



# California Regulatory Notice Register

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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:

**CONFLICT OF INTEREST CODES**

**AMENDMENT**

**STATE AGENCY:**

Department of Conservation

A written comment period has been established commencing on **December 19, 2003** and closing on **February 2, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

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

comments must be received no later than **February 2, 2004**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS  
AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

## TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

### NOTICE OF PROPOSED RULEMAKING

#### “License Renewal and Work Permit Fees”

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

#### PROPOSED REGULATORY ACTION

The Commission proposes to amend sections 12101 and 12122, and to adopt section 12250 of Title 4 of the California Code of Regulations, concerning license renewal and work permit fees. These regulations were adopted on an emergency basis in August 2003. The current rulemaking action would make these changes permanent.

#### PUBLIC HEARING

The Commission will hold a public hearing starting at 11 a.m. on Wednesday, February 18, 2004, at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., Wednesday, February 18, 2004 (the day of the public hearing).

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

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

#### AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions (“B & P”) Code sections 19800—19980. In particular, B & P Code sections 19811, 19823, 19824, 19840, 19841, and 19912.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific

B & P Code sections 10, 19800, 19811, 19816, 19823, 19859, 19876, 19912, and 19951.

### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The objectives of the regulations are as follows: (1) to gather additional information concerning license applicants by mandating separate, individual applications and (2) to obtain sufficient fees and deposits from license applicants and sufficient fees from work permit applicants to fund essential administrative and investigative functions.

#### LICENSE RENEWALS AND FEES

Existing law requires persons applying to renew state gambling licenses and key employee licenses to pay an application fee of \$500, and to deposit a sum of money to cover costs incurred by the Division of Gambling Control in conducting background investigations. Existing law provides that associated licenses, such as a key employee license, are “endorsed on” the basic state gambling license certificate that is issued to the owner of the cardroom. Existing law provides that, unless the Commission determines otherwise, the renewal of the underlying owner’s gambling license has the effect of renewing all the associated licenses endorsed on the owner’s license.

In this regulation, the Commission exercises its discretion under the Gambling Control Act to require the applicants associated with an underlying owner’s license (such as key employees, corporate officers, shareholders, partners, etc.) to individually submit separate applications for renewal of their licenses. Currently, the submitted owner’s application materials contain full information on the owner, but not on associated applicants, such as shareholders. The completed individual applications mandated by this regulation will provide more information up front than is currently available, thus facilitating the background check process by diminishing the need for state staff to request additional, necessary information following review of the initial submission.

#### WORK PERMIT FEE INCREASE

Existing law authorizes the Commission to set work permit fees between \$25 and \$250. The fee is currently set by regulation as \$75.

The proposed regulation would increase the fee to \$250.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

**Mandate on local agencies and school districts:** These regulations do not impose a mandate on local agencies or school districts.

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

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

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

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

**Cost impact on representative private person or business:** Work permit applicants will be required to pay a \$250 application fee. Applicants for gambling and key employee licenses will be required to submit individual applications and pay a \$500 application fee, plus a background investigation deposit determined by the Division of Gambling Control pursuant to Business and Professions Code section 19867.

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

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

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

#### CONSIDERATION OF ALTERNATIVES

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

#### ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### CONTACT PERSONS

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

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

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

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

Or:

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

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

### TITLE 14. FISH AND GAME COMMISSION

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 7071, and 8587.1 of the Fish and Game Code, and to implement, interpret

or make specific sections 1050, 7071, 7850, 7852.2, 7857, 7858, 8043, 8046, 8102, 8496, 8585.5, 8587, 8587.1, 8588, 8589.5, 8589.7, 9001 and 9001.5 of said Code, proposes to amend sections 150, 150.02, 150.03 and 150.05, Title 14, California Code of Regulations, relating to the nearshore fishery restricted access program and deeper nearshore species fishery permit.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current nearshore fishery restricted access regulations include initial permit issuance criteria for transferable Nearshore Fishery Permits (NFP), non-transferable NFPs for 20-year fishermen as required by Fish and Game Code Section 8101, trap endorsements, and Nearshore Fishery Bycatch Permits (NFBP). In addition, current regulations provide regional capacity goals, permit transferability, application fees and renewal deadlines, as well as identifying gears authorized for use in the fishery.

The proposed changes to the nearshore fishery restricted access program regulations would authorize issuance of non-transferable trap endorsements to individuals who both qualify for non-transferable NFPs and meet the qualifying criteria for a trap endorsement. The proposed changes would also remove the requirement for a finfish trap permit, although general trap permits would still be required. Additionally, the proposed changes would clarify language regarding initial issuance criteria for the North Coast Region, clarify status of non-transferable permits when the permit holder dies, place permit applications in the regulations, and allow the Commission to adopt different transfer requirements when a region is at or below the capacity goal. Finally, the proposed changes would align the nearshore bycatch fishery seasons and cumulative trip limits with those used to control to the directed fishery.

#### Authorize non-transferable trap endorsements

Existing regulations prohibit the issuance of trap endorsements to holders of non-transferable NFPs. The proposed regulatory change rectifies that oversight by authorizing issuance of a non-transferable trap endorsement to fishermen with non-transferable NFPs if they meet the trap endorsement criteria for their region. Incorporating finfish trap permittees into the nearshore fishery was one of the goals of the restricted access program. This would allow these individuals to continue fishing in their traditional method.

#### Remove finfish trap permit requirements

Existing regulations require NFP holders to also possess a finfish trap permit. The proposed regulatory change would exempt NFP holders with trap endorsements from the finfish trap permit requirements (possessing a general trap permit would still be

required). This change would be the final step in incorporating finfish trap permittees in the nearshore restricted access program. In addition, it would eliminate the expense of the finfish trap permit fee in addition to the NFP, trap endorsement and general trap permit fees.

#### Clarify North Coast Region initial permit issuance criteria

Existing regulations describing North Coast Region initial permit issuance criteria do not explicitly state that at least one nearshore landing is required during the qualifying time period (1994 to 1999) to satisfy the qualification criteria. The proposed regulatory change clarifies that requirement. The Department intended that qualifications include at least one nearshore landing from 1994 through 1999 and has interpreted the current regulations that way.

#### Clarify status of non-transferable permits

Existing regulations provide for transferring a transferable NFP to the estate of a deceased permit holder for the purposes of selling the permit. Those regulations do not directly address the status of non-transferable permits and endorsements under those circumstances. The proposed regulatory change clarifies that all non-transferable permits (NFPs, trap endorsements, and NFBPs) are null and void upon the death of the permit holder. The proposed change would clarify that transferring applies only to transferable permits regardless of the circumstances.

#### Add permit application references

Existing regulations do not explicitly reference or directly provide applications for a Nearshore Fishery Permit, Nearshore Fishery Trap Endorsement, Nearshore Fishery Bycatch Permit, and Deeper Nearshore Species Fishery Bycatch Permit. The proposed regulations incorporate those applications by reference.

#### Amend transferability provisions when at capacity goal

Existing regulations describe the process for transferring NFPs and explicitly describe processes to be used for transferring permits when a region is at or below the capacity goal. Those processes may not be feasible when the number of permits have been reduced to that level. The proposed regulatory change would clarify permit transfer processes that are currently applicable and remove the subsection that would guide transfers when a region's permit totals are at or below the capacity goal. This action gives the Commission the opportunity to adopt appropriate transfer options at a later date.

Align commercial seasons and trip limits for all sectors

Existing regulations do not clearly establish that the commercial fishing season and cumulative trip limits, as described in Section 150.06, 150.16, and 189, Title 14, CCR, apply to Nearshore Fishery Bycatch Permit (NFBP) holders. The proposed regulatory change spells this out. This change is necessary so that individuals taking nearshore species under a NFBP are prohibited from taking nearshore fish stocks when the directed fishery is closed. The proposed changes also prohibit NFBP holders from exceeding the cumulative monthly trip limits even if the daily trip limits specified in Section 150.05(d), Title 14, CCR, are not exceeded. Without implementation of the proposed changes, NFBP holders would have greater access to permitted species than would NFP holders.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Long Beach, California, on Friday, February 6, 2004 at 8:30 a.m., or as soon thereafter as the matter may be heard. Please call the Commission office at (916) 653-4899 for the exact location of the meeting. (The Commission normally adopts its meeting schedule for the upcoming year at its November meeting. Due to the fires in the San Diego area, the Commission had to cancel its November 6-7, 2003 meeting, postponing adoption of the 2004 meeting schedule until December 4. Commission staff has not been able to confirm the exact location of the meeting at the time of submitting this notice.) It is requested that written comments be submitted on or before January 30, 2004 at the address given below, or by fax at (916) 653-5040, or by e mail to FGC@dfg.ca.gov, but must be received no later than February 6, 2004 at the hearing in Long Beach, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. Traci Bishop, Department of Fish and Game, phone (562) 342-7111, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained

from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm](http://www.dfg.ca.gov/fg_comm).

**AVAILABILITY OF MODIFIED TEXT**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulations seek to clarify language already in place so there would be little change in any business practices.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed action is not expected to create or eliminate any jobs or businesses within the State of California.

- (c) Cost Impacts on a Representative Private Person or Business:

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business.

**CONSIDERATION OF ALTERNATIVES**

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

**TITLE 16. CONTRACTORS' STATE LICENSE BOARD**

NOTICE IS HEREBY GIVEN that the Contractors' State License Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Contractors' State License Board Headquarters Sacramento, California, at 9821 Business Park Drive, on February 4, 2004 at 9:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 3, 2004 or must be received by the Contact Person at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 480 and 7008 of the Business and Professions Code, and to implement, interpret or make specific Sections 493, 7069 and 7151.3 of said Code, the Contractors' State License Board is considering changes to Division 8 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions Code Sections 7069 and 7151.3 require applicants for licensure to furnish a full set of fingerprints to the Board for purposes of conducting a criminal history record. Sections 7069 and 7151.3 requires applicants to submit these fingerprints in an electronic format where readily available but allow alternative methods be available upon approval by the Registrar. The criminal history information is to be obtained from the California State Department of Justice and the United States Federal Bureau of Investigation and is to include any subsequent arrest information.

The Contractor's State License Board proposes to adopt sections 869.1 through 869.5 in Title 16 of the California Code of Regulations. These sections concern the fingerprints applicants are required to submit with each application.

Section 869.1 sets the implementation date for the program, requires that fingerprints be submitted during the application process, and be submitted to the California Department of Justice and the Federal Bureau of Investigation for these agencies provide criminal histories to the Board. This section also defines "applicant."

Section 869.2 provides two exemptions to the fingerprint requirement. They are licensees who apply for a joint venture license and licensees who have already been fingerprinted as required by Section 869.1 and for whom subsequent arrest information remains available at the Board pursuant to Section 869.4.

869.3 will establish the methods applicants may submit their fingerprints—by electronic format or by hard copy.

Pursuant to section 869.4, the Board will maintain access to the applicant's subsequent arrest history until such time as the individual's license is cancelled, revoked or no longer renewable.

Section 869.5 describes the methods the Board may use to inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee. The Board may inquire into the circumstances surrounding the commission of the crime by requiring the applicant or licensee to provide documents including, but not limited to certified court documents, certified court orders or sentencing documents.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

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

**AND**

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

The relevant cost data indicates that the cost is one-time and minimal. The cost to each applicant will be between \$80 and \$100 depending on the fingerprint collection center. Once an individual is fingerprinted that individual will not have to pay a fee unless the license is cancelled, revoked or no longer renewable. At that point the Board will no longer maintain access to the applicant's subsequent arrest history. If the individual wishes to reapply he or she must be fingerprinted.

Impact on Jobs/New Businesses: The Contractors' State License Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This fingerprinting program simply allows the Board to verify information already required as part of the licensing process.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

An individual applying for new licenses would be charged the one-time fingerprinting fee of between \$80 and \$100 depending on the fingerprint collection center.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Contractors' State License Board has determined that the proposed regulations would not affect small businesses since this proposal simply provides an economic and efficient means of verifying information already required in the license application and costs only a one-time fee ranging from \$80 to \$100.

PLAIN ENGLISH REQUIREMENT

The express terms of the proposed action written plain English are available from the agency contact person named in the notice.

CONSIDERATION OF ALTERNATIVES

The Contractors' State License Board must determine that no reasonable alternative to the regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Contractors' State License Board has determined that no reasonable alternative exists.

This determination is based on the fact that the Business and Professions Code Sections 7069 and 7151.3 mandates that applicants for licensure furnish a full set of fingerprints to the Board for purposes of conducting a criminal history record and requires applicants to submit these fingerprints in an electronic format where readily available. The criminal history information is to be obtained from the California State Department of Justice and the United States Federal Bureau of Investigation and is to INCLUDE any subsequent arrest information. The only provider available to the Board is the California State Department of Justice, which has certified a state-wide vendor to provide fingerprint collection.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The Contractors' State License Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

NON-DUPLICATION

These proposed regulations do not duplicate or conflict with any state or federal law.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contractors' State License Board at 9821 Business Park Drive, Sacramento, CA 95826

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

All the information upon which the proposed regulations are based is contained in the rulemaking

file which is available for public inspection by contacting the person named below.

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

**CONTACT PERSON**

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

Name: Ellen Gallagher  
Address: Contractors' State License Board  
9821 Business Park Drive  
Sacramento, CA 95826  
Telephone No.916-255-4116

Fax No.: 916-364-0130  
E-Mail Address: EGallagher@vpn.cslb.ca.gov

The backup contact person is:

Name: Jodi Le Febre  
Address: Contractors' State License Board  
9821 Business Park Drive  
Sacramento, CA 95826  
Telephone No.916-255-4005

Fax No.: 916-364-0130  
E-Mail Address: JLefebre@dca.cslb.ca.gov

Website Access: Materials regarding this proposal can be found at [www.cslb.cs.gov](http://www.cslb.cs.gov)

maximum allowable rate is the lesser of cost plus 67 percent, or 100 percent of the Manufacturer's Suggested Retail Price (MSRP).

As of January 1, 2004, reimbursement will be the lowest of the following: (1) the amount billed pursuant to Section 51008.1 of Title 22 of the California Code of Regulations, (2) the sum of the guaranteed acquisition cost negotiated through the contracting process provided by Section 14105.3 and a percentage markup established by the department, (3) the actual acquisition cost as reflected in a manufacturer's purchase invoice plus a markup to be established by the department, (4) the manufacturer's suggested retail price as reflected in a published retail price list prior to August 1, 2003, less a percentage discount not to exceed 20 percent, or (5) a price established through targeted product-specific cost containment provisions developed with providers.

**PUBLIC REVIEW**

The text of the California state law that prescribes these reductions (Welfare and Institutions Code section 14105.48) 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.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF HEALTH SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST  
THE DEPARTMENT OF HEALTH SERVICES  
INTENT TO INTRODUCE A NEW  
REIMBURSEMENT METHODOLOGY FOR  
WHEELCHAIRS, WHEELCHAIR ACCESSORIES  
AND REPLACEMENT PARTS WITH NO  
MAXIMUM ALLOWABLE RATE**

This notice is being given to provide information of public interest with respect to a new reimbursement methodology for wheelchairs, wheelchair accessories, and replacement parts billed to the Medi-Cal program with no specified maximum allowable rate. It is the intent of the Department of Health Services (DHS) to implement the new reimbursement methodology effective January 1, 2004 pursuant to the mandate of Welfare & Institutions Code 14105.48.

Currently, reimbursement for wheelchairs, wheelchair accessories, and replacement parts billed to the Medi-Cal program utilizing codes with no specified

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**NOTICE OF CONSENT ORDER  
BKK CORPORATION LANDFILL PROPERTY  
WEST COVINA, CALIFORNIA**

The Department of Toxic Substances Control (DTSC) pursuant to the authority vested in DTSC under California Health and Safety Code sections 25355.5 (a)(1)(C), 58009 and 58010, proposes to finalize a Consent Order with the City of West Covina, a municipal corporation, regarding the BKK Corporation (BKK) Landfill property located at 2210 South Azusa Avenue, West Covina, California (the Property). Under the proposed Consent Order, the City will pay approximately \$2.5 million for premiums for closure/post-closure maintenance insurance policies for the Class I and Class III landfills owned by BKK. The Consent Order also provides the City with contribution protection and a covenant not to sue for liability as an arranger for disposal or treatment of hazardous substances (i.e., generator) and as an operator at the Property, subject to certain conditions and reservations.

DTSC will consider public comments on the Consent Order that are received by DTSC within thirty

(30) days of the date of this notice. DTSC may withhold finalization of the Consent Order if such comments disclose facts or considerations that indicate the proposed Consent Order is inappropriate, improper or inadequate.

Comments should be addressed to:

Steve Koyasako ([skoyasak@dtsc.ca.gov](mailto:skoyasak@dtsc.ca.gov))  
 Department of Toxic Substances Control  
 Office of Legal Counsel  
 P.O. Box 806  
 Sacramento, California 95812-0806  
 and

Marilee Hanson ([mhanson@dtsc.ca.gov](mailto:mhanson@dtsc.ca.gov))  
 Office of Legal Counsel  
 Department of Toxic Substances Control  
 P.O. Box 806  
 Sacramento, California 95812-0806

Any comments sent electronically should also be sent by mail. Comments should refer to the City of West Covina and the BKK Landfill.

The Consent Order may be examined at the DTSC regional office at 1011 North Grandview Avenue, Glendale, California 91202. Please contact: Ms. Jone Barrio, Regional Records Coordinator, at (818) 551-2800 (phone) or (818) 551-2976 (fax) for an appointment.

During the public comment period, the Consent Order may also be examined on the DTSC Web site at: [www.dtsc.ca.gov/HazardousWaste/BKK/index.html](http://www.dtsc.ca.gov/HazardousWaste/BKK/index.html)

A copy of the Consent Order may also be obtained by mail from the DTSC Office of Legal Counsel at P.O. Box 806, Sacramento, California 95812-0806, or by faxing or e-mailing a request to Steve Koyasako ([skoyasak@dtsc.ca.gov](mailto:skoyasak@dtsc.ca.gov)), fax no. (916) 323-5542, phone confirmation number (916) 322-6996. If requesting a copy from DTSC, please enclose a check in the amount of \$2.95 (15 cents per page reproduction cost) payable to the Department of Toxic Substances Control.

**CALIFORNIA REGULATORY REGISTER  
 NOTICE ACTION DESCRIPTION FOR AN  
 EMERGENCY RESPONSE INCIDENT,  
 PCB WASTE, CONSOLIDATION, AND  
 SMALL LOAD OPERATIONS VARIANCE  
 ISSUED BY THE STATEWIDE COMPLIANCE  
 DIVISION, TRANSPORTATION SECTION,  
 FOR THE LOS ANGELES  
 DEPARTMENT OF WATER AND POWER.**

On December 1, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to the Los Angeles Department of Water and Power, a registered transporter of hazardous waste, to conduct emergency response incident, PCB Waste, consolidation, and small load operations

authorized under the California Code of Regulations, title 22, sections 66263.43, 66263.44, 66263.45, and 66263.46 respectively.

**CEQA EXEMPTION**

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on May 31, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**FISH AND GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES  
 IN REGULATIONS**

**(Continuation of California Notice Register 2003,  
 No. 42-Z, California Notice Register 2003,  
 No. 46-Z, and Meetings of October 3 and  
 December 5, 2003.)**

**(NOTE: See Updated Informative Digest changes  
 shown in bold face type.)**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050 and 8282 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 8275, 8282, 8284, 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9011, and 9012 of said Code, proposes to add Section 125, Title 14, California Code of Regulations, relating to the commercial take of rock crab.

**UPDATED INFORMATIVE DIGEST/POLICY  
 STATEMENT OVERVIEW**

A person must have a commercial fishing license, a general trap permit, and use a vessel that is commercially registered to participate in the commercial rock crab trap fishery. The proposed regulatory action would create a rock crab trap permit requirement beginning April 1, 2004. It would also establish initial issuance criteria based on prior catch history, and place a moratorium on the issuance of new permits after October 31, 2004. A control date is also proposed to provide for other limits on future participation if necessary. A fee is proposed for the annual permit. Only one individual aboard a vessel trapping rock crab would be required to have the rock crab trap permit in

addition to the individual's general trap permit. Other licensed fishermen assisting in the take of rock crab would still need a commercial fishing license and a general trap permit. The permit application process and appeal and renewal processes are also specified in the proposed regulations. **Permitted lobster fishermen taking rock crab incidentally pursuant to Section 8250.5 and any vessel operating or having on board a trawl or drag net which takes rock crab incidentally pursuant to Fish and Game Code Section 8834 are not required to have a commercial rock crab trap permit.**

The Department is proposing that a rock crab trap permit may be issued to any licensed commercial fisherman who has a general trap permit, and who has landed a minimum number of pounds of rock crab during a specified time period as documented by fish landing receipts submitted to the department in the individual's name and commercial fishing license identification number. A range of minimum catch levels and time periods are provided from which the Commission may select. A minimum of 0 to 2,000 pounds must have been landed in any single calendar year between 1998 and 2002, or the participant must have cumulatively landed a minimum of 0 to 2,000 pounds in the 1998 through 2002 time period.

The range of 0–2000 pounds over the 5-year window period or in a single calendar year was chosen to provide the Commission alternatives from which a selection could be made on the composition of the future fleet once the entire industry has been notified and provided input. This range would allow the Commission to choose either a specific performance standard in a single year to measure participation, or alternatively, determine a level of participation over an extended recent time period. The tables below provide a summary of the range of options and anticipated qualifiers under various performance scenarios based on evaluation of the Department's commercial rock crab landings data.

**Rock Crab Commercial Catches Over the 1998–2002 Window Period**

Five-Year Cumulative Catch	Number of Individuals
2,000 pounds or more	146
1,000 pounds or more	189
750 pounds or more	200
500 pounds or more	241
250 pounds or more	300
200 pounds or more	314
100 pounds or more	368
50 pounds or more	414
1 pound or more	536

**Rock Crab Commercial Catches in a Single Year During 1998–2002 Window Period**

Single-Year Catch	Number of Individuals
2,000 pounds or more	140
1,000 pounds or more	170
750 pounds or more	181
500 pounds or more	223
250 pounds or more	286
200 pounds or more	303
100 pounds or more	359
50 pounds or more	410
1 pound or more	536

Applicants are required to submit a commercial rock crab trap permit application form DFG 1324(9/03) along with the required fee. The Department is proposing an annual fee for the rock crab trap permit of \$50 to \$250. Funding will be required in order to implement the proposed permit system, track fishery landings, enforce the new regulations, staff appeal hearings, and review the program to determine if any modifications are needed. Based on estimates provided by the Department's Marine Region, License and Revenue and Enforcement Branches, minimum annual costs of the program may be estimated at \$110,000.

Control date options from January 1, 2000 through March 31, 2003 were provided by the Department to the Commission to allow for industry input. Selecting a date of March 31, 2003 would give consideration to any fisherman who participated in the prior fishing season or earlier. Selecting a date of January 1, 2000 would acknowledge participation only by those in the fishery at or before the time that fishery representatives went to the Commission and formally requested that no new participants be allowed in the fishery.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Long Beach, California, on Friday, February 6, 2004 at 8:30 a.m., or as soon thereafter as the matter may be heard. Please call the Commission office at (916) 653-4899 for the exact location of the meeting. (The Commission normally adopts its meeting schedule for the upcoming year at its November meeting. Due to the fires in the San Diego area, the Commission had to cancel its November 6–7, 2003 meeting, postponing adoption of the 2004 meeting schedule until December 4. Commission staff has not been able to confirm the exact location of the meeting at the time of submitting this notice.) It is requested that written comments be submitted on or before January 30, 2004 at the address given below, or by fax at (916) 653-5040, or by e mail to FGC@dfg.ca.gov, but must be received no later than February 6, 2004 at

the hearing in Long Beach, CA. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. Eric Larson, Ecosystem Coordinator, Department of Fish and Game, phone (650) 631-6788, 350 Harbor Blvd., Belmont, CA 94002, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Each permittee, buyer, and processor is considered a small business. The proposed permit program would cause some fishermen who have participated in the fishery in the past on a limited and sporadic level to lose some potential income if

the initial issuance criteria selected requires a level of prior participation that has not been met. As the ex-vessel value of rock crab is \$1.30 to \$2.00 per pound, with prior catch history of 1,000 pounds over the five year window period, a maximum future loss might be estimated at between \$1,300 and \$2,000 per person over a five-year time period if that individual was to repeat the prior performance level and the Commission were to select a minimum catch history of 1,000 pounds for initial permit issuance. It is thought that since these individuals do not derive a significant portion of their income from this fishery, the economic impact would not be significant to those that may not qualify for initial permit issuance.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

Each individual who seeks to purchase a rock crab trap permit and meets the selected initial issuance criteria may purchase a permit at a cost of [\$50-\$250]. The permit may be renewed annually at the selected fee level. This funding is needed to offset program costs, including funds needed to implement the initial permit program, track landings, enforce the new regulations, staff appeal hearings, review the program and develop any additional modifications to the program or develop other management strategies that may be needed once the program is implemented. See Section III (a) of the Initial Statement of Reasons for additional information.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention

of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**DECISION NOT TO PROCEED**

**DEPARTMENT OF MOTOR VEHICLES**

**NOTICE IS HEREBY GIVEN**

Pursuant to Government Code section 11347, the Department of Motor Vehicles (department) is giving notice of its decision not to proceed with its proposed regulations regarding Registration of Vessels, Sections 190.32, 190.34, 190.36, and 190.38, Article 3.2, Chapter 1, Division 1 of Title 13, OAL file # Z03-1030-01. 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 November 14, 2003.

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

**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](http://www.oal.ca.gov). You may request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW  
(Gov. Code section 11349.3)  
OAL File No. 03-1020-01S**

**In re:**

**CEMETERY AND FUNERAL BUREAU**

**REGULATORY ACTION:**

**Adopt sections 1258.4, 1277 and 1277.5 of title 16 of the California Code of Regulations**

**SUMMARY OF REGULATORY ACTION**

In this regulatory action, the Cemetery and Funeral Bureau of the Department of Consumer Affairs implements provisions of Business and Professions Code sections 7685, 7685.6, and 7745 pertaining to funeral establishments disclosing a “preneed agreement” (sometimes also called a “preneed arrangement” or “preneed”) to a deceased’s survivor or responsible party.

**SUMMARY OF DECISION**

On December 3, 2003, the Office of Administrative Law (“OAL”) notified the Cemetery and Funeral Bureau (“Bureau”) of the disapproval of the above-referenced regulatory action. OAL disapproved the regulations because proposed regulation sections 1258.4 and 1277 of title 16 of the California Code of Regulations (“CCR”) failed to comply with the “authority” and “reference” standards of Government Code section 11349.1, subdivisions (a)(2) and (a)(5).

**CONCLUSION**

For the reasons set forth above, OAL has disapproved the adoption of sections 1258.4, 1277, and 1277.5 of title 16 of the CCR. If you have any questions, please contact me at (916) 323-4237.

Date: December 9, 2003

BRADLEY J. NORRIS  
Staff Counsel

For: JOHN D. SMITH  
Interim Director

Original: G. V. Ayers, Bureau Chief

cc: Linda Kassis, Regulations Coordinator

**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.

**AIR RESOURCES BOARD**

Ozone Transport Mitigation Regulations 2003

This rulemaking action requires an upwind air pollution control district to adopt all feasible air pollution measures for the maximum degree of

reductions achievable from all air pollution source categories for ozone precursors regardless of the upwind district's attainment status. The action also requires upwind districts located in the Broader Sacramento Area and the Bay Area to modify their stationary source permitting rules in order to have offset thresholds equivalent to those of their downwind transport recipients. In addition, the action provides that an upwind district may demonstrate, as part of its attainment plan, that a particular measure is not needed in the downwind district, an alternative compliance strategy is as effective, or that the most recent transport assessment shows that the district's transport impact is inconsequential.

Title 17  
 California Code of Regulations  
 AMEND: 70600, 70601  
 Filed 12/04/03  
 Effective 01/03/04  
 Agency Contact:  
 Leslie M. Krinsk (805) 473-7325

**AIR RESOURCES BOARD**  
 Vapor Recovery Test Procedures

This regulatory action and certificate of compliance revises existing test procedures and adopts new test procedures for the certification of vapor recovery systems at dispensing facilities; revises the existing test methods for the leak rate of drop tube overflow prevention devices, static torque and rotation of rotatable Phase 1 adaptors, and the leak rate of the drop tube/drain valve assembly; and adopts new test methods for the leak rate and cracking pressure of pressure/vacuum relief vent valves and the bend radius determination for underground storage tank vapor return piping.

Title 17  
 California Code of Regulations  
 ADOPT: 94166, 94167 AMEND: 94010, 94011, 94163, 94164, 94165  
 Filed 12/05/03  
 Effective 01/04/04  
 Agency Contact:  
 Diane M. Johnston (916) 322-2884

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

This is a nonsubstantive action clarifying the type of information available in the POST Entry-Level Peace Officer Oral Interview Guidelines Manual 2003.

Title 11  
 California Code of Regulations  
 AMEND: 1002(a)(8)  
 Filed 12/05/03  
 Effective 12/05/03  
 Agency Contact: Leah Cherry (916) 227-3891

**DEPARTMENT OF SOCIAL SERVICES**  
 Community Care Facilities—Anti-Discrimination Regulations

The regulatory action deals with anti-discrimination provisions for community care facilities. (Department of Social Services File Number ORD#0303-06.)

Title 22, MPP  
 California Code of Regulations  
 ADOPT: 89002 AMEND: 80017, 87118, 87817, 88030, 89317, 110168, 102368  
 Filed 12/10/03  
 Effective 01/09/04  
 Agency Contact:  
 Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**  
 Marking

This is a nonsubstantive action changing a reference to the Department of Toxic Substances Control and adding an authority citation.

Title 22  
 California Code of Regulations  
 AMEND: 66262.32  
 Filed 12/09/03  
 Effective 12/09/03  
 Agency Contact: Joan Ferber (916) 322-6409

**FRANCHISE TAX BOARD**  
 Bad Dept Deduction for Building & loan Association

The Franchise Tax Board is repealing the captioned section due to the fact that it sunsetted by its own terms.

Title 18  
 California Code of Regulations  
 REPEAL : 24348 (a)  
 Filed 12/04/03  
 Effective 01/03/04  
 Agency Contact:  
 Colleen Berwick (916) 845-3306

**STATE WATER RESOURCES CONTROL BOARD**  
 TMDL for Sediment in Morro Bay and Chorro and Los Osos Creeks

This basin plan amendment establishes a Total Maximum Daily Load (TMDL) for sediment in Chorro Creek at 30,020 tons/year, in Los Osos Creek at 4,864 tons/year, and in the Morro Bay Estuary at 24,885 tons/year, establishes a 50-year implementation period to achieve the TMDL, and establishes numeric targets for streambed sediment characteristics known to be supportive of the beneficial uses protecting anadromous fish and for the volume of tidal prism in the estuary. Implementation emphasizes the activities of the Morro Bay National Estuary Program, Coastal San Luis Resources Conservation District, and other public and private groups to

implement self-determined activities identified in the amendment. The regional board will evaluate the TMDL by monitoring numeric targets and tracking implementation actions. If self-determined actions have not been completed at the end of the third year of implementation, staff will develop a regulatory approach to implementation through a basin plan amendment.

Title  
 California Code of Regulations  
 AMEND: 3925  
 Filed 12/03/03  
 Effective 12/03/03  
 Agency Contact: Ling Tseng (916) 341-5558

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN AUGUST 6, 2003  
 TO DECEMBER 10, 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**

- 12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
- 12/01/03 ADOPT: 22100, 22110, 22120, 22130
- 11/20/03
- 11/10/03 ADOPT: 18728.5 AMEND: 18703.3
- 11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
- 10/23/03
- 10/10/03 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
- 10/10/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
- 10/09/03 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
- 10/09/03 AMEND: 1555
- 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

**Title 3**

- 11/06/03 AMEND: 3700 (d)
- 11/06/03 AMEND: 2303, 2309, 2311
- 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

**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**

12/01/03 AMEND: 30950, 30953, 30954, 30958,  
30959  
11/20/03 ADOPT: 600, 601, 602, 603, 604, 605,  
606, 607, 6 609, 610, 611  
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  
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