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

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PROPOSED ACTION ON REGULATIONS

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

TITLE 2. SECRETARY OF STATE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Secretary of State intends to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Secretary of State proposes to add Sections 22600, 22600.1, 22600.2, 22600.3, 22600.4, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.1, 22601.2, 22601.3, 22601.4, 22601.5, 22601.6, 22601.7, 22601.8, 22601.9, and 22602 of Chapter 13 to Division 7 of Title 2 of the California Code of Regulations. These sections outline the general operating procedures and rules of the filing office and expand the acceptable method for submittal of Uniform Commercial Code filings and search requests from paper documents and forms to include electronic transmission of information.

PUBLIC HEARING

The Secretary of State will hold a public hearing on the proposed action from 9:00 a.m. to noon on October 27, 2003, at the Office of the Secretary of State, 1500 11th Street, Multipurpose Room, Sacramento, California 95814. The room is wheelchair accessible. At the hearing any person may present statements or argument orally or in writing relevant to the proposed action described in the Information Digest below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Secretary of State. The written comment period closes at 5:00 p.m. on October 27, 2003. Only written comments received at the Office of the Secretary of State by that time shall be considered. Submit written comments to the contact person listed below.

AUTHORITY AND REFERENCE

Section 9526 of the Commercial Code requires the Secretary of State to adopt rules to implement Division 9 of the Commercial Code. The proposed

regulations would implement, interpret and make specific Division 9 of the Commercial Code.

INFORMATION DIGEST AND POLICY STATEMENT OVERVIEW

In 1990 the Permanent Editorial Board for the Uniform Commercial Code with the support of its sponsors, the American Law Institute and the National Conference of Commissions on Uniform State Law, established a committee to study Article 9 of the Uniform Commercial Code and to make recommendations to the Board. In 1992 the study committee recommended that the Board create a drafting committee to reorganize Article 9 of the Uniform Commercial Code and recommended various changes. The drafting committee met between 1993 and 1998, until the sponsors approved the new, revised Article 9. Senate Bill 45, Chapter 991, Statutes of 1999, effective July 1, 2001, repealed the existing provisions of the California Commercial Code, hereinafter Commercial Code, and enacted the provisions in revised Article 9.

The revisions to the Commercial Code, specifically Section 9526, require the Secretary of State to adopt and publish rules to clarify and implement the legislative changes. In adopting, amending, and repealing filing office rules, the Secretary of State is required to consult with and consider the rules and practices of the filing offices in other jurisdictions and consult the most recent version of the Model Rules promulgated by the International Association of Corporate Administrators, currently known as the International Association of Commercial Administrators.

The proposed regulations outline the general operating procedures and rules of the filing office and expand the acceptable method for submittal of Commercial Code filings and search requests from paper documents and forms to include electronic transmission of information. The adoption of the proposed regulations would also trigger lower filing and search fees for services accessed electronically, as established in Section 9525 of the Commercial Code and Section 12194 of the Government Code. Parties filing financing statements and liens and searching the database of filings would benefit from the proposed regulations, as the provisions are similar to those adopted by other state filing offices which will minimize confusion for those accessing services in multiple jurisdictions.

AVAILABILITY OF THE TEXT IN PLAIN ENGLISH

The text of the proposed regulations is available in plain English from the contact person listed below.

DISCLOSURE REGARDING THE
PROPOSED ACTION

The Secretary of State has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: Section 9525 of the Commercial Code and Section 12194 of the Government Code specify that the fee for either a filing or search request communicated by a medium other than that communicated in writing that is authorized by regulation shall be five dollars (\$5). The fee for filing financing statements and amendments when the record is communicated in writing is ten dollars (\$10) for records consisting of one or two pages and twenty dollars (\$20) for records consisting of more than two pages. The fee for a search communicated in writing is ten dollars (\$10). Thus, customers using electronic means to request filings or search requests will experience lower costs for conducting individual business transactions. The Secretary of State anticipates a decline in the revenue collected after electronic transmittals are authorized by the proposed regulations. However, the extent of the decline in revenue is unknown.
- Cost to any local agency or school district, which must be reimbursed in accordance with Section 17561 of the Government Code: None.
- Other non-discretionary cost or savings imposed upon 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 business to compete with businesses in other states: None.
- Cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action: None. The Secretary of State 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 do any of the following: (1) create nor eliminate jobs within California; (2) create new business or eliminate existing business within California; nor (3) affect the expansion of business currently doing business within California.
- Significant effect on housing costs: None.

BUSINESS REPORTING REQUIREMENT

The business reporting requirement is not applicable to the proposed regulations.

SMALL BUSINESS DETERMINATION

The proposed regulations may affect small business. There are approximately 1.8 million secured parties of record in the Uniform Commercial Code database operated by the Secretary of State. Affected businesses are secured party lenders filing financing statements and liens, many of which have existing multiple Uniform Commercial Code filings of record and conduct numerous transactions annually, including searching debtor information in the database. The Secretary of State is unable to determine the number of businesses that would be considered small businesses.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Secretary of State shall have the entire rulemaking file available for inspection and copying throughout the rulemaking process. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Public Notice, the Text of the Proposed Regulations, and the Initial Statement of Reasons. For further information regarding the inspection of the rulemaking file, contact the Regulation Coordinator at (916) 653-3345 or the designated back-up contact, Alicia Stewart, at (916) 653-3305. Copies of the rulemaking file may be obtained at www.ss.ca.gov/business or by contacting the contact person listed below.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the close of the public comment period, the Secretary of State may adopt the proposed regulations substantially as described in this notice. If the Secretary of State makes modifications which are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be available to the public for at least 15 days before the Secretary of State adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person listed below. The Secretary of State will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available. Once the final statement of reasons is prepared in accordance with subdivision (a) of Section 11346.9 of

the Government Code copies may be obtained at www.ss.ca.gov/business or by contacting the contact person listed below.

CONTACT PERSON

Direct all written inquiries and requests for copies of the proposed text of the regulations, initial statement of reasons, modified text of regulations, if any, or other information upon which the rulemaking file is based to: Lisa B. Niegel, Regulation Coordinator, Office of the Secretary of State, Business Programs Division, 1500 11th Street, 2nd Floor, Sacramento, California 95814 or Alicia Stewart, Office of the Secretary of State, Business Programs Division, 1500 11th Street, 2nd Floor, Sacramento, California 95814.

TITLE 10. DEPARTMENT OF INSURANCE

August 27, 2003

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING NON-RESIDENT SURPLUS LINE BROKER RECORD KEEPING

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing regarding the permanent adoption of emergency regulations pertaining to surplus line broker and special lines' surplus lines broker record keeping requirements. The Insurance Commissioner ("Commissioner") adopted the regulations on an emergency basis as ER03027484, effective July 14, 2003. The regulations are codified in Title 10, Chapter 5, Subchapter 1, Article 7, Sections 2190 through 2190.8, California Code of Regulations ("CCR").

Effective January 1, 2003, Assembly Bill 2984, Chapter 203, Statutes of 2002, authorizes the issuance of a surplus line broker and special lines' surplus lines broker license to non-residents that is equal in scope to that of residents. To effectively regulate the activities of these non-resident licensees, the Commissioner must establish record keeping requirements for the insurance transacted on California risks. Current record keeping regulations set forth in Title 10, California Code of Regulations, Sections 2190 through 2190.8 apply only to resident surplus line brokers and resident special lines' surplus lines brokers.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes the adoption of these regulations pursuant to the authority vested in him by Section 1768 of the California Insurance Code.

California Insurance Code Section 1768 provides for the promulgation of reasonable rules and regulations specifying the manner and type of records to be maintained by surplus line brokers and the locations where those records shall be kept. The purpose of these regulations is to implement, interpret, and make specific the provisions of California Insurance Code (CIC), Division 1, Part 2, Chapter 6, Sections 1767 and 1768.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the following date, time, and place:

**Date and Time: October 28, 2003
10:00 a.m. to 12:00 p.m.**
**Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the proposed regulations prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Denise Yuponce, Staff Counsel
California Department of Insurance
Compliance Bureau
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Yuponced@insurance.ca.gov
Telephone: (916) 492-3171
Facsimile: (916) 324-1883

The backup agency contact person for this proceeding will be:

Reid McClaran, Assistant Chief Counsel
California Department of Insurance
Compliance Bureau
300 Capitol Mall, 17th Floor
Sacramento, CA
Mcclaranr@insurance.ca.gov
Telephone: (916) 492-3500
Facsimile: (916) 324-1883

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on October 28, 2003**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 2984, Chapter 203, Statutes of 2002, authorizes the issuance of a surplus line broker and special lines' surplus lines broker license to non-residents that is equal in scope to that of residents, effective January 1, 2003. To effectively regulate the activities of these non-resident licensees, the Commissioner must establish record keeping requirements for the insurance transacted on California risks. Current record keeping regulations set forth in Title 10, California Code of Regulations, Sections 2190 through 2190.8 apply only to resident surplus line brokers and resident special lines' surplus lines brokers and do not address the record keeping requirements of these production agencies when holding a non-resident license.

The proposed amendments to the existing regulations establish the record keeping requirements of non-resident surplus line brokers and special lines' surplus lines brokers as contemplated in Assembly Bill 2984 and in accordance with the provisions of

California Insurance Code (CIC), Division 1, Part 2, Chapter 6, Sections 1767 and 1768. The specific purpose of each amendment and the rationale for the determination that each amendment is reasonably necessary to carry out the purpose for which it is proposed are set forth below.

Section 2190.05 Definitions

Section 2190.05 has been amended to include definitions of resident versus non-resident licensees in an effort to increase clarity in the application of the regulations related to the maintenance and location of records. These definitions are provided in the additions of sections 2190.05(g), (h), (i), and (j).

Section 2190.05(g) adds the definition of the term "resident surplus line broker" which means a person licensed as a California resident under Insurance Code Section 1765 and authorized to do business pursuant to Division 1, Part 2, Chapter 6, Sections 1760 through 1780.

Section 2190.05(h) adds the definition of the term "resident special lines' surplus lines broker" which means a person licensed as a California resident under Insurance Code Section 1760.5 and authorized to do business pursuant to Division 1, Part 2, Chapter 6, Sections 1760.5 through 1780.

Section 2190.05(i) adds the definition of the term "non-resident surplus line broker" which means a person licensed as a resident surplus line broker in a state or territory of the United States other than California who is licensed as a non-resident in California under Insurance Code section 1765 and authorized to business pursuant to Division 1, Part 2, Chapter 6, Sections 1760 through 1780.

Section 2190.05(j) adds the definition of the term "non-resident special lines' surplus lines broker" which means a person licensed as a resident special lines' surplus lines broker in a state or territory of the United States other than California, or the functional equivalent thereof offered by such state or territory, and who is licensed as a non-resident in California under Insurance Code Section 1760.5 and authorized to do business pursuant to Division 1, Part 2, Chapter 6 Sections 1760.5 through 1780.

Sections 2190.1, 2190.2, 2190.3, 2190.4, 2190.5 and 2190.6 are unchanged.

Section 2190.7 Place Where Records Kept

This section is amended in subsection (a) to include the content and location for required record keeping for both resident and non-resident surplus line brokers and special lines' surplus lines brokers. As amended, this section sets forth that the required records of non-resident surplus line brokers and non-resident special lines' surplus lines brokers be maintained in the principal office in the state or territory of the

United States in which he or she holds a resident license to act in either of these capacities. This amendment is consistent with the location of record keeping described in Insurance Code Section 1768 and further defined in Insurance Code Section 1767.

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The regulations do not impose any mandate on local agencies or school districts.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

**COST OR SAVINGS TO STATE OR
LOCAL AGENCIES / SCHOOL DISTRICTS /
FEDERAL FUNDING**

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or costs or savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

The Insurance Commissioner has initially determined that the proposal 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. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE PERSONS
OR ENTITIES**

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

EFFECT ON SMALL BUSINESS

This regulation may effect small business.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The agency invites interested persons to present statements or arguments with respect to required record keeping for non-resident surplus line brokers and special lines' surplus lines brokers at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The proposed regulations are written in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing record keeping requirements for non-resident surplus line brokers and special lines' surplus lines brokers, in addition to the Informative Digest included in this notice. The text of the regulation, Initial Statement of Reasons, and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of the proposed regulations are on file with the Commissioner and available for review as set forth below.

In addition, the Final Statement of Reasons, once prepared, will be made available through the contact persons listed above.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about the proposed regulations, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, Initial Statement of Reasons, and proposed text

is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov under the Quick Hits heading of Legal Information, subheading Proposed Regulations.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Commissioner may adopt the proposed regulations substantially as described in the notice. If the Commissioner makes modifications which are sufficiently related to the originally proposed text, he will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before he adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact persons listed above. The Commissioner will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 10. MANAGED RISK
MEDICAL INSURANCE BOARD**

NOTICE OF PROPOSED REGULATIONS

R-2-02

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) proposes to permanently adopt changes to Chapter 5.5 of Title 10 of the California Code of Regulations.

The changes are for the most part focused on the implementation of legislation, AB1401, which established a thirty six month eligibility period in Board's Major Risk Medical Insurance Program (MRMIP) and a Pilot Program of guaranteed issue into the individual insurance market for MRMIP graduates. MRMIB has scheduled a public hearing in Sacramento, California for October 29, 2003 from 1:00 p.m. to 2:00 p.m. at the following address:

1000 G Street, Suite 450
Front Conference Room
Sacramento, CA 95814

It is requested, but not required, that any person wishing to present testimony should register at 1:00 p.m. on October 29, 2003. The hearing will be adjourned immediately following the completion of oral and written testimony presentations. This public hearing is for the purpose of considering regulations.

The MRMIB upon its own motion, or at the instance of any interested persons, may adopt the proposals substantially as presented.

The MRMIB may modify the regulations after public hearing and adopt the modified regulations if the regulations as modified are sufficiently related to the text made available to the public, so that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action. The text of any regulation as modified will be mailed to all persons who testify or submit written comments at the public hearing; submit written comments during the public comment period; and all persons who request notification, at least 15 days prior to the date on which the MRMIB adopts the regulations. A request for a copy of any regulations as modified should be addressed to Dennis Gilliam at the address below.

Any person interested may present statements or arguments relating to the proposals in writing to:

Managed Risk Medical Insurance Board
Attn: Dennis Gilliam
1000 G Street, Suite 450
Sacramento, CA 95814

Statements or arguments relating to the proposals can also be faxed to Dennis Gilliam at (916) 327-6580 or e-mailed to dgilliam@mrmib.ca.gov.

Such written statements must be received by 5:00 p.m. on October 29, 2003. Written testimony received after October 29, 2003 may not be assured of consideration unless otherwise expressly stated by the hearing officer. It is requested, but not required, that persons making oral presentations at the hearing provide a written statement at the conclusion of their remarks. The above facility is accessible to persons with mobility impairments. If you are in need of a language interpreter, including sign language, at the hearing, or have other special needs, please notify MRMIB at least two weeks prior to the hearing.

An Informative Digest/Policy Statement Overview for the proposed regulation changes, including a Fiscal Impact Statement and other required determinations are included below. These regulations are written in plain English. An Initial Statement of Reasons for the proposed action has been prepared. These, and copies of the proposed regulations, may be requested by telephone, or by writing to the above address. In addition, the Board has available, a rulemaking file, which contains all the information upon which the proposed regulations are based. This file is available for public perusal at the MRMIB office (see address above), during normal office hours, 8:00 am to 5:00 pm, Monday through Friday. The pertinent documents (proposed regulations and Initial Statement of Reasons) pertaining to this rulemaking can be obtained on MRMIB's website at www.mrmib.ca.gov. The final

Statement of Reasons can be obtained when available, after the public hearing and final adoption, by contacting Dennis Gilliam at (916) 324-4695 or dgilliam@mrmib.ca.gov.

Please address questions and requests for available information concerning the proposed regulations to Dennis Gilliam at (916) 324-4695 or Donald Minnich at (916) 327-7978 at the address listed above. Either person can answer questions regarding the substance of the proposed regulations or can direct the question to the appropriate person within the Board. Dennis Gilliam is designated as the small business advocate contact person for the Board.

AUTHORITY AND REFERENCE

The law the Board seeks to make specific by this filing is Part 6.5 of Division 2 of the Insurance Code:

Authority: 1373.62, Health and Safety Code; Sections 10127.15, 12711 and 12712, Insurance Code; ASSEM. Bill No. 1401 (stats. 2002, ch. 794, Sec. 21).

Reference: 10127.15, 10900, 12711, 12712, 12712.5, 10127.15, 12705, 12711, 12711.5, 12712, 12713, 12718, 12725, 12726, 12728, 12729, 12730, 12731, 12732, 12733, 12735, 12736, 12737 and 12738, Insurance Code; 1373.62 and 1373.622, Health and Safety Code.

Title 10, Chapter 5.5

Amended: 2698.100, 200, 201, 202, 203, 204, 205, 206, 207, 208, 300, 301, 302, 303, 401, 403, 405, 407, 500, 501, 502, 503, and 504

Adopted: 2698.102, 600, 602 and 604

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

EXISTING LAWS AND REGULATIONS

Insurance Code Section 12700, et seq., established the Major Risk Medical Insurance Program (MRMIP) in 1991, under the direction of the Managed Risk Medical Insurance Board (MRMIB).

Title 10, California Code of Regulations, Chapter 5.5, implements the Major Risk Medical Insurance Program.

POLICY STATEMENT OVERVIEW

Insurance Code Section 12700, et seq., established the Major Risk Medical Insurance Program (MRMIP) in 1991, under the direction of the Managed Risk Medical Insurance Board (MRMIB). The program provides access to health insurance for individuals who are denied coverage, or offered excessive premiums due to pre-existing medical conditions. MRMIP subscribers can select from several health insurers or health maintenance organizations that contract with the Board. Subscribers pay monthly premiums that are currently from 25% to 35.7% more

than what a healthy person in a similar plan would pay. The State subsidizes the remainder of the cost for health services with funding from the Proposition 99 Cigarette and Tobacco Products Surtax Fund. This is a capped appropriation, currently \$40,000,000 per fiscal year and the Board limits enrollments in the program through a waiting list in order to stay within the capped appropriation. These initiations have always limited the ability of the program to serve the people in California who are potentially eligible and in need of coverage through MRMIP.

In September 2002 the Legislature passed, and the Governor signed, Chapter 794, Statutes of 2002 (AB 1401), which made a major restructuring of MRMIP through a four year pilot project. Under the pilot project, persons in MRMIP will remain in the Program for only 36 consecutive months. At the end of that period, they will be required to leave MRMIP, to make room for new applicants. In exchange, they will be granted guaranteed access to all health plans and health insurers in the state who offer coverage in the individual insurance market. AB 1401 establishes the standards for the benefit packages that must be offered by qualifying health plans and insurers to these graduates of the MRMIP, and the premium they may be charged is a one hundred and ten percent multiplier of the prices in MRMIP. The Board will continue to subsidize the cost of people who have graduated from MRMIP, from its \$40 million appropriations, but at approximately half the cost of the current subsidy. The remaining subsidy will be borne by the health plans and insurers issuing the Pilot Program products.

For the MRMIP, the Board contracts directly with four health plans in the individual insurance market to provide coverage, and establishes eligibility standards, coverage and benefit levels and MRMIP premium rates and premium collection procedures through a combination of regulations and contracts with the four plans. The authority over the Pilot Program products available to MRMIP graduates lies with the two regulators of health insurance in California, the Department of Managed Health Care which regulates health care service plans and the Department of Insurance which regulates health insurers. The regulations presented here implement Board responsibilities under AB 1401, and are limited to the processes for disenrolling MRMIP members who have had 36 months of consecutive coverage in MRMIP, establishing MRMIB's part of the process for implementing guaranteed access to plans and insurers in the individual market, and procedures, timelines and formulas for Board payment to health plans and insurers for the continuing subsidy for MRMIP graduates.

AB 1401 also requires conceptual changes to the program eligibility requirements for dependents. Because dependents are eligible for their own 36 consecutive months of enrollment, the concept of tying dependents to subscribers for eligibility purposes had to be modified. Under certain circumstances described in the regulations, dependents become subscribers in their own right. The regulations also make a number of changes to eligibility, application, enrollment and disenrollment and payment procedures necessary to implement the pilot project and assure a full 36 months of coverage in MRMIP. In addition, these regulations update the benefit structure and standards for plans that contract to provide services in MRMIP, because these standards are the basis for what will be offered to program graduates of MRMIP in the individual insurance market.

The specific changes are summarized below:

Article 1. Definitions

Section 2698.100 establishes definitions that are necessary to clarify the meaning of terms used in these regulations. Eleven definitions necessary to implement AB1401 disenrollment are being added to the definitions section and eight existing definitions have been modified to either implement AB1401 or update the regulations to better conform to other insurance law or evolving practices.

Revised Definitions

Section 2698.100(a), “Appellant”.

Section 2692.100(b), “Applicant”.

Section 2698.100(c), “Authorized Representatives”.

Section 2698.100(f) (Formerly 2698.100 (e) “Coverage”.

Section 2698.100(i) (Formerly 2698.100 (f), “Dependent”.

Section 2698.100(m) (Formerly 2698.100(i)), “Enroll”.

Section 2698.100 (cc) Formerly 2698.100 (f), “Resident”.

Section 2698.100 (gg) (Formerly 2698.200 (ff)), “Subscriber Contribution”.

New Definitions

Section 2698.100 (e), “Certificate of Program Completion”.

Section 2698.100 (g), “Creditable Coverage” replaces the definition “Qualify Prior Coverage” (Section 2698.100 (s)), which is deleted.

Section 2698.100 (h), “Day”.

Section 2698.200 (j), “Dependent Subscriber”.

Section 2698.100 (u), “Pilot Program Health Plan”.

Section 2698.100 (u), “Pilot Program Standard Benefit Plan”.

Section 2698.100 (x), “Pre-existing Condition Exclusion Period”.

Section 2698.100 (gg), “Program Graduate”.

Section 2698.100 (bb), “Program Graduate Dependent”.

Section 2698.100 (cc), “Standard Monthly Administration Fee”

Section 2698.100 (bb) “Unique Identification Number”

A new Section 2698.102 is added to Article 1, entitled, Terms, which now includes the standard for “Tense and Number” and “Time”.

Article 2, Eligibility, Application and Enrollment.

Article 2 is revised to make a number of changes to the program eligibility, the treatment of dependents, the program application and enrollment processes necessary to make a smooth transition from MRMIP to the Pilot Program. This includes establishing the procedures for MRMIB subscribers to move into the Pilot Program, once they have had 36 months of continuing coverage.

Section 2698.200, Basis for Eligibility, is revised to make certain clarifications, and to establish that persons can remain in the Major Risk Program for a total of 36 consecutive months.

Section 2698.201, Application, is revised to make a number of technical clarifications, to request additional information on an applicant’s eligibility for continuation in service and on termination of prior insurance coverage.

Section 2698.202, Basis for Eligibility, is revised to make certain clarifications, to allow for quicker refunds of the application payment if an applicant will be pended on the program waiting list for more than 60 days, and to remove the one year program in eligibility penalty for persons who do not pay the initial subscriber contribution when going off the waiting list within the 30 days.

Section 2698.203, Enrollment, is revised to make certain clarifications and to eliminate the requirement for an applicant to make first and second choice of health plans, which is no long necessary.

Section 2698.204, Disenrollment, is revised to make certain technical clarifications, to establish that a program subscriber will be disenrolled from the program after 36 consecutive months, and on becoming eligible for the Pilot Program, and to establish a separate 36 month coverage period in the Major Risk Program for dependents who were initially enrolled later than the Program subscriber. The revised regulation also adds death of a subscriber or enrolled dependent as a reason for disenrollment. New subsections are added to clarify that the effective date for disenrollment will be at the end of the month in which the disenrollment occurred, and to establish notification procedures for disenrollment due to the end of the 36 month consecutive coverage in the Major Risk Program. Finally, this section establishes a 12 month wait for reentering the Major Risk Program once

eligible for the Pilot Program, if the Program Graduate leaves the Pilot Program voluntarily, or for nonpayment of premiums or fraud.

Section 2698.205, Continuation of Benefits, is reorganizing for greater clarity and to further define a dependent's right to coverage once the Program subscriber has left the Major Risk Program.

Section 2698.206, Change in Coverage, is renamed "Dependent Coverage" and revises and updates the procedures for enrolling and disenrolling dependents.

Section 2698.207, Transfer of Enrollment, is revised to make certain technical changes, and to speed the time for transferring to another health plan after open enrollment from 60 to 30 days.

Section 2698.208, Payment to Insurance Agents and Brokers, is revised to ask for additional information which will improve the agent and broker application assistance payments.

Article 3. Minimum Scope of Benefits

Section 2698.301(c) of the MRMIP regulations require participating health plans to provide a benefit package that is consistent with the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), including its amendments (Health and Safety Code Sections 1367–1374.16) and implementing regulations as adopted by the Department of Managed Health Care (DMHC). These benefits need to be updated to be consistent with the Knox-Keene Act as part of AB 1401 implementation, since the MRMIP benefits are the basis for the Pilot Program standard benefit plan that Pilot Program plans will utilize to serve Program Graduates. This in accordance with Health and Safety Code Section 1373.(c) and Insurance Code Section 10127.15 (c), and will assure that Program Graduates have access to same benefit standards that they had in MRMIP. The following benefits have been updated or further clarified in accordance with the Knox-Keene Act:

Subsection 2698.301(c)(8)(A), the Mental Health benefit is clarified to differentiate between severe mental illness, which covers adults, and severe emotion disturbance of children, the term that covers children. (Health and Safety Code Section 1374.72)

Subsection 2698.301(c)(12)(c), updates the organ transplant benefit. (Health and Safety Code Section 13671(i))

Subsection 2698.302(h)(11), eliminates the exclusion of the hospice benefit. (Health and Safety Code Section 1368.2)

Subsection 2698.302(c)(13), the limited exclusion for chemical dependency, is revised to correct a cross reference.

Subsection 2693.302(c)(14), revises the cosmetic surgery exclusion to eliminate the exclusion of treatment for complications of cosmetic surgery.

Subsection 2698.301(c)(14), eliminates the exclusion for conditions resulting from Acts of War. (Title 10.) California Code of Regulations, Section 1300.67.05)

Subsections 2698.303(a) and (b), on MRMIP's pre-existing condition exclusion and post enrollment waiting period is changed from 90 days to 3 months to assure greater consistency in waiving all or part of these periods for people on the MRMIP waiting list, as set forth in subsection 2698.303I(c).

Subsection 2698.303(c), on waiving all or part of the pre-existing condition exclusion or post-enrollment waiting period, is updated to add new reasons for the waiver established in Insurance Code Section 12726, and makes other clarifications necessary for a more accurate count of this waiver.

Article 4. Risk Categories and Subscriber Contributions

Sections 2698.401, .403 and .405 are amended to make several clarifications on the usage of the terms subscriber and dependents.

Section 2698.403 is amended to clarify procedures for changing subscriber contribution amounts when a subscriber goes into another age group, and to adjust the contribution for a dependent who is becoming a subscriber because the subscriber has been disenrolled.

Article 5. Appeals

Sections 2698.502 and 503 are amended to make several clarifications on the usage of the terms "enrolled dependent", "dependent subscriber", "appellant" and "calendar day".

Article 6. Pilot Program Payments:

Article 6 adds three new sections to establish the payment, reporting, and reconciliation procedures for Pilot Program plans. Regulations are necessary because the Board will not have a direct contractual relationship with these plans

Section 2698.600 further clarifies and establishes the procedures for paying plans on biannual interim basis contained in AB 1401. (Health and Safety Code Section 1372.62 (g)(1) and Insurance Code Section 10127.15(g)(1). Subsection (a) establishes the time frames for Pilot Program health plan reporting. Subsection (b) establishes the reporting requirements for payment and subsection (c) further clarifies the payment formula in AB 1401 and the Board's time frame for making interim biannual payments. Subsection (d) establishes the Board's right to audit/or review interim payments and set the time frame for such review.

Section 2698.602 establishes and further clarifies the annual reporting and reconciliation procedures for paying Pilot Program health plans based on actual costs and revenues. It consists of five subsections: subsections (a) and (b) establish the time frames for annual payments. Subsection (c) establishes the reporting requirements and subsection (d) further clarifies the payment formula set forth in AB 1401. (Health and Safety Section Code 1373.62(g)(3) and Insurance Code Section 10127.15(g)(3). Subsection (e) establishes the ability to audit and review annual reports and the time frame for such reviews. A claims reporting format, based on the format used in the Major Risk Medical Insurance Program is incorporated by reference.

Section 2698.604 establishes the Board's process for notifying Pilot Program Health plans that funding is no longer available for making interim or annual payments under the Pilot Program. It establishes the current semiannual determination of program enrollment, at a public meeting of the Board, as the model for this process, and that the Board will notify plans through their regulatory agencies, the Department of Managed Health Care and Department of Insurance, and directly, if known to the Board, after determining the allowable rate increases, using the criteria in AB 1401 (Health and Safety Code Section 13622.(b) and Insurance Code Section 10127.(g)(b))

These regulations were reviewed by the Managed Risk Medical Insurance Board at their December 18, 2002 meeting and approved at their January 22, 2003 meeting. These regulations were approved as emergency regulations by the Office of Administrative Law on August 5, 2003.

DETERMINATIONS

In accordance with Government Code Section 11345.5(a)(13), the Managed Risk Medical Insurance 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 regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

The Managed Risk Medical Insurance Board has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division of the Government Code.

FISCAL IMPACT ESTIMATE

There are no non-discretionary costs or new costs to local agency school districts.

There is no impact on California housing costs.

There is no significant statewide adverse economic impact on California directly effecting business including the ability of California business to compete in other states. There is an adverse economic impact on certain California business, health plans and health insurers in the individual insurance market. AB 1401 now requires these companies to help subsidize MRMIP graduates who select one of these companies. However AB1401 and these regulations provide for a partial State subsidy of this cost. For the first nine months of the Pilot Program, it is estimated that the health insurance industry and the State will each provide \$10,000,000 in subsidy. This is not expected to affect the ability of California business to compete in other states. AB 1401 also creates an economic impact on individuals in the Major Risk Program, who can be charged an additional 10% of the Major Risk premium once they leave MRMIP for guaranteed individual coverage and be charged the full cost of the State subsidy, if the State is unable to meet the State subsidy for pilot program graduates out of its MRMIP allocation. This impact is offset by an increase in the maximum calendar year limit for benefits for the standard benefit plan selected by Program graduates. While in MRMIP, the annual benefit cap remains at \$75,000 per calendar year, whereas Program graduates will be guaranteed \$200,000 in annual coverage. For the first nine months of the Pilot Project, the additional cost to a Program graduate is estimated to be \$50 per month. There is also a positive impact on private individuals who cannot now get health insurance due to preexisting health condition and cannot get into MRMIP because of its waiting list. The establishment of the Pilot Program will allow the Board to offer Major Risk coverage to more persons, and when combined with the Pilot Program, offer greater access in the individual insurance market.

STATE AND FEDERAL FISCAL IMPACT

The Major Risk Medical Insurance Program is currently budgeted at \$40,000,000 per fiscal year from the Cigarette and Tobacco Products Surtax Revenue. These regulations will not result in any additional State cost because funding remains capped at \$40,000,000 annually and the Board is required to manage the enrollment levels and administrative costs in the Pilot Program and the base Major Risk Program to remain within that cap. In addition, should the Board determine that funding is insufficient to address liabilities of both the Pilot Program and the base program; these regulations provide procedures for the Board to reduce or terminate the Pilot Program State subsidy.

There is no Federal fiscal impact, since these regulations do not impact any federally funded State agency or programs. There are currently no federal funds in the Major Risk Medical Insurance Program.

BUSINESS IMPACT STATEMENT

The Board has assessed the impact of these regulatory charges on businesses, including small businesses. None of the businesses impacted by these regulations are known to be small businesses. Although AB 1401 requires companies in the individual insurance market to subsidize the Pilot Program, this will neither create nor eliminate jobs within California, and will not create new businesses, nor eliminate existing businesses or affect the expansion of businesses currently doing business within California.

**TITLE 11. COMMISSION ON
PEACE OFFICER STANDARDS
AND TRAINING**

NOTICE OF PROPOSED REGULATORY ACTION

**AMEND POST REGULATION 1005 AND
COMMISSION PROCEDURE D-2 TO
ESTABLISH CURRICULUM REQUIREMENTS
FOR THE COMMUNICATIONS COMPONENT
OF CONTINUING PROFESSIONAL
TRAINING (CPT)**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of the Commission on POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The 12-hour Perishable Skills and two-hour Communications training requirement was included as part of the 24-hour CPT requirement following a public hearing at the January 25, 2001 meeting and became effective January 1, 2002. The requirements apply to all regular and specialized peace officers below the middle management position who are assigned to patrol, traffic, or investigation, and who routinely affect the physical arrest of criminal suspects. The two-hour Communications portion can be either Tactical or Interpersonal or both. At the time of initial approval, there were no minimum curriculum requirements specified.

At the April 17, 2003 meeting, the Commission adopted curriculum requirements for all three Perishable Skills training modules. The proposed curriculum requirements for the two-hour Communications portion address specific topics for both tactical and interpersonal communications. POST is also producing a CD-ROM multimedia training program that will satisfy this training requirement.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 5:00 p.m. on October 27, 2003. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or e-mail at ken.obrien@post.ca.gov.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the end of the public comment period, that a public hearing be held.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained at the address noted at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Fiscal impact is expected to be minimal and training costs will be shared among POST and presenters.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendment of Commission Regulation 1005 and Commission Procedure D-2 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed regulation revisions 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.

CONSIDERATION OF ALTERNATIVES

In order to take this action, 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.

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Leah Cherry, Staff Services Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Kim Sharman, Staff Analyst, at (916) 227-4809, fax number (916) 227-4823, or e-mail at kim.sharman@post.ca.gov.

INTERNET ACCESS

Select **Regulations**, then **Notices of Proposed Regulation Changes** to view proposed regulatory actions on POST's home page (www.post.ca.gov).

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Four Points Sheraton Hotel, 9750 Airport Boulevard, Los Angeles, California 90045. The telephone number is (310) 649-7024. The hearing will be held at 1:30 p.m., on November 7, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, October 27, 2003, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1774 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Amend 16 California Code of Regulations, Section 1079.2

Business and Professions Code Section 1774 (a) provides that an applicant for licensure as a Registered Dental Hygienist in Alternative Practice (RDHAP) must hold a Bachelor's Degree, "or its equivalent".

The proposed change to Section 1079.2 would define the "equivalent" of a Bachelor's Degree as 120 semester units. The proposed changes would also recognize that the Council on Postsecondary Accreditation has been succeeded by the Council for Higher Education Accreditation.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

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

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

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation pertains to pre-licensure for RDHAPs.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF
REASONS AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825

Telephone: (916) 263-2300
Fax Number: (916) 263-2410
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:
Name: Karen Wyant
Address: 1428 Howe Avenue, Suite 58
Sacramento, California 95825

E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Four Points Sheraton Hotel, 9750 Airport Boulevard, Los Angeles, California 90045. The telephone number is (310) 649-7024. The hearing will be held at 1:30 p.m., on November 7, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, October 27, 2003, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1749.1 and 1766 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 California Code of Regulations, Section 1082.3

Business and Professions Code 1749.1 provides that, in addition to any other examination required by law, the Dental Board may require applicants for licensure as Registered Dental Hygienists (RDHs) to successfully complete an examination in California Law and Ethics.

The proposed addition of Section 1082.3 would formally implement Business and Professions Code

Section 1749.1, so that an examination in law and ethics will be required, the content defined, and a passing score established.

The proposed regulation is nearly identical to Title 16, California Code of Regulations Section 1031, which requires a supplemental examination in law and ethics for dentist applicants. Similarly, Section 1081 provides that the written examination for licensure as a Registered Dental Assistant shall contain questions on law and ethics.

The proposed regulation would establish 75% as the passing score, similar to the provisions of Section 1083, which sets 75% as the passing score for all almost all other auxiliary licensure examinations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

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

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

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation would not affect small businesses because this regulation pertains to administering the exam of California Law and Ethics during the clinical exam.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which is considered or that has otherwise been identified and bought to its attention would either be more effective in carrying out the purpose for which the action is proposed or

would be as effective and less burdensome to affected private persons that the proposed described in this Notice.

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Linda M. Madden
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone: (916) 263-2300
Fax Number: (916) 263-2410
E-Mail Address: linda_madden@dca.ca.gov

The back-up contact person is:

Name: Karen Wyant
Address: 1428 Howe Avenue, Suite 58
Sacramento, California 95825
E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

**TITLE 27. CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD**

NOTICE OF PROPOSED RULEMAKING

Title 27: Environmental Protection
Division 2: Solid Waste
Chapter 8: Other Provisions
Subchapter 1: Financial Assistance Programs
Article 1: Landfill Closure Loan Program

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to draft regulations to implement the Landfill Closure Loan Program (LCLP) as required by Public Resources Code (PRC) § 48202. The purpose of the LCLP is to provide landfill operators with funding for costs associated with the early closure of older-technology, unlined landfills that pose potential environmental problems.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on Monday, October 27, 2003.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Bridget D. Brown
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 19
Sacramento, CA 95812-4025
e-mail: bbrown@ciwmb.ca.gov
fax: (916) 319-7628
phone: (916) 341-6325

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for Monday, November 3, 2003. The hearing will be held in the Sierra Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 1:00 p.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing, submit written copies of their testimony at the hearing. The Sierra Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC § 40000 et. seq., provides for the protection of public health and safety and the environment through waste

prevention, waste diversion, and state waste processing and disposal. To mitigate potential environmental problems, some operators of unlined landfills require financial assistance to pursue early closure. The California State Auditor's report (Number 2001-109) recommended that the CIWMB "Seek legislation that will allow it to offer loans or grants to landfill operators in need of financial assistance to close landfills." The Governor approved Assembly Bill 467 on September 15, 2002, establishing the Landfill Closure Loan Program (LCLP). PRC § 48206 requires the CIWMB to adopt regulations to implement the program.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that unlined, older-technology landfills can pose a threat to public health, safety, and the environment. PRC § 48202 directs the CIWMB to establish the LCLP and make loans to operators of affected solid waste landfills to assist them in the early closure of their facilities. The proposed regulations provide requirements and instructions for participation in the program.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section § 11349 and the plain English requirements of Government Code Section §§ 11342.580 and 1134.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC § 40502 provides authority for these proposed regulations. The purpose of the proposed regulations is to implement, interpret and make specific PRC §§ 48200 through 48207.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D, the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulations will result in no costs or savings to any state agencies, no costs to any school districts that are required to be reimbursed under part 7 (commencing with § 17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

EFFECT ON SMALL BUSINESSES

CIWMB staff determined that the proposed regulations would not have a significant, statewide adverse economic impact on small businesses. The proposed regulations implement a loan program for the purpose of providing funding for the early closure of older-technology, unlined landfills that pose potential environmental problems. Small businesses meeting specified criteria would be eligible for funding under the program. Costs associated with loan applications are considered minimal.

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

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The economic analysis indicates that one private facility would potentially be subject to the proposed regulations with no significant adverse economic impact.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB, or that has otherwise been identified and brought to the attention of the CIWMB, 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 CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Bridget D. Brown
 California Integrated Waste Management Board
 Permitting & Enforcement Division
 P.O. Box 4025, M.S. 19
 Sacramento, CA 95812-4025
 e-mail: bbrown@ciwmb.ca.gov
 fax: (916) 319-7628
 phone: (916) 341-6325

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Susan Markie
 California Integrated Waste Management Board
 Permitting & Enforcement Division
 P.O. Box 4025, M.S. 19
 Sacramento, CA 95812-4025
 e-mail: smarkie@ciwmb.ca.gov
 fax: (916) 319-7453
 phone: (916) 341-6324

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Bridget D. Brown at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/ClosureLoan>.

Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who

submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DENTAL BOARD OF CALIFORNIA

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Dental Board of California is extending the public comment period concerning the California Dental Corps Loan Repayment Program proposed regulations (Title 16, California Code of Regulations, proposed sections 1042-1042.6) until Monday, October 27, 2003. Attached is a copy of the proposed regulations for your reference. These proposed regulations are also available in the board's website: www.dbc.ca.gov

Any interested person, or his or her authorized representative, may submit written comments no later than 5:00 p.m. on Monday, October 27, 2003, to:

LINDA MADDEN
 Dental Board of California
 1432 Howe Avenue, Suite 85
 Sacramento, CA 95825
 Telephone: (916) 263-2300
 Fax: (916) 263-2140
 E-mail Address: linda_madden@dca.ca.gov

DEPARTMENT OF FISH AND GAME

Public Interest Notice

**CESA CONSISTENCY DETERMINATION FOR
 Contra Costa and Pittsburg Power Plants
 Contra Costa County**

On July 21, 2003, Mirant Delta, LLC ("Mirant") notified the Department of Fish and Game ("Department") that Mirant proposes to rely on the biological opinions prepared by the National Marine Fisheries Service ("NOAA Fisheries") and the U.S. Fish and Wildlife Service ("USFWS") to carry out a project that could adversely affect aquatic species protected under both the federal Endangered Species Act and California Endangered Species Act ("CESA"). The

project is continued operation, maintenance, and repair activities at the Contra Costa and Pittsburg Power Plants located on the San Joaquin River and Suisun Bay in Contra Costa County. The project also includes the deployment and operation of an aquatic filter barrier at the Contra Costa Power Plant.

On October 17, 2002, NOAA Fisheries issued to the U.S. Army Corps of Engineers (“Corps”) a “no jeopardy” biological opinion (SWR-02-SA-6055:SRB) for Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*). On November 4, 2002, USFWS issued the Corps a biological opinion (1-1-01-F-0280) for delta smelt (*Hypomesus transpacificus*). The biological opinions authorize incidental take and set forth measures that must be undertaken by Mirant to minimize and mitigate the project’s effects on listed species.

After review and consideration of the above-referenced federal biological opinions, the Department has determined that there is substantial evidence that the biological opinions are not consistent with CESA because the project and mitigation measures do not meet the requirements set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species listed under CESA. As provided in section 2080.1(c) of the Fish and Game Code, Mirant Delta, LLC must obtain separate take authorizations under CESA for the incidental take of the delta smelt (*Hypomesus transpacificus*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*), spring-run Chinook salmon (*Oncorhynchus tshawytscha*), soft bird’s-beak (*Cordylanthus mollis mollis*), and Mason’s lilaopsis (*Lilaeopsis masonii*) that is anticipated to result from the activities described in the federal biological opinions.

DEPARTMENT OF FISH AND GAME

Public Interest Notice

**CESA CONSISTENCY DETERMINATION FOR
Talega Phase II Master Planned
Development Project
Orange County**

The Department of Fish and Game (“Department”) received notice on August 20, 2003 that Talega Associates, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (“CESA”). This project consists of the construction of a residential and commercial master-planned development along with associated roads and creek crossings on 1,066 acres.

The activities will permanently impact wetlands, Waters of the United States, and grasslands in the low coastal foothills west of the Santa Ana Mountains.

The U.S. Fish and Wildlife Service issued a no jeopardy federal biological opinion (FWS-OR-1226.4) to the U.S. Army Corps of Engineers (“Corps”) on February 1, 2002. The opinion considers the Federally threatened and State endangered thread-leaved brodiaea (*Brodiaea filifolia*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Talega Associates, LLC is requesting a determination that biological opinion FWS-OR-1226.4 is consistent with CESA. If the Department determines that the federal biological opinion is consistent, Talega Associates, LLC will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

DEPARTMENT OF FISH AND GAME

Public Interest Notice

**CESA CONSISTENCY DETERMINATION FOR
Trinity River Bridge Replacements Project
Trinity County**

The Department of Fish and Game (“Department”) received notice on August 25, 2003 that the Trinity County Planning Department proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (“CESA”). This project consists of the modification or replacement of four bridges over the Trinity River in order to accommodate possible future operational changes to the Trinity River Division of the Central Valley Project. The activities will impact riparian habitat and in-water fish habitat.

The National Marine Fisheries Service (“NOAA Fisheries”) issued a no jeopardy federal biological opinion (151422SWR02AR6360:MK) to the U.S. Bureau of Reclamation (“USBR”) which considers the federally threatened Southern Oregon/Northern California Coast ESU Coho Salmon (*Oncorhynchus kisutch*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Trinity County is requesting a determination that biological opinion 151422SWR02AR6360:MK is consistent with CESA. If the Department determines that the federal biological opinion is consistent, Trinity County will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**HOUSEHOLD HAZARDOUS WASTE UNIT
REGULATORY AND PROGRAM
DEVELOPMENT DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On August 28, 2003, the Regulatory and Program Development Division of the Department of Toxic Substances Control (DTSC) issued a variance to Riverside County, Department of Environmental Health. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued for the operation of three-day mobile household waste collection to be conducted at:

City of Moreno Valley Maint. Yard.

15670 Perris Boulevard

Moreno Valley, California 92553

October 16–18, 2003

February 19–21, 2004

June 17–19, 2004

Riverside County Transportation Yard

6851 Van Buren Avenue

Riverside, CA 92509

September 4–6, 2003

Corona Fire Training Center

730 Corporate Yard Way

Corona, California 91720

September 11–13, 2003

January 22–24, 2004

April 29, 30 and May 1, 2004

Riverside County Transportation Dept.

Maintenance Yard

595 North Juanita Avenue

Hemet, California 92343

June 10–12, 2004

Riverside County Transportation Dept.

25-315 Jefferson

Murrieta, California 92362

September 18–20, 2003

January 29–31, 2004

May 6–8, 2004

This variance authorizes Riverside County and their contractor to set up mobile three-day collection events at the listed locations for the specific dates and collect household hazardous wastes. No business or agricultural wastes are to be collected. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Cheryl Closson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (916) 324-6564.

**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 PSYCHOLOGY

Continuing Education Requirements

This regulatory action deals with the criteria used by the Board for recognizing an entity or organization as an accreditation agency which evaluates and approves continuing education providers and courses.

Title 16

California Code of Regulations

AMEND: 1397.61

Filed 09/02/03

Effective 10/02/03

Agency Contact: Kathy Bradbury (916) 263-0712

DEPARTMENT OF HEALTH SERVICES

Upper Billing Limit

This readopted emergency rulemaking changes the payment policy for durable medical equipment and medical supplies to the providers cost of obtaining the item plus 100% up to the Medi-Cal rates on file for the item. This emergency rulemaking is exempt from review by the Office of Administrative Law, and is effective for 180 days.

Title 22

California Code of Regulations

ADOPT: 51008.1 AMEND : 51104, 51515, 51520, 51521

Filed 08/28/03

Effective 08/28/03

Agency Contact: Marylyn Willis (916) 657-3174

DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Program Rates

This action is the annual setting of the rates for low cost auto insurance policies that will be offered in Los Angeles and San Francisco.

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 09/02/03

Effective 10/02/03

Agency Contact:

Mary Ann Shulman (415) 538-4133

DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Rates

This filing makes nonsubstantive amendments to the California Automobile Insurance Low Cost Program Plan of Operations, updating the zip code listings for Los Angeles County and for the City and County of San Francisco; replacing the 2002 version of the Health and Human Services Poverty Guidelines with the 2003 version; and conforming the regulation's standard for eligibility with a statutory change that allows persons with an income of up to 250 percent of the maximum under the poverty guidelines to participate in the program.

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 08/28/03

Effective 08/28/03

Agency Contact:

Mary Ann Shulman (415) 538-4133

EMPLOYMENT DEVELOPMENT DEPARTMENT

Timely Job Service Registration of Unemployment Insurance Claimants

This rulemaking amends the processes and procedures for employment registration.

Title 22

California Code of Regulations

AMEND: 1253-(b)-1

Filed 09/02/03

Effective 10/02/03

Agency Contact: Laura Colozzi (916) 654-7712

FISH AND GAME COMMISSION

Transgenic Aquatic Animal Restrictions

In this regulatory action, the Fish and Game Commission amends a regulation pertaining to "permits for restricted species" to establish additional requirements and procedures relating to transgenic aquatic animal permits.

Title 14

California Code of Regulations

AMEND: 671.1

Filed 08/28/03

Effective 09/27/03

Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Commercial Sea Urchin Fishery

This regulatory action revises the existing commercial sea urchin regulations in title 14 in response to suggestions made by the industry. The Commission

has withdrawn the proposed changes to subsection (a) of section 120.7 and subsection (c) of section 190 in order to make them available to the public for 15 days.

Title 14

California Code of Regulations

AMEND: 120.7, 190

Filed 09/02/03

Effective 10/02/03

Agency Contact: John M. Duffy (916) 653-4899

IMPROVING LIFE THROUGH SERVICE

COMMISSION

Conflict of Interest Code

This is a Conflict of Interest Code amendment from the Governor's Office on Service and Volunteerism Commission (formerly known as the California Commission on Improving Life Through Service). This action has been approved by the Fair Political Practices Commission and is submitted for filing with Secretary of State and printing only.

Title 2

California Code of Regulations

Filed 08/28/03

Effective 09/27/03

Agency Contact:

Claudia Anderson (916) 322-2213

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—
COS Design/Site

This emergency regulatory action amends the audit requirements for the Critically Overcrowded Schools (COS) program. (Previous OAL file # 03-0422-05E)

Title 2

California Code of Regulations

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

Filed 08/29/03

Effective 08/29/03

Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 30, 2003
TO SEPTEMBER 3, 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

07/01/03 AMEND: 1038
 05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5,
 126, 127, 128, App. A (Form 1013)

Title 2

08/29/03 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

08/28/03

08/25/03 ADOPT: 1859.71.4, 1859.78.1 AMEND:
 1859.2, 1859.73.2, 1859.79.2, 1859.82,
 1859.83, 1859.125, 1859.125.1, 1859.145

08/18/03 AMEND: 599.515

08/14/03 ADOPT: 18531.5

08/13/03 AMEND: 41000

08/01/03 ADOPT: 22100, 22110, 22120, 22130

07/29/03 AMEND: 18404.1

07/14/03 AMEND: Chapter 55, Section 54400

07/14/03 AMEND: 649.11

07/14/03 AMEND: 56800

07/07/03 ADOPT: 1859.77.3 AMEND: 1859.2,
 1859.77.2

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 AMEND: 1859.77.2

06/12/03 ADOPT: 18329.5

06/12/03 AMEND: 1555

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 ADOPT: 471.1 AMEND: 470, 470.1,
 471, 472, 17502, 17520

05/07/03 AMEND: 547.80, 17030, 17111, 17112,
 17151 REPEAL: 547.81, 17434

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

Title 3

08/26/03 AMEND: 1380.19 (b), (q), (r), (t),
 1402.12, 1446.7, 1454.14, 1462.15

08/26/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3

08/21/03 ADOPT: 820, 820.1, 820.2, 820.3, 820.4,
 820.5, 820.6, 820.7, 820.8

08/12/03 AMEND: 4500

07/29/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,
 760.5, 760.6, 760.7, 760.8, 760.9

07/28/03 ADOPT: 3650, 3651, 3652, 3653, 3654,
 3655, 3656, 3657, 3658, 3659, 3660,
 3661, 3662, 3663, 3663.5

07/24/03 AMEND: 3417(b)

07/10/03 AMEND: 3700(c)

07/08/03 AMEND: 3700(c)

07/03/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4,
 755.5, 755.6, 756, 756.1, 756.2, 756.3,
 757, 758, 758.1, 759 AMEND: 753.2
 REPEAL: 757, 759, 759.1, 759.2, 759.3,
 759.4, 759.5

06/26/03 AMEND: 3417(b)

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

Title 4

08/25/03 ADOPT: 12250

08/18/03 AMEND: 12101, 12122

07/14/03 ADOPT: 10151, 10152, 10153, 10154,
 10155, 10156, 10157, 10158, 10159,
 10160, 10161, 10162

06/26/03 AMEND: 12100, 12101, 12104, 12105,
 12120, 12122, 12124, 12126, 12128,
 12130, 12132, 12140, 12142

06/16/03 ADOPT: 12370

05/22/03 ADOPT: 12300, 12301, 12302, 12304,
 12305, 12306, 12307, 12308, 12309,
 12310 AMEND: 12301, 12303, 12309

Title 5

08/26/03 ADOPT: 11971, 11972, 11973, 11974,
 11975, 11976, 11977, 11978, 11979,
 11979.5

07/31/03 AMEND: 80014, 80015, 80015.1, 80023
 REPEAL: 80085, 80085.1, 80086, 80087,
 80088, 80412, 80413.2, 80414, 80422,
 80680-80690.1

07/21/03 ADOPT: 1068-1074

07/18/03 ADOPT: 80473, 80473.1

07/03/03 AMEND: 51023.5

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

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Title 7

07/23/03 AMEND: 213(i)
 06/03/03 AMEND: 201, 202, 203, 204, 208, 209,
 210, 211, 213, 214, 215, 216, 217, 218,
 219, 220, 221, 222

Title 8

08/26/03 AMEND: 3273
 08/25/03 AMEND: 2561.31, 2561.32, 4885, 5022
 08/04/03 ADOPT: 3458 AMEND: 3437
 07/31/03 AMEND: 1532, 1532.1, 1535, 5198,
 5200, 5201, 5207, 5211, 5214, 5218,
 5220
 07/28/03 AMEND: 3016, 3120.6, 2122.0
 07/24/03 AMEND: 1532.1
 07/21/03 AMEND: 5557
 07/11/03 AMEND: 1504, 1637
 07/11/03 ADOPT: 5248, 5252.1, 5253.1, 5298.1,
 5307, 5308 AMEND: 1504, 5236, 5237,
 5238, 5239, 5240, 5241, 5242, 5243,
 5244, 5245, 5246, 5247, 5251, 5252,
 5253, 5254, 5256, 5257, 5258, 5262,
 5267, 5268, 5269, 5270, 5276, 5277,
 5278, 5279, 5280, 5291, 5292, 5293,
 07/03/03 ADOPT: 5006.1 AMEND: 5006
 07/03/03 AMEND: 1635, 1710
 06/26/03 AMEND: 421, 422, 422.1, 423, 424.1,
 424.2, 424.3, 424.4, 425.1, 425.2, 426,
 427.1, 427.2, 427.3, 427.4, 428
 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
 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

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

Title 10

09/02/03 AMEND: 2498.6
 08/28/03 AMEND: 2498.6

08/26/03 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
 08/25/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
 2278.4, 2278.5
 08/21/03 ADOPT: 2187.4
 08/21/03 ADOPT: 2175.6, 2175.7, 2175.8, 2175.9,
 2178
 08/12/03 AMEND: 2615.3
 08/04/03 ADOPT: 2698.102, 2698.600, 2698.602,
 2698.604 AMEND: 2698.100, 2698.200,
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