed for renumbering as subsection (3). Currently, this portion of existing Section 1632(b) specifies that covers be capable of safely supporting the greater of the weight of a 200-pound person or twice the weight of the employees, equipment and materials that may be imposed on the cover at any one time. Board staff recognized and the advisory committee concurred, however, that twice the weight of the employees, equipment and materials will always be more than the weight of a 200-pound person. Therefore, it is proposed to change the weight requirement from a 200-pound person to "the weight of 400 pounds," which is twice the weight of a 200-pound person. In addition, the current regulation considers this 200-pound strength requirement to be applied over the entire surface of the cover. Board staff recognizes, however, that this load is actually imposed on any one square foot area of the cover at any time. Consequently, staff proposes to amend this requirement to read "Covers shall be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on any one square foot area of the cover at any time."

The proposed amendments to Section 1632(b) will clarify the regulation, make it consistent with other Title 8 requirements, and will ensure that floor, roof and wall openings are effectively guarded. The proposed amendments will also ensure that the state's skylight guarding requirements are at least as effective as its federal counterpart.

General Industry Safety Orders, Section 3212. Floor Openings, Floor Holes and Roofs.

Existing Section 3212 address requirements for guarding floor openings, floor holes, skylights and roofs. Skylights, however, are not included in the current heading of this section. Therefore, it is proposed to amend the heading to read, "Floor Openings, Floor Holes, Skylights and Roofs." The proposed amendment is for clarity purposes and will have no effect on the regulated public.

Section 3212(a)(1)

Existing Section 3212(a)(1) specifies the guarding requirements for floor openings. It is proposed to have these requirements apply to roof openings as well and relocate the parenthetical phrase, "except at the entrance to stairway or ladder way" to the end of the subsection as an "exception". To make this section applicable to both floor and roof openings, it is proposed to delete the words "floor" and "permanent floor" in the last two sentences of this subsection. The proposed revisions are for clarity purposes to ensure that the requirements of this subsection are applicable to both roof and floor openings.

Section 3212(b)

Existing Section 3212(b) requires that the construction of floor opening covers be made of materials that meet the strength requirements of the surrounding floor. Board staff recognizes and the advisory committee concurred that this requirement is vague and unenforceable. Therefore, it is proposed to revise this subsection by incorporating the strength requirements for opening covers consistent with that of proposed Section 1632(b)(3). It is also proposed to have these requirements apply to roof openings as well as floor openings. The proposed amendments will clarify the regulation, make it consistent with other Title 8 requirements, and will ensure that floor and roof opening covers are effective in supporting the weight of falling employees, equipment and/or materials.

Section 3212(e)

Existing Section 3212(e) addresses the requirements for guarding skylights. The current section has only two subsections (e)(1) and (e)(2). Subsection (e)(1) specifies the requirements for skylight screens, whereas subsection (e)(2) contains the requirements for guarding existing skylights via the use of a fall protection system, covers, or guardrails.

It is proposed to reformat Section 3212(e) and add a new opening statement that requires any employee approaching within 6 feet of any skylight to be protected from falling by any of the methods in proposed subsections (e)(1) through (e)(5) as follows:

Subsection (e)(1)

Existing subsection (e)(1) contains the construction and mounting specifications for skylight screens and requires that they be capable of withstanding a load of 200 pounds applied perpendicularly at any one area on the screen. To be consistent with the proposed strength requirements of opening covers, it is proposed to amend this requirement to read, "The design, construction and installation of skylight screens shall meet the strength requirements equivalent to that of covers specified in subsection (b) above." For clarity, it is further proposed to editorially revise the remaining subsection to reference "design loads" vs. "ordinary loads" and that the grillwork contain openings not more than "4 inches × 4 inches" vs. "4 inches." A revision is also proposed to delete the Title 24 reference at the end of this subsection due to recent Labor Code revisions resulting from AB 3000. The proposed amendments will clarify the regulation and make it consistent with other Title 8 requirements by ensuring that skylight screens meet strength requirements equivalent to those of coverings.

Subsection (e)(2)

Existing subsection (e)(2) requires that where existing skylights are not guarded in accordance with subsection (e)(1), and where there is a need for any employee to approach within 6 feet of any skylight, employee(s) shall be provided with fall protection for the duration of fall exposure by: (A) the use of an approved safety belt and lanyard securely anchored to a solid structure, or (B) temporary covers capable of sustaining the weight of a 200-pound person installed over the skylight, or (C) temporary 42-inch railing enclosures, temporary warning lines, or cones installed/positioned no closer than 24-inches from the skylight curb. It is proposed to amend and relocate these options to proposed subsections (e)(3), (4) and (5), respectively. The existing requirement in subsection (C), which lists cones as an option of protecting the skylight, renders this Title 8 regulation less effective than its federal counterpart and is therefore proposed for deletion. New subsection (e)(2) is proposed which reads, "Guardrails meeting the requirements of Section 3209." The proposed new subsection will clarify the use of guardrails as a fall exposure protection option, make it consistent with other Title 8 requirements, and ensure that state regulations are at least as effective as federal counterpart regulations.

New subsection (e)(3)

New subsection (e)(3) is proposed which amends the fall protection option as a means of guarding skylights, derived from existing Section 3212(2)(A). The proposed new subsection reads, "The use of a

personal fall protection system meeting the requirements of Section 1670 of the Construction Safety Orders”. The proposed new subsection will clarify the fall protection option and make it consistent with other Title 8 requirements.

New subsection (e)(4)

New subsection (e)(4) is proposed which amends the use of covers as an option for guarding skylights, derived from existing Section 3212(2)(B). The proposed new subsection reads, “Covers meeting the requirements of subsection (b) installed over the skylights”. The proposed new subsection will clarify the use of covers as a fall exposure protection option and make it consistent with other Title 8 requirements.

New subsection (e)(5)

New subsection (e)(5) is proposed which amends the use of temporary warning lines as an option for guarding skylights, derived from existing Section 3212(2)(C). The proposed new subsection permits the use of temporary warning lines as a means to protect an employee from falling through the skylight or skylight opening. The temporary warning lines must be installed not less than 6 feet from the curb of the skylight or roof or floor opening, and when used, shall consist of ropes, wires, or equivalent materials and supporting stanchions as follows:

- (A) The supporting stanchions (portable or fixed) supporting the warning lines shall be designed and installed or positioned to minimize tip over or displacement under normal working conditions.
- (B) Each line shall be flagged or otherwise clearly marked at not more than 6-foot intervals with high-visibility material.
- (C) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches from working level/working area and its highest point not more than 45 inches.
- (D) Each line as installed shall have a minimum breaking strength of 200 pounds.

The proposed new subsection will add clarity to the regulation by specifying how warning lines are to be used as a means of protecting employees from falling through skylights or skylight openings.

Proposed new subsection (f)

New subsection (f) is proposed which specifies that access on to glazed surfaces, such as roofs, vaults, canopies, or skylights glazed with transparent or translucent materials is prohibited unless an engineer registered in the State of California and experienced in the design of such glazed structures has certified that the surface will support all anticipated loads. Employees working on such surfaces shall be protected by a

fall protection system meeting the requirements of Section 1670 of the Construction Safety Orders. The proposed new subsection was based on the recommendations of the advisory committee. The proposed new subsection will have the effect of ensuring that employees are prevented from accessing glazed surfaces, unless such surfaces are certified to support all anticipated loads and employees are otherwise protected by a fall protection system.

Proposed new subsection (g)

New subsection (g) is proposed which specifies that when glazed surfaces cannot be accessed safely for maintenance in accordance with subsection (f), scaffolds, catwalks, rolling ladders, platforms or other methods of safe access shall be provided. The proposed new subsection will have the effect of providing safe, alternative means to access glazed surfaces for maintenance purposes.

**COST ESTIMATES OF PROPOSED ACTION**  
**Costs or Savings to State Agencies**

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

**Impact on Housing Costs**

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

**Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

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

**Costs or Savings in Federal Funding to the State**

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

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

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

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

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

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement

by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

A description of the proposed changes are as follows:

- 2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 100  
Section 5035(b) and  
New Section 5035(c)  
**Repair and Testing of Crane Booms and Boom Extensions**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is the result of the Occupational Safety and Health Standards Board staff review and evaluation of the language contained in Section 5035(b) of the General Industry Safety Orders regarding the testing of crane booms and boom extensions that have been repaired.

The Occupational Safety and Health Appeals Board issued a “Decision After Reconsideration”, dated March 15, 2001, in the matter of the Appeal of D. Robert Schwartz dba Alameda Metal Recycling and Alameda Street Metals in which the undefined term “extensively repaired” as used in GISO Section 5035(b) was an issue of contention as to whether repairs made to the crane boom required the testing specified by the regulation. Consequently, this proposal seeks to clarify that repairs to critically stressed members of a crane boom or boom extension shall be performed in accordance with the manufacturers’ or certified agent’s recommendations. Further, a new subsection to Section 5035 is proposed specifying that new or replacement booms or boom extensions shall be tested before use in accordance with Section 5022.

Section 5035. Damaged Booms.  
Subsection (b)

Section 5035 requires crane booms and boom sections that have been damaged to be repaired prior to further use. Existing subsection (b) requires that any new or extensively repaired boom or boom extension be tested in accordance with Section 5022 unless such boom or extension has been designed or repaired and inspected by a certified agent. Amendments are proposed to delete existing subsection (b) in order to eliminate the ambiguous term “extensively repaired” and add new language which reads, “Repairs to critically stressed members of a boom or boom extension, such as a boom chord, mast chord, or boom sections, shall be performed in accordance with the manufacturers’ or certified agent’s recommendations.” The proposed revisions will have the effect of specifically addressing repairs to crane booms and boom extensions and will ensure that such repairs are performed in accordance with the manufacturers’ or certified agent’s recommendations.

New subsection (c)

New subsection (c) is proposed which requires that new or replacement booms or boom extensions be tested before use in accordance with Section 5022. Though similar to the requirements in existing subsection (b), new subsection (c) requires the testing of new or replacement booms or boom extensions irrespective of a certified agent's design, repair or inspection. The proposed new subsection will clarify the intent of the regulation and will have no effect on the regulated public since any new or replaced boom or boom extension would be considered a major modification requiring load testing in accordance with the provisions of Section 5022(a)(3).

**COST ESTIMATES OF PROPOSED ACTION**

**Costs or Savings to State Agencies**

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

**Impact on Housing Costs**

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

**Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

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

**Costs or Savings in Federal Funding to the State**

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

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

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

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

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

**DETERMINATION OF MANDATE**

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

Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program with the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

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

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses.

**ASSESSMENT**

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

**REASONABLE ALTERNATIVES CONSIDERED**

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

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than August 15, 2003. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on August 21, 2003 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

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

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

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

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

**TITLE 23. STATE WATER  
RESOURCES CONTROL BOARD**

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Board) proposes to

adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The State Board proposes to amend Section 2713 and adopt Sections 2717, 2717.1, 2717.2, 2717.3, 2717.4, 2717.5 and 2717.6 in Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (CCR). These sections concern red tags and underground storage tanks.

**PUBLIC HEARING**

The State Board will hold a public hearing on the proposed regulations at 10:00 a.m. on August 26, 2003 in the Sierra Hearing Room at the California Environmental Protection Agency Headquarters Building, 1001 "I" Street, Sacramento, California. At the public hearing, any person may present statements or arguments that are relevant to the proposed regulations described in the informative digest, either orally, or in writing. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the State Board. The State Board will consider written comments not presented at the public hearing if they are received prior to the close of the written comment period.

Persons who wish to speak at the public hearing are requested to register prior to the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Reasonable accommodation or sign language services at the public hearing will be provided upon request. Such request should be made no later than 15 days prior to the public hearing.

**WRITTEN COMMENT PERIOD**

Any person may submit written comments relevant to the proposed regulatory action to the State Board. The written comment period closes at **5:00 p.m. on August 26, 2003**. The State Board will only consider written comments received by that time. Submit comments to:

David Boyers  
Office of Chief Counsel  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
Telephone: (916) 341-5182

Comments may also be hand-delivered to 1001 I Street, 22<sup>nd</sup> Floor, Sacramento, CA 95814, or e-mailed to: [Dboyers@exec.swrcb.ca.gov](mailto:Dboyers@exec.swrcb.ca.gov) or faxed to (916) 341-5199.

To be added to the mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please send your name and address to Deanna Flanagan at the State Water Resources Control Board, Division of Water Quality, P.O. Box 944212, Sacramento, California 94244-2120. Individuals who receive this notice by mail are already on the mailing list.

#### AUTHORITY AND REFERENCE

Sections 25292.3, 25299.3, and 25299.7 of the Health and Safety Code authorize the State Board to adopt the proposed regulations, which would implement, interpret, or make specific the following State statute: Health and Safety Code Section 25292.3.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code Section 25292.3 allows local agencies to prohibit fuel delivery to an underground storage tank (UST) system found to have one or more “significant violations” by affixing a red tag to the system’s fill pipe. If the significant violation poses an imminent threat to human health, safety, or the environment, the local agency may affix the red tag immediately upon discovery of the violation. (Health & Saf. Code, § 25292.3, subd. (a).) If the significant violation does not pose such a threat, the local agency must first notify the owner or operator, giving the owner or operator seven days to correct the violation before it may affix a red tag to the fill pipe. (*Id.* § 25292.3, subd. (b).) After the owner or operator of a red-tagged UST system corrects the violation and notifies the local agency, the agency must inspect the UST system within five days to determine whether it continues to be in significant violation. (*Id.* § 25292.3, subd. (f).) If the local agency determines that the system has been corrected, it must immediately remove the red tag. (*Ibid.*) Section 25292.3 requires that the State Board adopt regulations to define what constitutes a “significant violation.” (*Id.* § 25292.3, subd. (g).)

Section 2713 currently requires that local agencies transmit to the State Board, on a quarterly basis, certain information pertaining to its UST implementation and enforcement activities. The proposed regulation clarifies that, as part of its reporting of enforcement activities, local agencies shall submit certain information regarding UST systems in their jurisdiction that have received a red tag.

Section 2717 defines the terms “significant violation” and “imminent threat to human health or safety or the environment.”

Section 2717.1 specifies the circumstances under which a local agency may affix a red tag to a UST system with one or more significant violations and provides that local agencies shall use a tamper-resistant strap or straps, fill pipe bag, or any combination thereof, to affix a red tag to the fill pipe of a noncompliant UST system. Section 2717.1 also requires that a local agency determine the level of stored product in the tank prior to affixing a red tag and specifies that the State Board shall provide red tags, tamper-resistant straps, and fill pipe bags to local agencies upon request.

Section 2717.2 reiterates for purposes of clarity the statutory requirement that a local agency, after receiving notice from an owner or operator that a significant violation has been corrected, inspect the system within five days to determine whether the violation has been corrected. This section also gives local agencies authority to provide written authorization allowing an owner or operator to remove a red tag prior to the local agency’s inspection if the owner or operator documents to the satisfaction of the local agency that the significant violation has been corrected. This section provides that the local agency or the owner or operator, depending on who removes a red tag, shall determine the level of stored product in the tank after removing the red tag, and requires that an owner or operator who removes a red tag pursuant to written authorization by the local agency shall return the tag to the local agency within five business days, or sooner if requested by the local agency.

Section 2717.3 provides that a local agency may remove or authorize the removal of a red tag from an emergency generator tank system prior to the significant violation being corrected if the local agency determines that an emergency situation exists requiring operation of the system and the delivery of petroleum is necessary for the continued operation of the system during the emergency.

Section 2717.4 provides that, after making a determination that a significant violation has been corrected, the local agency shall provide written notice to the owner or operator of its determination.

Section 2717.5 creates an exemption from the authority for a local agency to affix a red tag for a UST system component found to be in significant violation if the violation is discovered during periodic testing of the component. The exemption would not apply if: (1) the violation poses an imminent threat to human health or safety or the environment; (2) there is evidence the component in violation has been tampered with; or (3) the owner or operator fails to take appropriate action to correct the violation.

Section 2717.6 describes in detail the appearance of a red tag.

Section 2717.7 provides that affixing a red tag to the fill pipe of a UST system found to have one or more significant violations does not prohibit the local agency, State Board, a regional water quality control board, or any other prosecuting agency from taking additional actions.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The State Board has made the following determinations:*

- Mandate on local agencies and school districts: No new mandate to local agencies or schools is proposed. Any mandate to local agencies or schools is the result of the statute and not the regulations per se.
- Costs or savings to any State agency: The State Board expects it will expend approximately fifty thousand dollars (\$50,000) to contract for the production of red tags, tamper-resistant straps, and fill pipe bags. It is anticipated that the State Board will be able to absorb these costs within its existing budget and resources.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other non-discretionary cost or savings imposed on local agencies: None.
- Cost or savings in Federal funding to the State: None.
- Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on private persons or directly affected 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.
- Adoption of this amendment 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.

SMALL BUSINESS DETERMINATION

The State Board has determined that the proposed regulatory action does not affect small businesses. The regulations do not create any economic impact to business because owners and operators of underground storage tank systems have an obligation to comply with the law. These regulations do not create any new requirements for any business.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

David Boyers  
 Office of Chief Counsel  
 State Water Resources Control Board  
 P.O. Box 100  
 Sacramento, CA 95812-0100  
 Telephone: (916) 341-5182  
 E-mail address: [Dboyers@exec.swrcb.ca.gov](mailto:Dboyers@exec.swrcb.ca.gov)

You may also direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Boyers at the above address. In the event that Mr. Boyers is not available to respond to inquiries, please contact:

Leslie Alford  
 Underground Storage Tank Enforcement Unit  
 State Water Resources Control Board  
 P.O. Box 944212  
 Sacramento, CA 94244-2120  
 Telephone: (916) 341-5810  
 E-mail address: [alfordl@cwp.swrcb.ca.gov](mailto:alfordl@cwp.swrcb.ca.gov)

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENTS/INTERNET ACCESS

An initial statement of reasons and the text of the proposed regulations have been prepared and are available from the contact person named in this notice. The State Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. The documents relating to this proposed action may be found on the State Board's UST website at the following address: <http://www.swrcb.ca.gov/ust/>

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After any hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text-with changes clearly indicated-available to the public for comment for at least 15 days before the State Board adopts the regulation as revised. Any such modifications will also be posted on the State Board's UST website. Please send requests for copies of any modified regulation to the attention of David Boyers at the address indicated above. The State Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF 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.

**TITLE MPP. DEPARTMENT OF  
SOCIAL SERVICES**

NOTICE OF PROPOSED CHANGES  
IN REGULATIONS

ITEM # 2 Learning Disabilities Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 20, 2003, as follows:

August 20, 2003  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 20, 2003.

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

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

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

CONTACT: Anthony J. Velasquez, Chief  
Office of Regulations Development  
California Department of  
Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586

FACSIMILE: (916) 654-3286

E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

CHAPTERS

Manual of Policies and Procedures, Division 42 (Nonlinking Factors Of Public Assistance Eligibility), Chapter 42-700 (Welfare-to-Work); Sections 42-701 (Introduction to Welfare-to-Work) and 42-722 (Learning Disabilities Protocols and Standards)

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The proposed regulations implement changes consistent with the objectives of Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, which implemented welfare reform legislation enacted by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and established the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work

program. The intent of the State's welfare-to-work effort is to provide employment, education, and training services to assist families on aid to achieve economic self-sufficiency. Specifically, the proposed regulations are necessary to implement protocols regarding the screening and evaluation of CalWORKs welfare-to-work participants for learning disabilities and the provision of needed reasonable accommodations to assist participants with learning disabilities participate in assigned welfare-to-work activities.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: Could create costs for counties on a client by client basis in the Employment Services program. However, it does not increase the counties nor the State's total financial obligation because the single allocation gives counties the flexibility to provide services subject to the funds available.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs or savings.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

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

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

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

**SMALL BUSINESS IMPACT STATEMENT**

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

**ASSESSMENT OF JOB CREATION OR ELIMINATION**

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

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

**STATEMENT OF ALTERNATIVES CONSIDERED**

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

**AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institutions Code Sections 10850, 11320.3(f), 11322.8, 11325.2(a), 11325.25, 11325.4, 11325.5, 11327.4, 11327.5, and 11454(a) and (b).

**CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Anthony J. Velasquez  
(916) 657-2586  
Backup: Maureen M. Miyamura  
(916) 657-2586

**TITLE MPP. DEPARTMENT OF SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES IN REGULATIONS**

ITEM # 1 Retroactive Child Care Payment Limits (AB 444)

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 20, 2003, as follows:

August 20, 2003  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are

presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 20, 2003.

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

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

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

**CONTACT:** Anthony J. Velasquez, Chief  
Office of Regulations Development  
California Department of  
Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

**TELEPHONE:** (916) 657-2586

**FACSIMILE:** (916) 654-3286

**E-MAIL:** ord@dss.ca.gov

#### CHAPTERS

Manual of Policies and Procedures, Division 40 (Reception and Application), Chapter 40-100 (General), Sections 40-107 (County Responsibility), 40-131 (Interview Requirement), and 40-181 (Continuing Activities and Determination of Eligibility); Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42-700 (Welfare-to-Work), Sec-

tion 42-711 (Welfare-to-Work Participation Requirements); and Division 47 (CalWORKs Child Care), Chapter 47-100 (The Stage One Child Care Program), Section 47-120 (Child Care Request Process); Chapter 47-300 (Responsibilities of the County), Section 47-301 (Administration of Child Care Services); and Chapter 47-400 (Payment for Child Care Services), Section 47-430 (Retroactive Payments).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement the retroactive payment limit provisions of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), which added Section 11323.3 to the Welfare and Institutions Code. Section 67.5 of this legislation stated that the California Department of Social Services (CDSS) shall adopt regulations no later than July 1, 2003 and allowed CDSS to use the All-County Letter (ACL) process to implement these provisions until regulations were adopted. ACL No. 03-10, dated February 27, 2003, provides interim instructions for county welfare departments and will become obsolete with the filing of these regulations with the Secretary of State.

The purpose of this regulation package is to implement provisions of AB 444 which limit retroactive child care payments in the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care Program to 30 days. These provisions require that CalWORKs applicants and recipients be provided with a written notice that informs them of the availability of subsidized child care both at the time of application and when an original or amended welfare-to-work plan is signed. When this notice is provided, child care payment would be limited to services provided no more than 30 days prior to the applicant's/recipient's request for child care. The proposed regulations will ensure that CalWORKs applicants and recipients are informed of the availability of subsidized child care and the conditions under which they can claim reimbursement for child care services.

The emergency CalWORKs Stage One regulations filed on December 28, 1998 included a section prohibiting retroactive payments for child care prior to the date of applying for or requesting child care. This section was later repealed in the regulations that become effective on August 9, 1999. The proposed regulations adopt a new section which specifies retroactive payment limits.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.

3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical nonsubstantive or clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

#### SMALL BUSINESS IMPACT STATEMENT

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

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

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

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

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

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sec-

tions 10553 and 10554. Subject regulations implement and make specific Welfare and Institutions Code Section 11323.3.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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

Backup: Maureen M. Miyamura  
(916) 657-2586

#### EMERGENCY STATEMENT

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

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

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

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

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

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

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

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

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

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

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

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

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

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

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

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

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

## **DEPARTMENT OF HEALTH SERVICES**

### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **THE DEPARTMENT OF HEALTH SERVICES WILL INCORPORATE MANDATORY ENROLLMENT IN MEDI-CAL MANAGED CARE PLANS WITHIN THE STATE PLAN**

This notice is being given to provide information of public interest with respect to the inclusion in The State Plan of mandatory enrollment in Medi-Cal

managed care plans in the absence of Section 1115 or Section 1915(b) waiver authority. This change will not require any State regulatory updates. As described in this notice, the State Plan will be amended to reflect the following changes.

#### **MANDATORY ENROLLMENT IN MEDI-CAL MANAGED CARE PLANS**

The Department of Health Services (DHS) is amending the State Plan to include a description of managed care entities that will accept Medi-Cal beneficiaries on a mandatory basis. This amendment does not change the process used to enroll Medi-Cal beneficiaries or the level of services received. It provides administrative relief in that the prior three waivers, each separately renewed every two years, will be eliminated. A new waiver will be submitted to require children receiving services authorized by the California Children's Services program to remain enrolled in a health plan and to continue to require beneficiaries of Sacramento County to enroll in a dental plan at the time they choose or are assigned to a Medi-Cal managed care plan.

The managed care plans contract with DHS to provide or arrange for specified Medi-Cal covered services. A Fee-for-Service (FFS) Medi-Cal delivery system continues to operate in designated geographic areas to provide Medi-Cal services to those beneficiaries not eligible to enroll or not required to enroll in a plan. FFS shall be a choice in the geographic areas designated for the Two-Plan Model that do not have two plans operational. The plans are responsible for locating, coordinating, and monitoring all primary care, inpatient, and other medical and rehabilitation services, and utilization of services on behalf of enrolled beneficiaries.

The Managed Care Program is designed to provide a choice of managed care plan alternatives, to improve access to comprehensive primary and preventive health care, and to prevent unnecessary utilization by reducing inappropriate utilization, thereby reducing cost.

### **PUBLIC REVIEW**

The change discussed above is available for public review at the Department's Medi-Cal Managed Care Division. In addition, copies of this notice or the State Plan Amendment listed may be requested and comments may be sent by writing to Ignacio Armenta, Waiver Unit, Department of Health Services, 714 P Street, Room 650, P.O. Box 942732, Sacramento, California 94234-7320.

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**CALIFORNIA REGULATORY REGISTER  
NOTICE ACTION DESCRIPTION FOR A  
POLYCHLORINATED BIPHENYL (PCB)  
OPERATIONS VARIANCE ISSUED BY THE  
STATEWIDE COMPLIANCE DIVISION,  
TRANSPORTATION SECTION, FOR PACIFIC  
GAS AND ELECTRIC COMPANY**

On June 17, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Pacific Gas and Electric Company, a registered transporter of hazardous waste, to conduct PCB operations authorized under the California Code of Regulations, title 22, section 66263.44. The variance permits the grantee to transport PCB waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to 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 June 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**FISH AND GAME COMMISSION**

**NOTICE OF FINDINGS**

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 June 19, 2003, meeting in Mammoth Lakes, accepted for consideration the petition submitted to list Scotts Valley polygonum (*Polygonum hickmanii*), found in the city of Scotts Valley, Santa Cruz County, California, as an endangered species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and

Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, 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 June 19, 2003, Commission meeting, are on file and available for public review from Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 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.

**RULEMAKING PETITION  
DECISIONS**

**BOARD OF PRISON TERMS**

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

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 2**

**PETITIONER**

Aaron Nava's petition was received by the Board of Prison Terms (Board) on May 23, 2003.

**AUTHORITY**

Under authority established in Penal Code (PC) Sections (§§) 3041, 3052 and 5076.2, the Board may prescribe and amend regulations for the administration of parole.

**CONTACT PERSON**

Please direct any inquiries regarding this action to Lori Manieri, Regulations Coordinator, Board of Prison Terms, by mail at 1515 "K" Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 445-5277, by telefax at (916) 322-3475, or by E-mail to: "regcomment@bpt.ca.gov".

**AVAILABILITY OF PETITION**

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

**SUMMARY OF PETITION**

The petition submitted to the Board pursuant to Government Code section § 11340.6 requests that the Board repeal “in their entirety” Chairman’s Directive (Directive) No. 75/20 and 75/30. Specifically, petitioner challenges the “purpose” of the two directives that in part state as follows:

Directive 75/20—“Every effort will be made to establish parole and discharge dates the first time an inmate appears for his regularly scheduled parole consideration hearing.”

Directive 75/30—“This Directive establishes procedures designed to bring Adult Authority term setting practices into compliance with recent changes in the law. Guidelines describing ‘normal’ ranges for sentences are provided to assist in assuring equal treatment in sentencing practices, to allow articulation of the important elements of a particular sentence and to assure that reasons are given for sentences of unusual severity or lenience.”

The petitioner states three reasons for requesting repeal of these directives. First, the Board does not follow either Directive. Second, the Board has established a no-parole policy in accordance with the political agenda of past governors and the present governor. Third, the Board neither acknowledges the existence of these directives nor any directives updating them.

**BOARD DECISION**

**THE BOARD DENIES YOUR PETITION FOR THE FOLLOWING REASONS:**

Government Code (GC) § 11340.6 states that any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation. This petition shall state the following clearly and concisely: (a) The substance or nature of the regulation, amendment, or repeal requested; (b) the reason for the request; and (c) a reference to the authority of the state agency to take the action requested.

The petitioner’s burden under the petition, as specified in subsections (a) and (c) above, has not been met. Petitioner does not specify the particular regulation sections that were implemented as a result of the Chairman’s Directives. The petitioner requests that policies established in Directive Nos. 75/20 and 75/30 be repealed. The Board notes that both Directive Nos. 75/20 and 75/30 have previously been rescinded. Further, petitioner states that “the Board has established a no-parole policy in accordance with the political agenda of past governors and the present governor.” The Board does not have such a policy and none of its regulations implement this alleged rule. *In re Rosenkrantz* (2002) 29 Cal.4<sup>th</sup> 616, is a recent case addressing this issue. The Supreme Court concluded that “The circumstance that the Governor has reversed

most of the Board’s decisions granting parole does not establish that he follows a blanket policy of denying parole or that his decision in [this] case was based upon such a policy, rather than upon a consideration of the factors and evidence discussed . . . .Such reversals simply may indicate that the Governor is more stringent or cautious than the Board in evaluating the circumstances of a particular offense and the relative risk to public safety that may be posed by the release of a particular individual.”

For all these reasons, the Board denies the petition.

**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 CORRECTIONS**

**Local Adult & Juvenile Detention Facilities**

This regulatory action establishes the minimum standards for local juvenile and adult detention facilities.

Title 15

California Code of Regulations

ADOPT: 1018, 1046, 1047, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1120, 1121, 1122, 1123, 1124, 1125, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1160, 1161, 1162, 1163, 1378

AMEND: 1006, 1010, 1302, 1310, 1313, 1314, 1320

Filed 06/23/03

Effective 07/23/03

Agency Contact: Bob Takeshta (916) 322-8346

**BOARD OF EDUCATION**

**Supplemental Services**

This emergency regulatory action establishes the Board’s definition of a demonstrated record of effectiveness for providers of supplemental educational services.

Title 5

California Code of Regulations

ADOPT: 13075

Filed 06/20/03

Effective 06/20/03  
 Agency  
 Contact: Debra Strain (916) 319-0641

**BOARD OF PRISON TERMS**  
**MDO Hearing Panels**

This emergency rulemaking reduces the size of Mentally Disordered Offender (MDO) hearing panels from two to one Deputy Commissioner.

Title 15  
 California Code of Regulations  
 AMEND: 2576, 2578, 2580  
 Filed 06/24/03  
 Effective 07/01/03  
 Agency Contact: Lori Manieri (916) 445-5277

**COACHELLA VALLY MOUNTAINS**  
**CONSERVANCY**  
**Conflict of Interest Code**

This Conflict of Interest Code filing was approved and certified by the Fair Political Practices Commission on May 12, 2003 and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 14  
 California Code of Regulations  
 ADOPT: 25050  
 Filed 06/23/03  
 Effective 07/23/03  
 Agency Contact: Clara L. Slifkin

**COURT REPORTERS BOARD OF CALIFORNIA**  
**Prohibition of Deposition Summaries**

In this regulatory action, the Court Reporters Board adopts a regulation providing that it is unprofessional conduct, as that term is used in Business and Professions Code section 8025(d), for any certified court reporter licensed by the Board to transcribe or assist in the preparation of a deposition summary after the conclusion of a deposition conducted by that reporter pursuant to Code of Civil Procedure section 2025(k).

Title 16  
 California Code of Regulations  
 ADOPT: 2474  
 Filed 06/19/03  
 Effective 07/19/03  
 Agency Contact: Gail S. Jones (916) 263-4690

**DEPARTMENT OF FINANCIAL INSTITUTIONS**  
**Conflict of Interest Code**

The Department of Financial Institutions is amending its conflict of interest code found at title 10, California Code of Regulations, Section 5.2001. The changes have been approved for filing by the Fair Political Practices Commission on April 28, 2003.

Title 10  
 California Code of Regulations  
 AMEND: 5.2001  
 Filed 06/19/03  
 Effective 07/19/03  
 Agency Contact: Aile Adriano (916) 324-9678

**DEPARTMENT OF HEALTH SERVICES**  
**Special Claims Review Appeals**

In this regulatory action, the Department of Health Services repeals an existing regulation which provides that Medi-Cal providers placed on "Special Claims Review" (a postservice prepayment utilization control) may appeal this action in writing to the Department.

Title 22  
 California Code of Regulations  
 REPEAL: 51015.1  
 Filed 06/24/03  
 Effective 07/24/03  
 Agency Contact: Marylyn Willis (916) 657-3174

**DEPARTMENT OF MANAGED HEALTH CARE**  
**Consumer Participation Program Regulations**

This regulatory action adopts the rules for the Consumer Participation Program.

Title 28  
 California Code of Regulations  
 ADOPT: 1010  
 Filed 06/20/03  
 Effective 07/20/03  
 Agency Contact:  
 Lyn Amor Macaraeg (916) 322-9727

**DEPARTMENT OF MENTAL HEALTH**  
**MHP Payment Authorization, Claims Certification and Program Integrity**

This emergency regulatory action amends provisions dealing with payment for Medi-Cal mental health services.

Title 9  
 California Code of Regulations  
 ADOPT: 1840.112 AMEND: 1830.215  
 Filed 06/19/03  
 Effective 07/01/03  
 Agency Contact: Steven Appel (916) 654-4027

**DEPARTMENT OF MOTOR VEHICLES**  
**Pickup Truck Definition**

The proposed action would define pickup truck to include vehicles that convert from a sport utility vehicle to an open box-type vehicle or have the front appearance of a sport utility vehicle with a permanent open box-type design in the back of the motor vehicle.

Title 13  
 California Code of Regulations  
 ADOPT: 150.04

Filed 06/23/03  
 Effective 07/23/03  
 Agency Contact:  
 Christie Patrick (916) 657-5567

DEPARTMENT OF SOCIAL SERVICES  
 Definition of Entry Date for CAPI

This Certificate of Compliance makes permanent the emergency regulations that define “entered the United States” and “entry date” for purposes of determining an applicant’s eligibility for the Cash Assistance Program for Immigrants (CAPI), which provides cash assistance to aged, blind, and disabled legal immigrants who are not citizens and who successfully complete the application process.

Title MPP  
 California Code of Regulations  
 AMEND: 49-020  
 Filed 06/19/03  
 Effective 06/19/03  
 Agency Contact:  
 Anthony J. Velasquez (916) 657-2586

FISH AND GAME COMMISSION  
 District General Regulations, Coho

This rulemaking clarifies that coho salmon may not be taken from any water of the State, except Lake Oroville.

Title 14  
 California Code of Regulations  
 AMEND: 7.00  
 Filed 06/19/03  
 Effective 07/19/03  
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION  
 Mammal Hunting 2003–2004

This regulatory action revises the deer, Nelson bighorn sheep, pronghorn antelope, and elk tag quotas and regulations for 2003–2004 and specifies how mechanical/retractable broad heads are to be measured for compliance with the seven-eighths inch minimum diameter requirement.

Title 14  
 California Code of Regulations  
 AMEND: 354, 360, 361, 362, 363, 364  
 Filed 06/24/03  
 Effective 07/01/03  
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION  
 Xantus’s Murrelet

This filing is a certificate of compliance for an emergency regulatory filing which authorized the incidental take of Xantus’s Murrelet

(Synthliboramphus hypoleucus) during its candidacy period subject to the terms and conditions specified in the regulation.

Title 14  
 California Code of Regulations  
 AMEND: 749.2  
 Filed 06/24/03  
 Effective 06/24/03  
 Agency Contact: John M. Duffy (916) 653-4899

STATE ALLOCATION BOARD  
 Leroy F. Greene School Facilities Act of 1998—  
 Urban, AB 14 Issues

In this emergency regulatory action, the State Allocation Board readopts regulatory amendments pertaining to the implementation of the Leroy F. Green School Facilities Act of 1998 (including implementation of 2002 legislation such as A.B. No. 14, A.B. No. 16, and A.B. No. 1506).

Title 2  
 California Code of Regulations  
 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145  
 Filed 06/19/03  
 Effective 06/19/03  
 Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN FEBRUARY 19, 2003  
 TO JUNE 25, 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**  
 05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, App. A (Form 1013)

**Title 2**  
 06/19/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145  
 06/16/03 ADOPT: 18530.2  
 06/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166,

1859.166.1, 1859.167, 1859.168,  
1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106,  
1859.145.1  
06/12/03 ADOPT: 18329.5  
06/12/03 AMEND: 1555  
06/12/03 AMEND: 1859.77.2  
06/10/03 ADOPT: 18702.5 AMEND: 18702,  
18702.1  
06/04/03 ADOPT: 649.23, 649.24, 649.25  
05/08/03 AMEND: 2970  
05/07/03 AMEND: 547.80, 17030, 17111, 17112,  
17151 REPEAL: 547.81, 17434  
05/07/03 ADOPT: 471.1 AMEND: 470, 470.1,  
471, 472, 17502, 17520  
05/01/03 AMEND: 1859.61, 1859.105, 1859.106,  
1859.141, 1859.142, 1859.145, 1859.147,  
1859.148, 1859.150.1, 1859.151,  
1859.152, 1859.153  
04/28/03 AMEND: 1897  
04/21/03 ADOPT: 1185.02, 1186 AMEND: 1181.1,  
1183, 1183.01, 1185, 1185.01, 1185.02,  
1185.1, Article 6 title. REPEAL: 1185.2,  
1186, 1186.1, 1186.2, 1186.3, 1188.5  
04/10/03 AMEND: 18313  
04/09/03 ADOPT: 18550.1 AMEND: 18225.7  
04/04/03 AMEND: 599.885  
04/03/03 AMEND: 599.515  
04/03/03 ADOPT: 23000, 23100, 23100, 23200,  
23300  
04/01/03 AMEND: 52.4  
03/27/03 ADOPT: 18754  
03/24/03 AMEND: 321  
02/28/03 AMEND: 599.931  
02/27/03 ADOPT: 1859.2, AMEND: 1859.2,  
1859.20, 1859.21, 1859.74.2, 1859.74.3,  
1859.74.4, 1859.75, 1859.75.1,  
1859.78.3, 1859.79, 1859.81.1, 1859.83,  
1859.107, 1859.145  
02/25/03 REPEAL: 18707.3  
02/24/03 AMEND: 18312  
02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434,  
2435, 2436, 2437, 2438, 2439, 2440,  
2441, 2442, 2443, 2444, 2445  
02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1,  
1859.83, 1859.107

**Title 3**

06/12/03 AMEND: 3423(b)  
06/03/03 AMEND: 3417  
06/02/03 REPEAL: 796  
05/28/03 ADOPT: 1392.12  
05/22/03 AMEND: 6860  
05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784  
05/05/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3

04/24/03 AMEND: 6000, 6710  
04/21/03 AMEND: 3417(b)  
04/21/03 AMEND: 3423(b)  
04/15/03 AMEND: 3423(b)  
04/08/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,  
760.5, 760.6, 760.7, 760.9 REPEAL: 760,  
765  
04/07/03 AMEND: 3417(b)  
04/03/03 AMEND: 300(c)  
04/01/03 AMEND: 3417(b)  
03/26/03 ADOPT: 797  
03/20/03 AMEND: 3700(c)

**Title 4**

06/16/03 ADOPT: 12370  
05/22/03 ADOPT: 12300, 12301, 12302, 12304,  
12305, 12306, 12307, 12308, 12309,  
12310 AMEND: 12301, 12303, 12309  
04/09/03 AMEND: 1467  
03/06/03 AMEND: 8072, 8074

**Title 5**

06/20/03 ADOPT: 13075  
06/16/03 ADOPT: 9531, 9532  
05/15/03 ADOPT: 24000, 24001, 24002, 24003,  
24004, 24005, 24006, 24007, 24008,  
24009  
05/01/03 ADOPT: 1218.5 AMEND: 1200, 1204,  
1209, 1211, 1212, 1215, 1216, 1217,  
1217.5, 1219, 1219.5, 1220, 1225  
04/21/03 ADOPT: 11990  
04/15/03 AMEND: 18106  
04/14/03 AMEND: 11510, 11512.5(a)(11), 11517  
REPEAL: 11510(j)  
04/07/03 ADOPT: 80020.1  
04/03/03 ADOPT: 11971, 11972, 11973, 11974,  
11975, 11976, 11977, 11978, 11979,  
11980  
03/18/03 AMEND: 20438, 20440  
03/12/03 ADOPT: 53207  
02/24/03 AMEND: 18301

**Title 7**

06/03/03 AMEND: 201, 202, 203, 204, 208, 209,  
210, 211, 213, 214, 215, 216, 217, 218,  
219, 220, 221, 222

**Title 8**

06/12/03 ADOPT: 3195, 3195.2, 3195.3, 3195.4  
3195.5, 3195.6, 3195.7, 3195.8, 3195.9,  
3195.10, 3195.11, 3195.12, 3195.13,  
3195.14  
06/09/03 AMEND: 344.30  
06/02/03 AMEND: 4821  
05/30/03 ADOPT: 15220, 15220.1, 15220.2,  
15220.3, 15220.4, 15220.5, 15220.6,  
15220.7, 15220.8 AMEND: 15201,  
15210, 15210.1, 15210.2, 15216, 15430  
05/29/03 AMEND: 5161, 5164

**CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 27-Z**

05/27/03 AMEND: 5214  
05/20/03 AMEND: 9785, 9785.2, 9785.3, 9786, 9787  
05/07/03 ADOPT: 20400, 20401, 20402, 20403, 20404, 20405, 20406, 20407, 20408, 20450  
05/01/03 AMEND: 10106.1, 10107.1, 10111.2  
05/01/03 AMEND: 10122, 10133.15, 10133.16  
04/09/03 AMEND: 15210  
04/07/03 AMEND: 15251  
03/26/03 AMEND: 3279, 3280  
03/03/03 ADOPT: 17000 REPEAL: 17000  
02/24/03 AMEND: 451, 527

**Title 9**

06/19/03 ADOPT: 1840.112 AMEND: 1830.215  
06/05/03 ADOPT: 880, 881, 882, 883, 884, 885, 886, 890, 891, 892  
05/20/03 ADOPT: 7149.1 AMEND: 7174  
03/25/03 AMEND: 821  
02/20/03 AMEND: 9100

**Title 10**

06/19/03 AMEND: 5.2001  
06/10/03 ADOPT: 310.156.3 AMEND: 310.114.1  
06/05/03 AMEND: 2695.2  
06/03/03 ADOPT: 2615, 2615.1, 2615.2, 2615.3 AMEND: 2698.99.10, 2698.99.11, 2698.99.12, 2698.99.13  
06/03/03 AMEND: 2509.40, 2509.41, 2509.42, 2509.43, 2509.44, 2509.45, 2509.46, 2509.47, 2509.48, 2509.49, 2509.50, 2509.51, 2509.52, 2509.53, 2509.54, 2509.55, 2509.56, 2509.57, 2509.58, 2509.59, 2509.60, 2509.61, 2509.62, 2509.63, 2509.64, 2509.65, 2509.66, 2509.67, 2509.68, 2509.69, 2509.70, 2509.71, 2509.72, 2509.73, 2509.74, 2509.75, 2509.76, 2509.77, 2509.78, 2509.79, 2509.80, 2509.81, 2509.82, 2509.83, 2509.84, 2509.85, 2509.86, 2509.87, 2509.88, 2509.89, 2509.90, 2509.91, 2509.92, 2509.93, 2509.94, 2509.95, 2509.96, 2509.97, 2509.98, 2509.99, 2699.100, 2699.200, 2699.201, 2699.202, 2699.205, 2699.206, 2699.207, 2699.210, 2699.300, 2699.301, 2699.303, 2699.304, 2699.400  
05/06/03 ADOPT: 2498.6  
04/29/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12, 2192.13 REPEAL: 01-0905-01E, 02-0129-02 EE, 02-0531-04 EE  
04/24/03 ADOPT: 2695.85 AMEND: 2695.1, 2695.2, 2695.3, 2695.4, 2695.5, 2695.6, 2695.7, 2695.8, 2695.9, 2695.10, 2695.11, 2695.12, 2695.14  
04/24/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5  
04/17/03 AMEND: 5002  
03/27/03 AMEND: 260.211, 260.211.1  
03/20/03 ADOPT: 2187.4  
03/20/03 ADOPT: 2698, 9910, 2698.99.11, 2698.99.12, 2698.99.13  
03/13/03 ADOPT: 2020, 2021 AMEND: 250.51

03/10/03 ADOPT: 2175, 2175.1, 2175.2, 2175.3, 2175.4, 2175.5, 2175.6, 2175.7, 2175.8, 2175.9, 2175.10, 2176, 2176.1 2176.2, 2176.3, 2176.4, 2177, 2177.1, 2177.2, 2177.3, 2177.4, 2177.5, 2177.6, 2177.7, 2177.8, 2177.9, 2177.10, 2177.11, 2177.12, 2177.13, and 2177  
03/10/03 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.6, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24,  
03/06/03 AMEND: 2130.3  
03/04/03 ADOPT: 260.230, 260.230.1, 260.231.2, 260.231.3, 260.236.1, 260.236.2, 260.237.2 AMEND: 260.231, 260.236, 260.237.1, 260.240, 260.241.2, 260.241.3, 260.241.4, 260.242  
02/27/03 ADOPT: 5.6182, 5.6183, 30.30, 30.31, 30.40, 30.41, 30.50, 30.51, 30.60, 30.61, 30.70, 30.71, 30.72, 30.73, 30.105, 30.402, 30.406, 30.500, 30.802, 30.1000 AMEND: 30.101, 30.102, 30.103, 30.300, 30.301, 30.302, 30.304, 30.306, 30.401, 30.403, 30.404, 30.

**Title 11**

06/06/03 AMEND: 1053  
06/02/03 AMEND: 1003  
05/05/03 AMEND: 1005  
04/07/03 AMEND: 1005, 1052, D-2  
04/03/03 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51

**Title 12**

05/29/03 AMEND: 3000

**Title 13**

06/23/03 ADOPT: 150.04  
06/16/03 ADOPT: 2480  
05/12/03 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710  
05/12/03 ADOPT: 147.00  
05/07/03 ADOPT: 82.00  
05/06/03 AMEND: 1239  
05/01/03 ADOPT: 2273.5 AMEND: 2260, 2261, 2262.6, 2263, 2272, 2273  
04/17/03 AMEND: 115.07  
04/17/03 ADOPT: 157.00  
04/16/03 AMEND: 1956.8  
04/14/03 AMEND: 2412(b)  
03/03/03 ADOPT: 225.00, 225.06, 225.12, 225.15, 225.21, 225.24, 225.27, 225.30, 225.33, 225.39, 225.48, 225.57, 225.60, 225.66, and 225.69 AMEND: 225.03, 225.09, 225.18, 225.36, 225.42, 225.45, 225.51, 225.54, 225.63, and 225.72

02/21/03 AMEND: 110.04

**Title 14**

06/24/03 AMEND: 354, 360, 361, 362, 363, 364

06/24/03 AMEND: 749.2

06/23/03 ADOPT: 25050

06/19/03 AMEND: 7.00

06/17/03 AMEND: 7.50(b)(91.1)

06/16/03 AMEND: 122

06/10/03 AMEND: 601

06/06/03 AMEND: 852.60.1, 852.60.2, 852.60.3, 852.60.4, 852.61.1, 852.61.2, 852.61.3, 852.61.4, 852.61.5, 852.61.6, 852.61.7, 852.61.8, 852.61.9, 852.61.10, 852.61.11, 852.61.12, 852.62.1, 852.62.2, 852.62.3

06/05/03 ADOPT: 712

06/02/03 AMEND: 17946, 17949

05/30/03 ADOPT: 3704.1

05/28/03 ADOPT: 18456.4, 18460.1.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18457, 18458, 18459, 18459.1, 18459.2, 18459.3, 18460.1, 18460.2, 18461, 18462, 18463, 18465 REPEAL: 18452, 18457.1, 18460, 18464

05/22/03 AMEND: 11303, 11386

05/05/03 ADOPT: 11021

05/01/03 AMEND: 27.80

04/30/03 AMEND: 6504, 6578.4, 6600.1

04/30/03 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21, Form FG OSPR-1972

04/28/03 AMEND: 2930

04/17/03 AMEND: 11945

04/15/03 ADOPT: 3704.1

04/15/03 ADOPT: 1.39, 1.49, 27.83 AMEND: 27.82

04/14/03 ADOPT: 1.92 AMEND: 671, 671.1

04/08/03 AMEND: 791.7

04/07/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.2

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 04/09/03 AMEND: 40-107.14, 40-107.15, 42-301.2, 42-302.1, 42-302.2, 42-0302.3, 44-133.5, 44-133.8, 44-352.1, 88-832, 88-833.1  
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