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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**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

- Central Valley Schools Joint Powers Insurance Authority
- Benefits Excess Liability Fund
- Bay Area Water Supply and Conservation Agency
- San Francisco Bay Area Regional Water System Financing Auth.

A written comment period has been established commencing on **November 28, 2003** and closing on **January 12, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Jeanette Turvill, 428 J Street, Suite 620, Sacramento, CA 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **January 12, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

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

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: On **January 15, 2004** at 10:00 a.m. in the Council Chambers, Second Floor of Glendale City Hall, 613 E. Broadway, Glendale, California 91026-4308.

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

PUBLIC HEARING: On **January 15, 2004** following the Public Meeting in the Council Chambers, Second Floor of Glendale City Hall, 613 E. Broadway, Glendale, California 91026-4308.

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

BUSINESS MEETING: On **January 15, 2004** following the Public Hearing in the Council Chambers, Second Floor of Glendale City Hall, 613 E. Broadway, Glendale, California 91026-4308.

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on January 15, 2004.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
Section 1529(g)
Asbestos Control Measures
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7
Group 2, Article 7
Section 3314
The Control of Hazardous Energy
3. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 107
Section 5148
Prohibition of Smoking in the Workplace

A description of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 4
Section 1529(g)
Asbestos Control Measures

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Labor Code Section 142.3 mandates that the Board adopt regulations at least as effective as federal regulations addressing occupational safety and health issues. This requirement applies to Construction Safety Orders (CSO) Section 1529 and its federal counterpart, 29 Code of Federal Regulation (CFR) 1926.1101. The Division of Occupational Safety and Health (Division) noted in a Form 9, Request for New, or Change in Existing Safety Order, dated December 2, 2002, that a discrepancy exists between CSO Section 1529 and 29 CFR 1926.1101. The requirement for specific control methods for Class I work in 1529 (g)(5) is stated differently than the requirement contained in 29 CFR 1926.1101(g)(5). The federal rule was adopted, and the requirements for specific control

methods were published in Federal Register Volume 59, No. 153, dated Wednesday, August 10, 1994. CSO Section 1529 uses the permissive term “may” whereas the federal standard uses the mandatory term “shall”. This difference makes the state’s standard less effective than its federal counterpart. The proposed change to Section 1529 will make the requirement identical to its federal counterpart.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The comments and the responses will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State, as provided by Labor Code Section 142.3(a)(3). The regulation may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board’s discretion.

COST ESTIMATES OF PROPOSED ACTION

No additional costs are anticipated based on this change.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the California Supreme Court has established that a “program” within the meaning of Section 6 of Article

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

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

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

EFFECT ON SMALL BUSINESSES

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

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

A description of the proposed changes are as follows:

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7

Group 2, Article 7

Section 3314

The Control of Hazardous Energy

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is the result of an Occupational Safety and Health Appeals Board (OSHAB) Decision (Docket No. 99-R4D5-2285, Helical Products Co, Inc., dated June 8, 2000) and a Request For

Change in an Existing Regulation (Form 9) received from the Division of Occupational Safety and Health (Division) on August 21, 2000.

The OSHAB Decision was based on difficulties in applying GISO Section 3314(a) and (b) due to arguable distinctions between adjusting and setting-up operations of prime movers, machinery, and equipment. GISO Section 3314(a) is intended to apply to the control of hazardous energy during cleaning, servicing and adjusting operations. GISO Section 3314(b) is intended to apply to the control of hazardous energy during repair work and setting-up operations. The terms “cleaning, servicing, adjusting, repairing and setting-up” are not defined in the regulations, and the distinction between the two subsections and their application to the control of hazardous energy, led to an appeal of a citation. Based on testimony received at the hearing, the Administrative Law Judge rendered an opinion that the Division had cited the incorrect subsection and set aside the citation issued to the Appellant.

The Division Form 9 requested the Board to update terminology used in the title and body of Section 3314 for consistency with Federal OSHA and with common usage in the workplace. The Division also requested the Board to require specific procedures and instructions to be developed for specific machines or pieces of equipment, to ensure that employers and employees would not depend on “boilerplate” language commonly seen in written hazardous energy control procedures. Furthermore, the Division requested the Board to add a vertical training requirement for equivalence with the Federal OSHA standard.

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

Section 3314. Cleaning, Repairing, Servicing and Adjusting Prime Movers, Machinery and Equipment.

This proposal would amend the title of this Section to read (*new language underscored*), “The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.” The term “Lockout/Tagout” has been added to the title in order to assist members of the regulated public who are familiar with the corresponding federal requirement and terminology in locating California’s requirements. The effect of this amend-

ment will be to clarify what the requirements of Section 3314 pertain to and aid the regulated public in locating these requirements.

Subsection (a)

Existing subsection (a) requires that machinery or equipment capable of movement be stopped and the power source de-energized or disengaged; and if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement during cleaning, servicing or adjusting operations unless the machinery or equipment must be capable of movement during this period in order to perform a specific task. If so, the employer shall minimize the hazard by providing and requiring the use of extension tools or other methods or means to protect employees from injury due to such movement. The section also requires that employees be made familiar with the safe use and maintenance of such tools by thorough training. Finally, existing subsection (a) states that, “for the purpose of Section 3314, cleaning, repairing, servicing and adjusting activities shall include unjamming prime movers, machinery and equipment.”

This proposal would revise and relocate the bulk of subsection (a) to subsection (c), in order to accommodate two new subsections, the first of which is new subsection (a) entitled “Application”. It is proposed to further subdivide new subsection (a) into two subsections and add an informative “Note” as follows:

Proposed subsection (1) reads, “This Section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.” This subsection is substantially based on 29 Code of Federal Regulation (CFR), Part 1910.147(a)(1)(i) and will clarify the scope and application of Section 3314. Subsection (2), taken from the last sentence of existing subsection (a) and kept for clarity purposes, reads, “For the purposes of this Section, cleaning, repairing, servicing and adjusting activities shall include unjamming prime movers, machinery and equipment.” An informative “Note” is proposed which states that requirements for working on energized electrical systems are prescribed in the Electrical Safety Orders, Sections 2320.1 through 2320.9 or 2940 through 2945. This note is added to clarify that requirements for working on energized electrical systems are prescribed in the Electrical Safety Orders. The effect of these proposed changes is to clarify the application and scope of Section 3314, including directing the regulated public to the Electrical Safety Orders for applications involving work on energized electrical systems.

Subsection (b)

Existing subsection (b) requires that prime movers, equipment, or power-driven machines equipped with lockable controls or readily adaptable to lockable controls shall be locked out or positively sealed in the "off" position during repair work and setting-up operations. It also states that machines, equipment, or prime movers not equipped with lockable controls or readily adaptable to lockable controls shall be considered in compliance with Section 3314 when positive means are taken, such as de-energizing or disconnecting the equipment from its source of power, or other action which will prevent the equipment, prime mover or machine from inadvertent movement. Finally, the existing subsection requires that, in all cases, accident prevention signs or tags shall be placed on the controls of the equipment, machines and prime movers during repair work. An "exception" following existing subsection (b) states that minor tool changes and adjustments, and other minor servicing activities, which take place during normal production operations are not covered by the requirements of Section 3314 if they are routine, repetitive, and integral to the use of the equipment or machinery for production, provided that the work is performed using alternative measures which provide effective protection.

Due to the addition of proposed new subsections (a) and (b), this proposal would revise and reletter existing subsection (b) as subsection (d). A new "Definitions" subsection (b) is proposed which will define lockout/tagout terms: "Locked out," "Normal Production Operations," and "Prime Mover." An ad hoc advisory committee convened to review proposed amendments to Section 3314 was in consensus that these terms should be defined in order to add clarity to the regulations. The definition for "Locked out" is based in large part on an existing clarifying note under subsection (b). The definition for "Normal Production Operations" is taken from 29 CFR 1910.147(b), while the definition for "Prime Mover" is based on a definition in GISO Section 3281. "Setting-up" and "Adjusting" are not defined, as many committee members felt these are common terms that are not possible to define were they cover all industries and processes that could be affected by the regulations. Also, attempts to define them could result in loss of flexibility in applying them to unique needs in particular industries. The effect of these proposed changes will be to clarify necessary terms as they are used in the proposed modifications to GISO Section 3314.

Subsection (c)

Existing subsection (c) requires the employer to provide a sufficient number of accident prevention signs, tags, padlocks, seals or other similarly effective

means which may be required by any reasonably foreseeable repair emergency. It also requires means by which signs, tags, padlocks and seals can be readily secured to the controls and specifies attachment means for tagout devices.

This proposal would revise and reletter existing subsection (c) as subsection (e) and entitle it "Materials and Hardware." Existing subsection (a) is proposed to be relocated to subsection (c) and entitled: "Cleaning, Servicing and Adjusting Operations." Clarifications to existing, relettered subsection (a) are proposed, which add "release of stored energy" to the hazards to be prevented and clarify that accident prevention signs or tags are to be placed on the controls of the power source during this period. This proposal would further subdivide those provisions of existing subsection (a) pertaining to work that is necessary while the machinery or equipment is capable of movement into new subsection (c)(1), and to clarify that interlocks are included among the permissible methods or means of minimizing hazards during this time. The effect of these amendments will be to assist the public in locating regulations pertaining to cleaning, servicing and adjusting operations, and to clarify these requirements.

Subsection (d)

Existing subsection (d) requires that during repair, prime movers, machines or equipment shall be effectively blocked or otherwise secured to prevent inadvertent movement if such movement can cause injury to employees.

This proposal would delete existing subsection (d) as it overlaps proposed new subsection (d). Existing subsection (b) is proposed to be relettered as subsection (d), entitled "Repair Work and Setting-Up Operations," and revised by adding "release of stored energy" to the hazards included and adding that setting-up operations also require accident prevention signs, tags or both. The exception relettered from existing subsection (b) is proposed to be clarified as being applicable to the proposed new subsections (c) and (d). A new second exception to (c) and (d) is proposed for work on cord and plug-connected electric equipment for which exposure to the hazards of unexpected energization or start up of the equipment is controlled by the unplugging of the equipment from the energy source and by the plug being under the exclusive control of the employee performing the work. It was the advisory committee consensus to add the second exception, taken essentially verbatim from 29 CFR 1910.147(a)(iii)(A), so as not to require lockout procedures for cord-and-plug connected equipment that is under the exclusive control of the employee performing the work. The effect of these amendments will be to clarify regulations pertaining to

repair work and setting-up operations, to clarify applicability of the exceptions, and to assist the public in locating these regulations.

Subsection (e)

Existing subsection (e) contains provisions for repair, adjustment testing, or setting up operations on repetitive process machines, such as numerical control machines, which require power or current continuance to maintain indexing and where such operations cannot be accomplished with the prime mover or energy source disconnected.

This proposal would revise and reletter existing subsection (e) as (f), and entitle it "Repetitive Process Machines." Existing subsection (c) is proposed to be revised and relettered as subsection (e). The phrases "sufficient number," and "reasonably foreseeable" are proposed to be deleted from the first sentence of the relettered subsection, as they are vague and unenforceable. The proposal would also delete "emergency" from the same sentence, as signs, tags, padlocks, seals, or other accident prevention means are required for all repairs where there is an exposure and not just for emergency repairs. The effect of these amendments will be to align requirements for the provision of accident prevention means with federal counterpart regulations and use terminology consistent with usage common in the industry and federal counterpart regulations.

Subsections (f) and (g)

Existing subsection (f) contains requirements for an energy control procedure to be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing or adjusting prime movers, machinery and equipment. The existing subsection also prescribes the content of the procedure. Existing subsection (g) requires the hazardous energy control procedures to be documented in writing.

This proposal would combine existing subsections (f) and (g) into a single subsection relettered as (g) and entitled "Hazardous Energy Control Procedures." The term "hazardous" is added to describe the type of energy to be controlled, and "setting-up" is added for consistency with other parts of the regulation. The effect of the proposed amendments will be to assist the regulated public in understanding requirements for hazardous energy control procedures by consolidating the requirements for procedures and documentation into one subsection.

This proposal would further subdivide new subsection (g) into two parts: (g)(1) incorporates the contents of existing subsection (f), which outlines the requirements of hazardous energy control procedures; and (g)(2), which is existing subsection (g), requires the employer's hazardous energy control procedures to be

documented in writing. An exception to the requirement for documentation of hazardous energy control procedures is proposed, whereby a particular machine or equipment must satisfy an eight-part test based on the federal exception to 29 CFR 1910.147(c)(4). The effect of this proposed exception will be to reduce the paperwork load on employers without jeopardizing employee safety. The documentation exception only applies to single-energy source equipment where control of the energy source is under the exclusive control of the employee performing the cleaning, repairing, servicing, setting-up and adjusting operations and where the machine or equipment has no potential for stored or residual energy or reaccumulation of stored energy after shut-down.

Proposed new subsection (g)(2) is further subdivided into two parts: (A) specifies that the employer's hazardous energy control procedure shall include separate instructions for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure; and (B) requires that these machine/equipment-specific lockout/tagout instructions are to be readily available and understandable to all affected employees. In addition to the eight-part exception to (g)(2), an exception to subsection (g)(2)(A) is proposed which will permit hazardous energy control procedures to be written for a group or type of machinery/equipment where certain elements exist such that the procedures for each machine or equipment are essentially similar. The effect of this proposed subsection is to clarify hazardous energy control procedure documentation, availability, and conditions where a single procedure for a group or type of machinery or equipment may be permissible.

Subsection (h)

Existing subsection (h) requires that hazardous energy control procedures shall be inspected at least annually to ensure that the procedures and requirements of this section are being followed. The subsection also prescribes the manner in which the inspections shall be conducted and certified.

This proposal would add the title "Periodic Inspection" to existing subsection (h) and revise the subsection to replace the term "authorized employee" with "qualified person" in subsection (h)(1). Additionally, the term "hazardous energy" is proposed to be used consistently throughout. The effect of these proposed amendments will be to clarify requirements by providing consistent terminology throughout the subsection. Furthermore, the change from "authorized employee" to "qualified person" in subsection (h)(1) is based on committee consensus that the inspection/audit should be performed by an individual with qualifications as defined in GISO Section 3207.

Proposed new subsection (j)

A new subsection (j) is proposed, entitled “Training”, which specifies that: (1) affected employees are to be trained on the hazardous energy control procedures and on the hazards related to performing any activity required for cleaning, repairing, servicing, setting-up, and adjusting prime movers, machinery and equipment; and (2) such training shall be documented and kept in the employee’s training records as required by Section 3203. The effect of this proposed new subsection will be to ensure that affected employees are properly trained regarding hazardous energy control procedures and the overall hazards associated with cleaning, repairing, servicing, setting-up, and adjusting prime movers, machinery and equipment. The proposed new subsection will also provide employers with more specific guidance on training in hazardous energy control as a supplement to training documentation and retention requirements contained in the Title 8, Injury and Illness Prevention Program of GISO Section 3203.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, because the proposed modifications are clarifying changes to existing regulations necessary for equivalency with federal lockout/tagout standards.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

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

EFFECT ON SMALL BUSINESS

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

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

A description of the proposed changes are as follows:

3. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 107
Section 5148
Prohibition of Smoking in the Workplace

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Labor Code Section 6404.5 was enacted in 1994 (Assembly Bill 13, Friedman) to prohibit smoking in the workplace and became fully in effect by 1998. There are currently no counterpart regulations in Title 8 that implement the statewide prohibition of smoking in the workplace. Labor Code Section 6404.5(k) specifies that the Division of Occupational Safety and Health (Division) is not required to respond to complaints regarding the smoking of tobacco products in enclosed spaces at places of employment, unless the employer has been found guilty at the local level of three violations within the previous year. The Division has cited employers statewide from 1998 to 2003 for alleged violations of Labor Code Section 6404.5. In the matter of *Robert D. Schultz and James A. Noll (OSHAB 01-125)* issued May 29, 2003, the Occupational Safety and Health Appeals Board (Appeals Board) decided that the Division does not have authority to enforce the provisions of Section 6404.5 absent a regulation promulgated by the Occupational Safety and Health Standards Board. The proposed addition of Section 5148 will address the Appeals Board decision and clarify for all affected employers that the Division is authorized to enforce the provisions of Labor Code Section 6404.5.

The Division has initiated this rulemaking in response to the Decision After Reconsideration of the Occupational Safety and Health Appeals Board in the matter of *Robert D. Schultz and James A. Noll (OSHAB 01-125)*. Proposed Section 5148 would adopt verbatim the statewide enforceable provisions of Labor Code Section 6404.5. Labor Code Section 6404.5(b) provides that no employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment. Labor Code Section 6404.5(c) details "reasonable steps" that employers must take to ensure compliance with the provisions of Section 6404.5(b) and details particular actions that are not required as "reasonable steps" to prevent smoking by a non-employee in the workplace.

The proposed adoption of Section 5148 also references provisions in Labor Code Section 6404.5(d) specifying establishments that are not included within the meaning of "place of employment" and conse-

quently would not be subject to subsections (a) and (b) of Section 5148. Specifically, subsection (c) of proposed Section 5148 refers to subsections (d)(1) through (d)(6) and (d)(9) through (d)(14) of Labor Code Section 6404.5 as encompassing the "places of employment" that would not be covered by Section 5148. Subsections (d)(7) and (d)(8) of Labor Code Section 6404.5 refer, respectively, to gaming clubs, bars, and taverns as being among those establishments not considered to be "places of employment" covered by the other provisions of Labor Code Section 6404.5. However, this exclusion from coverage ended on January 1, 1998, under the provisions of subsection (f) of Labor Code Section 6404.5. The referenced parts of subsection (d) of Labor Code Section 6404.5 are not reprinted verbatim in Section 5148 due to their length and accessibility by the regulated public in the Labor Code. Other parts of Labor Code Section 6404.5 were not reprinted in Title 8 since they apply only to local enforcement of the law.

There is no comparable federal standard with regard to smoking in the workplace.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

Since Labor Code Section 6404.5 is already state law, the Board has made an initial determination that this proposal is not anticipated to result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

Since Labor Code Section 6404.5 is already state law, the Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal is not anticipated to impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

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

EFFECT ON SMALL BUSINESS

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

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out

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

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than January 9, 2004. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on January 15, 2004 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

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

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

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

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

ORD #0603-14

**ITEM #1 Educational Awards/Scholarships and
Eligible Teens' Exemption**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held January 14, 2004, as follows:

January 14, 2004
Office Building # 9
744 P St. Auditorium
Sacramento, California

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

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on January 14, 2004.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the

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

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

CONTACT

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

CHAPTERS

Manual of Policies and Procedures, Division 42 (Nonlinking Factors of Public Assistance Eligibility), Section 42-712 (Exemptions from Welfare-to-Work Participation), Section 42-719 (School Attendance); and Division 44 (Standards of Assistance), Section 44-111 (Payments Excluded or Exempt from Consideration as Income)

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Senate Bill (SB) 1264, Chapter 439, Statutes of 2002 amended Section 11157 of the Welfare and Institutions Code to exempt from consideration as income, for purposes of the California Work Opportunity and Responsibility to Kids (CalWORKs) program, any awards or scholarships provided by a public or private entity to, or on behalf of, a dependent child based on the child's academic or extracurricular achievement or participation in a scholastic, educational or extracurricular competition.

This bill also amended Section 11320.3 of the Welfare and Institutions Code, to expand the exemptions from the CalWORKs welfare-to-work requirements to include a person who is 16 or 17 years of age, has obtained a high school diploma or its equivalent, and is enrolled or is planning to enroll in a postsecondary education, vocational, or technical school training program. The bill also established a time period by which verification of enrollment must be provided to, or obtained by the county.

To implement the above cited statute, these regulations require that any awards or scholarships provided by a public or private entity to, or on behalf of, a dependent child based on the child's academic or extracurricular achievement or participation in a

scholastic, educational, or extracurricular competition be exempt from consideration as income for CalWORKs program purposes.

These regulations also allow 16 and 17-year old teens who have graduated from high school, or its equivalent, and who have enrolled or are planning to enroll in postsecondary education, vocational, or technical school to be exempt from welfare-to-work participation requirements. They define what "planning to enroll" means and sets a limit to when either verification of enrollment must be provided or the exemption is discontinued.

COST ESTIMATE

1. Costs or Savings to State Agencies: Costs of \$10,000 for Fiscal Year 2003/04 and \$21,000 for Fiscal Year 2004/05.
2. Costs to Local Agencies or School Districts: Costs of \$2,000 for Fiscal Year 2003/04 and \$5,000 for Fiscal Year 2004/05
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Costs of \$82,000 for Fiscal Year 2003/04 and \$164,000 for Fiscal Year 2004/05.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate does not require reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in only negligible costs.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

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

ASSESSMENT OF JOB CREATION OR ELIMINATION

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

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

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

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10054, Welfare and Institutions Code. Subject regulations implement and make specific Sections 11157 and 11320.3 (Ch. 439, Stats of 2002), Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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

Backup: Robin Garvey
(916) 657-2586

EMERGENCY STATEMENT

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

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

RESCHEDULING NOTICE

NOTICE OF RESCHEDULED PUBLIC HEARING TO CONSIDER ADOPTION OF THE HEAVY-DUTY DIESEL ENGINE SOFTWARE UPGRADE REGULATION (CHIP REFLASH)

You are invited, but not required, to attend a public hearing conducted by the Air Resources Board (ARB

or Board) at the time and place noted below to consider adopting the proposed heavy-duty diesel engine software upgrade regulation. If adopted, this regulation would require reprogramming the engine computer in order to reduce exhaust emissions from 1993–1999 model year heavy-duty vehicles. This hearing was first scheduled for October 23, 2003, in a Notice dated August 26, 2003 and published September 5, 2003. (California Regulatory Notice Register 2003, No. 36-Z.) This hearing has been rescheduled to the following date, time, and location:

DATE: December 11, 2003

TIME: 8:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street,
Auditorium, Second Floor
Sacramento, California 95814

To promote public participation, the remainder of this rescheduling notice simply reproduces, with non-substantive clarifications, portions of the earlier August 26, 2003 notice. This notice also sets new comment period deadlines.

This item will be considered at a two-day meeting of the Board, which will commence at 8:00 a.m., December 11, 2003, and may continue at 8:30 a.m., December 12, 2003. This item may not be considered until December 12, 2003. Please consult the agenda for the meeting, which will be available at least ten days before December 11, 2003, to determine the day on which this item will be considered. At 8:00 a.m. on the day that this item will be considered, a demonstration of heavy-duty diesel engine reprogramming will be conducted on the east side of the 1001 I Street building.

If you have questions about the proposed regulation, please call Ms. Lisa Jennings, Air Pollution Specialist, at (916) 322-6913, or Mr. Earl Landberg, Air Pollution Specialist, at (916) 323-1384.

If you plan to attend the board hearing and have special accommodation or language needs, please contact, Ms. Stacey Dorais, ARB's Clerk of the Board, at (916) 322-5594, or send an email to sdorais@arb.ca.gov as soon as possible. Teletypewriter (TTY)/Telecommunications Device for the Deaf (TDD)/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of Section 2011 in new Article 3.5 within Chapter 1, Division 3, Title 13, California Code of Regulations (CCR).

Proposed amendments to sections 2180.1, 2181, 2184, 2185, 2186, 2192, and 2194 of Article 1, Chapter 3.5, Division 3, Title 13, CCR.

What is ARB proposing?

ARB staff is proposing to reduce air pollution by requiring owners and operators of trucks, school buses, and motor homes with 1993–1998 model year heavy-duty diesel engines to upgrade the software in the electronic control module (ECM) of these engines. Software upgrades were developed by the engine manufacturers and are available now for most 1993–1998 model year engines. Since many 1999 model year vehicles have engines produced in 1998, owners and operators of 1999 model year vehicles need to check if they are affected using the ARB list referenced below. Engine manufacturers, distributors, and dealers have to provide the appropriate low NOx software to the vehicle owner or operator if this proposal is adopted.

What is a heavy-duty diesel engine software upgrade?

A heavy-duty diesel software upgrade (also referred to as “low NOx software upgrade” or “chip reflash”) is software installed in the engine that reprograms the vehicle’s computer and reduces off-cycle NOx emissions. The installation process takes between one-half to one hour depending on the engine type. ARB staff has prepared a list that can be checked to determine if low NOx software is available for the engine. This list is available from our web site at

<http://www.arb.ca.gov/msprog/hdsoftware/hdsoftware.htm>

Are out-of-state vehicles subject to the proposed requirements?

Yes. If adopted, owners and operators of 1993–1999 model year heavy-duty diesel vehicles (trucks, school buses, and motor homes) registered out-of-state, but that travel within California, would also be required to ensure that the engines in their vehicles have the appropriate low NOx software installed.

How much would the low NOx software installation cost?

Engine manufacturers have a responsibility to mitigate the excess NOx emissions caused by the “computer-based strategies” they programmed into their engines. In addition, the applicable Consent Decrees and Settlement Agreements require manufac-

turers to supply the low NOx software at no added cost whenever it is requested. For these reasons, ARB expects the low NOx software to be provided and installed at the expense of the engine manufacturers.

When would low NOx software have to be installed?

If this regulation is adopted as proposed, the low NOx software would have to be installed by the following dates:

- 1993–1994 model years By April 30, 2004
- 1995–1996 model years By August 31, 2004
- 1997–1998 model years By December 31, 2004

If this regulation is adopted, we will provide a supplemental notice to inform affected vehicle owners that they must have the software installed.

How would the low NOx software installations be enforced?

Staff is proposing to amend the Heavy-Duty Vehicle Inspection Program (HDVIP) to include the verification of the low NOx software installations. ARB staff already inspects heavy-duty vehicles at California Highway Patrol weigh stations, randomly selected roadside locations, and fleet facilities for excessive smoke and tampering. With the proposed amendments, HDVIP Inspectors would be able to verify that the correct low NOx software has been installed. Failure to have the low NOx software installed by the compliance dates would result in a citation accompanied by monetary penalties.

What are the proposed penalties for not installing the low NOx software?

The proposed penalty would be \$300 if the low NOx software were installed within 45 days of issuance of a citation. If the software were not installed until after 45 days of issuance of a citation, we are proposing an additional \$500 penalty. The penalties for the failure to install the low NOx software would apply to both California-registered vehicles and out-of-state registered vehicles, and would be in addition to any penalties incurred for excessive smoke and tampering.

How much would the proposed requirements reduce emissions?

NOx reductions are needed to protect public health by meeting National Ambient Air Quality Standards and to preserve the state’s federal highway funding. This regulation, once implemented, will reduce NOx emissions 30–40 tons per day statewide from California-registered vehicles by the year 2005. We estimate that NOx emissions will be reduced by an additional six to nine tons per day by 2005 from out-of-state registered vehicles traveling in California.

The NOx benefits from this regulation are equivalent to taking more than 600,000 passenger vehicles off the road in 2005.

AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS

The Board staff has prepared a staff report, which also includes a summary of the environmental and economic impacts of the proposal and supporting documentation. The staff report is entitled “Initial Statement of Reasons, Public Hearing to Consider Adoption Of The Heavy-Duty Diesel Engine Software Upgrade Regulation (Chip Reflash).”

Copies of the staff report and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on ARB’s web site listed below or obtained from ARB’s Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990. at least 45 days prior to the scheduled hearing on December 11, 2003.

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB’s web site listed below. Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact Ms. Lisa Jennings, Air Pollution Specialist, at (916) 322-6913, or Mr. Earl Landberg, Air Pollution Specialist, at (916) 323-1384. Procedural inquiries concerning the proposed administrative action may be directed to Ms. Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, at (916) 322-6070, or Ms. Amy Whiting, Regulations Coordinator, at (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact ARB’s American with Disabilities Act Coordinator at (916) 323-4916, or call TDD at (916) 324-9531 or (800) 700-8326 for TDD calls outside the Sacramento area.

This notice, the staff report and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on the ARB Internet site for this rulemaking at

www.arb.ca.gov/regact/chip03/chip03.htm

**COSTS TO PUBLIC AGENCIES AND TO
BUSINESSES AND PERSONS AFFECTED**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with Section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. There may be as many as 40,000 businesses, up to 3,000 school districts, and over 5,000 individuals who own 1993–1999 model year heavy-duty diesel vehicles affected by this proposal. Also affected are approximately 100 dealers/distributors for Caterpillar, Cummins, Detroit Diesel, Mack/Renault, International (Navistar), and Volvo that have the capability to install low NOx software into the affected engine's ECM. Finally, this proposal will also affect the seven engine manufacturers mentioned above—each of which is located outside of California. The total statewide costs that businesses and individuals may incur to comply with this regulation over its lifetime are up to eight million dollars.

The applicable consent decrees and settlement agreements require low NOx software to be provided and installed free of charge to vehicle owners and operators upon their request. Assuming engine manufacturers reimburse the dealers and distributors for labor charges, the only cost to the vehicle owner would be the time that the vehicle is out-of-service. This "time cost" can be reduced to next to nothing if the low NOx software is installed at the same time that another service or repair is performed on the vehicle.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code Section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or

the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the staff report.

The Executive Officer has also determined, pursuant to Title 1, CCR, Section 4, that the proposed regulatory action will affect small businesses. Staff was unable to determine the number or percentage of total businesses impacted that are small businesses. Staff believes that some of the 40,000 companies that own 1993–1999 model year heavy-duty diesel vehicles affected by this proposal are small businesses based on income, profit, number of employees, or number of vehicles owned. Some of the dealers/distributors affected may also be small businesses. Staff has estimated the initial cost for a small business at \$0–200 dollars with the typical businesses spending \$0–1500 dollars to comply with this regulatory proposal. In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), ARB's Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than 12:00 noon, **December 10, 2003**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to chip03@listserv.arb.ca.gov and received at ARB no later than **12:00 noon, December 10, 2003**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at ARB **no later than 12:00 noon, December 10, 2003**.

The Board will consider comments already received in response to the Notice published and posted September 5, 2003, so you do not need to resubmit those comments. You may but are not required to provide additional comments in response to this notice.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43701, and 44011.6 Health and Safety Code.

This action is proposed to implement, interpret and make specific sections 39001, 39002, 39003, 39010, 39033, 43000, 43013, 43018, 43701, and 44011.6 Health and Safety Code, and sections 305, 505, 545, and 2813 Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with Section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Public Information Office, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF CORRECTION

Corrections re: Recycling Market Development Zone Designation—File #Z03-1104-03, originally published November 14, 2003, California Regulatory Notice Register 2003, No. 46Z.

The originally published notice contained incorrect information on certain disclosure requirements. The following are corrections to those statements:

EFFECT ON SMALL BUSINESSES

CIWMB staff determined that the proposed regulations may have an effect on small businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

If you have any questions, please call Raffy Kouyoumdjian at (916) 341-6524.

DEPARTMENT OF HEALTH SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH SERVICES WILL IMPLEMENT THE STATUTORILY REQUIRED FIVE PERCENT PAYMENT REDUCTION TO MEDI-CAL AND OTHER STATE HEALTH PROGRAMS

This notice is to provide information of public interest with respect to reimbursement changes in some Medi-Cal and other state health programs. It is the intent of the Department of Health Services (DHS) to implement a five percent payment reduction to be effective January 1, 2004.

CHANGES TO PAYMENTS EFFECTIVE JANUARY 1, 2004

Pursuant to Section 447.205 of Title 42 of the Code of Federal Regulations, DHS is required to issue a notice before the effective date for payment adjustments to Medi-Cal and other state health programs. Effective January 1, 2004, DHS will reduce provider payments as follows:

- Payments will be reduced by five percent for Medi-Cal program services for dates of service on and after January 1, 2004.
- Payments will be reduced by five percent for specified non-Medi-Cal programs, for dates of service on and after January 1, 2004.

- The payments made to managed health care plans will be reduced by the actuarial equivalent amount of five percent at the time of the plan's next rate determination.

The services listed below are exempt from the five percent payment reductions:

- Acute hospital inpatient services.
- Federally qualified health center services.
- Rural health clinic services.
- Outpatient services billed by a hospital.
- Expanded Access to Primary Care (EAPC).
- Children's Treatment Program (CTP).
- County Medical Services Program (CMSP).
- Local Educational Agency (LEA).
- Indian Health Services.
- Department of Mental Health Specialty Services (excludes EPSDT).
- Developmentally Disabled-Home and Community-Based Services Waiver.
- Payments to long-term care facilities, including, but not limited to, freestanding nursing facilities, distinct-part nursing facilities, intermediate care facilities for developmentally disabled individuals, sub-acute care units of skilled nursing facilities, rural swing beds, ventilator weaning services, and special treatment program services.
- Hospice services.
- Durable medical equipment.
- Adult day health care centers.
- Clinical laboratory or laboratory services as defined in Section 51137.2 of Title 22 of the California Code of Regulations.
- Contract services, as designated by the Director of DHS.
- Multipurpose Senior Services Program (MSSP).

The payment reductions will apply to services rendered by any provider who may be authorized to bill for the service, including, but not limited to, physicians, podiatrists, nurse practitioners certified nurse midwives, nurse anesthetists, and organized outpatient clinics.

DHS will implement the five percent payment reduction by means of a provider bulletin or similar instructions, without taking regulatory action.

PUBLIC REVIEW AND COMMENTS

The text of the California state law that prescribes these reductions (Welfare and Institutions Code section 14105.19) is available for public review at

local county welfare offices throughout the State. In addition, a copy of the state law may be requested and comments sent in writing to Kathleen Y. Menda, Chief, Professional Provider Unit, Department of Health Services, MS 4612, P.O. Box 942732, Sacramento, CA 94234-7320.

DEPARTMENT OF HEALTH SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT REGARDING THE METHODOLOGY FOR DETERMINING MEDI-CAL LONG-TERM CARE REIMBURSEMENT RATES FOR THE 2004-2005 STATE FISCAL YEAR

This notice is being given to provide information of public interest with respect to the setting of Medi-Cal reimbursement rates for long-term care (LTC) services provided by all categories of nursing facilities (NF) and intermediate care facilities for the developmentally disabled (ICF/DD) with the exception of those facilities operated by the State. The Department of Health Services (DHS) intends to amend California's Medicaid State Plan to extend the reimbursement rates that went into effect on August 1, 2003, from one year to two years with the result that those rates will remain in effect through July 31, 2005. This means that new rates will not be determined for the 2004-2005 state fiscal year. The amendment will be submitted to the federal Centers for Medicare & Medicaid Services for approval. The effective date of this amendment will be August 1, 2004, pursuant to State law as described below.

REVISION TO METHODOLOGY FOR DETERMINING REIMBURSEMENT RATES FOR ALL CATEGORIES OF NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

DHS intends to submit revised language for the California Medicaid State Plan regarding the method in which Medi-Cal long-term care reimbursement rates will be determined for the 2004-2005 state fiscal year. The current reimbursement rate methodology requires the Department of Health Services to conduct an annual review of reimbursement rates and develop prospective rates for each class based on cost reports submitted by long-term care facilities with the exception of those facilities operated by the State. The current methodology also allows the prospective rates

to be increased by add-ons to reimburse the costs of meeting mandated requirements of state or federal laws or regulations including the costs of special programs, such as increases in the minimum wage. Pursuant to Section 14105.06 of the Welfare and Institutions Code and the State Budget Act of 2003, the rates that went into effect on August 1, 2003, will remain in effect for two years, instead of the normal one-year period. Therefore, new rates will not be determined for the 2004–2005 state fiscal year.

PUBLIC REVIEW

The proposed amendment to the Medicaid State Plan, which includes the changes discussed above, is available for review at local county welfare offices throughout the State. Copies of the proposed amendment may be requested and written comments may be sent to Grant Gassman, Chief of the Long Term Care Reimbursement Unit, Department of Health Services, 1501 Capitol Avenue, Suite 71.4099, Sacramento, CA 95814.

**DEPARTMENT OF
PESTICIDE REGULATION**

**NOTICE OF EXTENSION OF PUBLIC
COMMENT PERIOD**

Methyl Bromide Field Fumigation
DPR Regulation No. 03-004

Notice is hereby given that the Department of Pesticide Regulation is extending the public comment period concerning the methyl bromide field fumigation regulations (Title 3, California Code of Regulations, proposed sections 6000, 6450, 6450.1, 6450.2, 6450.3 and 6784) until Thursday, December 18, 2003.

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

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on December 18, 2003. Comments regarding this proposed action may also be transmitted via e-mail <dpr03004@cdpr.ca.gov>.

Linda Irokawa-Otani, Regulations Coordinator
Office of Legislation and Regulations
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

DECISION NOT TO PROCEED

**DEPARTMENT OF MANAGED
HEALTH CARE**

October 6, 2003

RE: Denial Notices Regulation
OAL file # 02-1125-02

To The Office of Administrative Law:

Pursuant to Government Code section 11347, the Department of Managed Health Care (Department) is giving notice of its decision not to proceed with its proposed regulations regarding Denial Notices, OAL file # 02-1125-02. This terminates the effect of the notice of proposed regulatory action regarding the above referenced file, which was published in the California Regulatory Notice Register on December 6, 2002.

The Department is not precluded from proposing a new regulatory action that is similar or identical to the above referenced regulation.

Sincerely,
Brian J. Bartow
Assistant Chief Counsel

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

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

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
OAL File No. 03-0328-02s
(Gov. Code Sec. 11349.3)**

In re:

**AGENCY: California Apprenticeship
Council Action**

**RULEMAKING ACTION: Adopt sections 232.01,
232.02, 232.03, 232.04, 232.05, 232.06, 232.07,
232.08, 232.09, 232.10, 232.11, 232.12, 232.20,**

232.21, 232.22, 232.23, 232.24, 232.25, 232.26, 232.27, 232.28, 232.29, 232.30, 232.31, 232.32, 232.33, 232.34, 232.35, 232.36, 232.37, 232.40, 232.41, 232.42, 232.43, 232.44, 232.45, 232.46, 232.47, 232.48, 232.49, 232.50, 232.51, 232.52, 232.53, 232.60, 232.61, 232.62, 232.63, 232.64, 232.70; repeal section 232 of title 8 of the California Code of Regulations

SUMMARY OF RULEMAKING ACTION

This rulemaking action establishes hearing procedures for hearings under Labor Code section 1777.7, which concerns penalties for knowingly violating statutory requirements governing employment of apprentices in public works.

SUMMARY OF DECISION

On May 12, 2003, the Office of Administrative Law (OAL) disapproved the above-referenced rulemaking action. The reasons for the disapproval are summarized here and explained in detail below.

Date: May 19, 2003

MICHAEL McNAMER
Senior Counsel

for: Sheila R. Mohan
Acting Director/Chief Counsel

Original: Henry P. Nunn, III, Chief, DAS
cc: Julian Standen, Deputy Attorney General

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
OAL File No. 03-0926-01S
(Gov. Code, sec. 11349.3)**

In re:

**AGENCY: Department of Social Services
MANUAL OF POLICIES AND PROCEDURES
Amend Section(s): 63-102 and 63-504**

DECISION SUMMARY

This regulatory action would implement changes in federal regulation providing a county option to allow eligible homeless, elderly, and disabled persons under a CDSS approved restaurant meals program to use food stamp benefits to purchase meals from FNS authorized restaurants. On November 7, 2003, the Office of Administrative Law ("OAL") disapproved this regulatory action for failure to comply with the clarity and consistency standards of section 11349.1 of the Government Code.

November 14, 2003

CRAIG TARPENNING
Senior Staff Counsel

For: SHEILA R. MOHAN
Acting Director/Chief Counsel

Original: Rita Saenz, Director
Cc: Anthony J. Velasquez

**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 FORESTRY AND FIRE PROTECTION

This action without regulatory effect repeals the Interim Watershed Mitigation Addendum of 2001 pursuant to Case No. 02-501326, Superior Court of the State of California in and for the County of San Francisco.

Title 14
California Code of Regulations
REPEAL: 895, 895.1, 913.13, 936.13, 956.13, 916.13, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 936.13.5, 956.13.5916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 9
Filed 11/18/03
Effective 12/18/03
Agency Contact:
Christopher Zimny (916) 653-9418

**BOARD OF PODIATRIC MEDICINE
Applications, Podiatry Education and Residency
Programs**

This regulatory action amends the requirements for approval by the board of podiatric medical residencies.

Title 16
California Code of Regulations
AMEND: 1399.662, 1399.666, 1399.667, 1399.668
Filed 11/12/03
Effective 12/12/03
Agency Contact:
Mischa Matsunami (916) 263-0315

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Training And Testing specifications for Peace
Officer Basic Courses

This action amends the Training and Testing Specifications for Peace Officer Basic Courses by reallocating hours for training within various training modules and updating training on recognizing and dealing with people with developmental disabilities.

Title 11
California Code of Regulations
AMEND: 1005
Filed 11/13/03
Effective 01/01/04
Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF INDUSTRIAL RELATIONS
Alternative Composite Deposit

This certificate of compliance makes permanent the emergency regulations previously adopted (OAL file no. 03-0520-01E) that deal with the requirements and procedures for an alternative composite deposit posted by the Self Insurers' Security Fund rather than each self insured employer posting a deposit individually to secure workers' compensation liabilities.

Title 8
California Code of Regulations
ADOPT: 15220, 15220.1, 15220.2, 15220.3,
15200.4, 15220.5, 15220.6, 15220.7, 15220.8
AMEND: 15201, 15210, 15210.1, 15210.2, 15216,
15430
Filed 11/12/03
Effective 11/12/03
Agency Contact: Mark Johnson (916) 483-3392

DEPARTMENT OF INSURANCE
Residential Property Insurance Rating and
Underwriting

The regulatory action is the readoption of the emergency regulation that dealt with the consideration of losses and loss exposure in residential property insurance rating and underwriting. (Prior OAL File 03-0710-03E; Department of Insurance File Number ER 03030135.)

Title 10
California Code of Regulations
ADOPT: 2361
Filed 11/18/03
Effective 11/18/03
Agency Contact:
Donald P. Hilla (415) 538-4108

DEPARTMENT OF JUSTICE
Certification of Non-Exempt Individuals Who Take
Fingerprint Impressions

This regulatory action establishes the requirements and procedures for certification of individuals who roll

fingerprint impressions and are not otherwise exempt from certification pursuant to Penal Code section 11102.1.

Title 11
California Code of Regulations
ADOPT: 994, 994.1, 994.2, 994.3, 994.4, 994.5,
994.6, 994.7, 994.8, 994.9, 994.10, 994.11, 994.12,
994.13, 994.14, 994.15, 994.16
Filed 11/12/03
Effective 11/12/03
Agency Contact: Cheryl Steuer (916) 227-3722

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

This Certificate of Compliance amends provisions dealing with payment for Medi-Cal mental health services. (Previous OAL file # 03-0616-04E)

Title 9
California Code of Regulations
ADOPT: 1840.112 AMEND: 1830.215
Filed 11/18/03
Effective 11/18/03
Agency Contact: Steven Appel (916) 654-4027

DEPARTMENT OF SOCIAL SERVICES
Community Care Licensing—Criminal Record
Exemption Regulations

This is a readopt of a previous emergency regulatory action (ORD #0902-23; OAL file no. 03-0702-03E) that set forth the requirements and procedures for criminal background checks, including fingerprinting, and criminal background check exemptions for persons who work or are present in licensed facilities that provide care to children and dependent adults.

Title 22, MPP
California Code of Regulations
ADOPT: 102416.1 AMEND: 80001, 80019,
80019.1, 80019.2, 80054, 80061, 80065, 80066,
87101, 87219, 87219.1, 87454, 87565, 87566,
87801, 87819, 81819.1, 87854, 87861, 87865,
87866, 101152, 101170, 101170.1, 101170.2,
101195, 101212, 101216, 101217, 102352,
Filed 11/12/03
Effective 11/12/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Minor Parent Regulations

This rulemaking action revises existing regulations applicable to group homes that accept a child younger than six years of age to establish requirements for group home programs that serve pregnant minors and minor parents with children younger than six, who are dependents of the court, nondependents, voluntary and/or regional center placements, and reside in the

group home with the minor parent, who is the primary caregiver of the young child. The action implements Assembly Bill (AB) 2773, Chapter 1056, Statutes of 1998, which added sections 1530.8(a)(2) and (d)(1) through (4) to the Health and Safety Code and section 1531 of the Health and Safety Code.

Title 22, MPP
California Code of Regulations
ADOPT: 84065.2(a)(1)(A)(1)(A)(2),
64065.5(b)(1)(b)(2), 64065.7(d),
8400(b)(b)(1)(2)(3)(4)(),
84222(a)(5)(B)(a)(12)(a)(13),
84265(c)(1)(C)(D)(c)(4)(C)(D)(e)(e)(1),
84268.3(a)(1), 84272.1(e), 84274(c)(3), 84275(c),
84277(a)(1), 84278(g), 84278.1(g) AMEND:
Filed 11/18/03
Effective 12/18/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

FISH AND GAME COMMISSION
Herring Fisheries

This action updates the two regulations that specify the seasons and quotas for the harvest of herring in San Francisco and Tommales Bays and for herring eggs on kelp in San Francisco Bay.

Title 14
California Code of Regulations
AMEND: 163, 164
Filed 11/13/03
Effective 11/13/03
Agency Contact: Robert Treanor

MEDICAL BOARD OF CALIFORNIA
Review of International Medical Schools

In this regulatory action, the Medical Board of California adopts standards and procedures for determining when an international medical school's resident course of instruction will be deemed equivalent to that required by Business and Professions Code sections 2089 and 2089.5 (in connection with the licensing of applicants for a physician's and surgeon's certificate).

Title 16
California Code of Regulations
ADOPT: 1314.1 AMEND: 1300.4
Filed 11/13/03
Effective 12/13/03
Agency Contact:
Kevin A. Schunke (916) 263-2368

PUBLIC EMPLOYMENT RELATIONS BOARD
Procedural Requirements

The regulatory action deals with procedural requirements for collective bargaining agreements and unfair labor practices.

Title 8
California Code of Regulations
AMEND: 32120, 32125, 32135, 32603, 32605,
32620, 32635, 32798, 32980, 61000, 61090, 31240,
61380, 61420, 61480
Filed 11/13/03
Effective 12/13/03
Agency Contact:
Bernard McMonigle (916) 327-8386

STATE WATER RESOURCES CONTROL BOARD
TMDL for Pathogens in Morro Bay and Chorro &
Los Osos Creeks

This action amends the Central Coast Region Basin Plan by adopting a Total Maximum Daily Load (TMDL) for pathogens in Morro Bay, including Chorro and Los Osos Creeks.

Title 23
California Code of Regulations
ADOPT: 3924
Filed 11/19/03
Effective 11/19/03
Agency Contact: Joanne Cox (916) 341-5552

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN JULY 16, 2003
TO NOVEMBER 19, 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 2

11/10/03 ADOPT: 18728.5 AMEND: 18703.3
11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2,
1859.77.2
10/23/03
10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26,
649.27, 649.28
10/10/03 AMEND: 1859.2, 1859.20, 1859.21,
1859.74.2, 1859.74.3, 1859.74.4,
1859.75, 1859.75.1, 1859.78.3, 1859.79,
1859.81.1, 1859.83, 1859.107, 1859.145
10/09/03 AMEND: 1555
10/09/03 ADOPT: 1859.160, 1859.161, 1859.162,
1859.162.1, 1859.163, 1859.164,
1859.164.1, 1859.165, 1859.166,
1859.166.1, 1859.167, 1859.168,

1859.169, 1859.170, 1859.171 AMEND:
1859.2, 1859.51, 1859.103, 1859.106,
1859.145.1

10/09/03 AMEND: 1859.77.2
10/06/03 AMEND: 18320, 18321, 18361, 18370,
18419, 18420, 18703.1, 18747
10/02/03 ADOPT: 18709
10/01/03 ADOPT: 559.937.3
09/15/03 ADOPT: 18951
09/12/03 AMEND: 37000
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

Title 3

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

Title 4

11/06/03 ADOPT: 12200, 12201, 12202, 12203,
12204, 12205, 12206, 12207, 12208,
12209, 12210, 12211, 12212, 12213,
12214, 12220, 12221, 12222, 12223,
12224, 12225, 12226, 12227, 12228,
12229, 12230, 12231, 12232
10/30/03 ADOPT: 12270, 12271, 12272
10/14/03 ADOPT: 12371 AMEND: 12370
10/02/03 AMEND: 4001
09/23/03 ADOPT: 2100, 2101, 2102, 2103, 2104,
2105 AMEND: 1928
09/18/03 AMEND: 1979.1
09/16/03 AMEND: 1867
09/08/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12301, 12303
09/02/03 AMEND: 2000
08/25/03 ADOPT: 12250
08/18/03 AMEND: 12101, 12122

Title 5

11/06/03 ADOPT: 1068, 1069, 1070, 1071, 1072,
1073, 1074
11/04/03 ADOPT: 15060, 15070, 15071
10/29/03 ADOPT: 13075
10/28/03 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4, 11963.5, 11963.6
10/20/03 AMEND: 80020.1
09/23/03 ADOPT: 18270.5, 18280, 18281
AMEND: 18023, 18272, 18273, 18274,
18275, 18279
09/22/03 ADOPT: 40520, 40521, 40522, 40523
09/11/03 ADOPT: 76215 AMEND: 76000, 76010,
76120, 76130, 76200, 76210 REPEAL:
76100, 76110
09/04/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,
18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021
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

Title 7

07/23/03 AMEND: 213(i)

Title 8

11/13/03 AMEND: 32120, 32125, 32135, 32603,
32605, 32620, 32635, 32798, 32980,
61000, 61090, 31240, 61380, 61420,
61480

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 48-Z

11/12/03 ADOPT: 15220, 15220.1, 15220.2,
15220.3, 15200.4, 15220.5, 15220.6,
15220.7, 15220.8 AMEND: 15201,
15210, 15210.1, 15210.2, 15216, 15430
10/30/03 ADOPT: 3663(g), 3663(h)
10/30/03 AMEND: 4968
10/27/03 ADOPT: 5148
10/20/03 ADOPT: 5035(c) AMEND: 5035(b)
10/16/03 AMEND: 21200
10/09/03 ADOPT: 341.17
10/06/03 AMEND: 10104, 10107.1, 10111.2
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

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

11/18/03 ADOPT: 2361
11/07/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3,
2194.4, 2194.5, 2194.6, 2194.7, 2194.8
10/31/03 AMEND: 260.102.14
09/11/03 ADOPT: 250.70
09/09/03 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
09/09/03 AMEND: 2498.6
09/05/03 ADOPT: 2791.3, 2792.33, 2810.3, 2836,
2860 AMEND: 2731, 2790.5, 2791.8,
2792.26, 2848, 2853, 2910, 2911, 2912,
2930, 2950, 3000, 3006
09/04/03 ADOPT: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42 REPEAL: 2698.40,
2698.41, 2698.42, 2698.43, 2698.44,
2698.45
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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