



California Regulatory Notice Register

REGISTER 2002, NO. 2-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 11, 2002

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*Time-
Dated
Material*

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.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PROPOSED ACTION ON REGULATIONS

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REGULATORY ACTION AND NOTICE OF PUBLIC HEARING

Accident Verification
[RH-01015532]

California Code of Regulations
Title 10, Chapter 5

The California Insurance Commissioner proposes to adopt the regulations described below after considering public comments, objections, or recommendations.

SUBJECT OF HEARING

A hearing will be initiated regarding proposed changes to California Code of Regulations, Title 10, Chapter 5, Subchapter 4.7, Article 4 Section 2632.13 of the California Code of Regulations.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt and amend the subject regulation under the authority of Insurance Code Sections 1861.02 and 1861.025; and *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805 [258 Cal.Rptr. 161]; and *Spanish Speaking Citizens Foundation, Inc. v. Low* (2000) 85 Cal. App.4th 1179 [103 Cal.Rptr.2d 75]. The Commissioner's decision on the proposed changes to the regulations will implement, interpret and make specific provisions of Insurance Code Section 1861.02 and 1861.025.

HEARING DATES AND LOCATIONS

The Insurance Commissioner will hold a public hearing to permit all interested persons the opportunity to present statements or arguments either orally or in writing. The date, time and place for the public hearing is set forth below:

Date and time: March 7, 2002 at 10:00 a.m.*

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, CA 94105

* The hearings will continue on the date noted until all testimony has been completed or 4:30 p.m., whichever is earlier.

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to present oral/ and or written comments at the scheduled hearing. Written comments not presented at the hearing must be addressed to the following contact person

California Department of Insurance
Attention: Michael Riordan
45 Fremont Street, 21st Floor
San Francisco, CA 94105
FAX: (415) 538-4226
riordanm@insurance.ca.gov

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If the contact person above is not available inquires may be sent to the backup contact person.

California Department of Insurance
Attention: Elizabeth Mohr
45 Fremont Street, 21st Floor
San Francisco, CA 94105
FAX: (415) 538-4112
mohre@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

Any interested person may submit to the Commissioner written comments relevant to the proposed regulations. All written materials unless submitted at the hearing, must be received by the contact person at the address listed above, by no later than 5:00 p.m., March 7, 2002. Any comments received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail, provided they are sent to the following e-mail address: riordanm@insurance.ca.gov. The Commissioner will accept written comments transmitted by facsimile to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or by facsimile machine will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth.**

ACCESS TO HEARING ROOM

The public hearing rooms are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the agency representative (listed above) for the hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10 of the California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capital Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing, listed above. Please contact the Office of the Public Advisor for further information.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

California Insurance Code Section 1861.02(c) provides that "[t]he absence of prior automobile insurance coverage, in and of itself, shall not be a criterion for determining eligibility for a Good Driver Discount policy, or generally for automobile rates, premiums, or insurability." However, under California Insurance Code Section 1861.02(a), an insurer must base rates on a policyholder's driving safety record. Accident information provided by a prior insurer is one way to verify an applicant's driving safety record. But this information could potentially be used, in effect, to impose a prior insurance requirement on new insurance applicants.

Nothing in the California Insurance Code or the Department's regulations currently prohibit insurers from seeking accident verification or loss information. In fact, Title 10, California Code of Regulations, Section 2632.5(c)(1) defines driving safety record as the public record of traffic violation convictions and principally at-fault accidents determined in accordance with Section 2632.13. Sections 2632.13(f) and (g) permit insurers to investigate whether a driver was principally at fault in an accident, including seeking that information from another insurer.

However, insurers have begun to use these and other provisions in ways that arguably impose a "prior insurance" requirement on new applicants. For example, some insurers require that applicants provide written documentation from the applicant's current insurer regarding prior accident history or a renewal offer from the applicant's current insurer indicating accident record experience. Insurers have required

applicants to have previously been insured with a subscribing loss underwriting exchange carrier, e.g., C.L.U.E.

Although insurers have permitted applicants other ways to verify their prior accident history, these options are not realistically available for most applicants. Other available options typically have included:

- Written documentation from a military commanding officer that the applicant was stationed overseas and was not principally at fault in an accident.
- Written documentation from the applicant's supervisor in the Peace Corps, Foreign Service, or similar organization that the applicant was not principally at fault in an accident.
- Written documentation that the applicant did not own or have regular access to a vehicle.
- Written medical documentation that the applicant did not operate a vehicle.
- Written documentation from the applicant's employer that the applicant was furnished a company car for business and personal use and was not principally at fault in an accident.
- Some insurers specifically prohibited use of Motor Vehicle Records to verify accident record.

As a result, the accident verification requirements appear to have been used to require proof of prior insurance in violation of California Insurance Code Section 1861.02(c).

The Commissioner proposes to amend California Code of Regulations, title 10 section 2632.13. The proposed amendment will prohibit insurers from requiring applicants provide written documentation from the insured's prior insurer and require them to accept the insured's certification of accident record experience.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code Section 11346.45, is not required to implement the proposed regulation, because the issue addressed is not so complex that it cannot easily be reviewed during the comment period. Notwithstanding the lack of complexity of the issue, prior to publishing public notice, the California Department of Insurance mailed provided notice pursuant to CIC § 12921.7 to all persons who previously requested mailed notice of proposed regulatory action. The California Department of Insurance utilized the comments provided pursuant to the notice formulation of the proposed regulation.

MANDATE ON LOCAL AGENCIES AND
SCHOOL DISTRICT OR COST WHICH MUST BE
REIMBURSED PURSUANT TO GOVERNMENT
CODE SECTION 17500 THROUGH 17630

The proposed regulation does not impose any mandate on local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement. There are no costs to local agencies or school districts from the proposed regulations, and the proposed regulation will not affect funding to the State.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that there will be no cost or savings to local agencies or school districts from the proposed regulations, and that the proposed regulation will not affect funding to the State.

OTHER NON DISCRETIONARY COSTS OR
SAVINGS IMPOSED UPON LOCAL AGENCIES

None

COST OR SAVINGS IN FEDERAL
FUNDING TO THE STATE

None

COMPARABLE FEDERAL STATUTES
OR REGULATIONS

None

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESS

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

SIGNIFICANT, STATEWIDE ADVERSE ECO-
NOMIC IMPACT DIRECTLY AFFECTING BUSI-
NESS, INCLUDING THE ABILITY OF
CALIFORNIA BUSINESSES TO COMPETE WITH
BUSINESSES IN OTHER STATES

The Commissioner has made an initial determination that the proposed amendment does not have such an impact on business. Proposition 103 states that prior insurance cannot be used as a rating factor. This regulation enforces that requirement.

EFFECT ON JOBS IN CALIFORNIA

The Commissioner is required to access any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new business, the elimination of new business, and the expansion of business currently operating in the state. The Commissioner does not foresee that the proposed regulations will have any impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matter proposed herein will have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code Section 11346.5(a)(13), the Commissioner must determine that no reasonable alternative considered by the Commissioner, or that has otherwise been identified and brought to the attention of the Commissioner, would be more effective in carrying out the purpose for the proposed regulations, and that no alternative would be as effective or less burdensome to private persons or businesses directly affected than these regulations. The purpose of the proposed regulation is to implement a statutory mandate. To date, no reasonable alternative to the proposed regulations is apparent. The Commissioner, however, invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The matters proposed herein will affect insurance companies, and therefore not affect small business. (Govt. Code Section 11342.610, subd. (b)(2).)

AVAILABILITY OF TEXT OF THE
RULEMAKING FILE

The Insurance Commissioner has prepared an initial statement that sets forth the reasons for the proposed action. The Insurance Commissioner also has available all the information upon which this proposed action is based, and the express terms of the proposed action.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21st Floor, San Francisco, California, 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or substantive or general questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon written or e-mail request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Department's mailing list.

WEB ACCESS

A copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained on the Department's Web site at www.insurance.ca.gov. Near the top of the page, you will see the major heading "Protecting Consumers." In this section, scroll down until you see the subheading "BE INFORMED." Click on the nearby "Search for Proposed Regulations" link. When the search field appears, enter "RH 01015532" (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code Section that the regulations implement (for instance, "1861.02(c)"), or search by the key word (accident verification for example.). Then click on the "Submit" button to display links to the various filing documents. For those without Web access, contact Michael Riordan at the address and FAX above, or by telephone at (415) 538-4226.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the regulations adopted by the Department differ but are sufficiently related to the action proposed, they will be made available to the public for at least 15 days prior to the date of adoption.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Emergency Rulemaking
SUBJECT: Annual HCPCS Update (R-03-01E)

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on February 25, 2002, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S.

Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number R-03-01E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Linda Machado of the Medi-Cal Policy Division, Rate Development Branch at (916) 322-7293.
3. All other inquiries concerning the action described in this notice may be directed to Jasmin Delacruz of the Office of Regulations at (916) 657-0501, or to the designated backup contact person, Linda Tutor, at (916) 654-0381.

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 10725 of the Welfare and Institutions (W & I) Code authorizes the Department to adopt regulations to implement, interpret, or make specific the law enforced by the Department. Section 14105 of the W&I Code, in part, requires the Department to implement, and annually update, the United States Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS) and provides emergency authorization to do so.

HCFA (now the Centers for Medicare and Medicaid Services or "CMS") published a notice in the Federal Register, Volume 50, Number 194, Page 40895 (October 7, 1985), requiring State Medicaid agencies with a Medicaid Management Information System (MMIS) to accept and use exclusively the HCFA Common Procedure Coding System (HCPCS) effective October 1, 1986. Pursuant to section 1903(r) of the Social Security Act (42 United States Code section 1396b(r)), failure to comply would result in the loss of MMIS approval and a reduction of federal financial participation (FFP) matching funds from 75 to 50 percent. California completed its conversion to HCPCS on October 1, 1992.

These regulation changes adopt into the Medi-Cal program the 2001 HCPCS codes and descriptors, pursuant to the Transaction Lists and 2001 HCPCS

File provided by HCFA. These codes may represent new services, or amend the descriptors of existing services. In those instances where no current national-level HCPCS code adequately describes an existing Medi-Cal service provided by the Department, a local HCPCS code was assigned and included in these regulations. Annual revisions to procedure codes and descriptors do not require separate HCFA approval so long as they conform to the current coding structure (pages 15 and 16, "HCFA Common Procedure Coding System Conversion/Implementation Manual and User's Guide", dated 2/15/83).

These changes amend the procedure codes, descriptions and prices for items and services billed by providers to the Medi-Cal program, and affect California Code of Regulations, Title 22, sections 51515(c) and (e), Orthotics and Prosthetics; 51518(b) Optometry; 51521(i), Durable Medical Equipment; and 51527(b), Medical Transportation.

AUTHORITY

10725, 14105, and 14124.5 Welfare and Institutions Code

REFERENCE

14103.7, 14105, and 14136.5 Welfare and Institutions Code; Statutes of 1984, Chapter 258, Items 4260-106-001 and 890; Statutes of 1985, Chapter 111, Items 4260-106-001 and 890; Statutes of 1998, Chapter 324, Items 4260-101-001 and 0890; Statutes of 1999, Chapter 50, Items 4260-101-0001 and 0890; and Sections 11024, 11026, 11150, and 11210, Health and Safety Code.

FISCAL IMPACT ESTIMATE

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

DETERMINATIONS

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

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

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

Provider participation in the Medi-Cal program is voluntary; there is no statutory mandate to provide services to Medi-Cal beneficiaries. The proposed changes will not result in any new reporting, compliance or record keeping requirements for participating Medi-Cal providers. In addition, the changes will not alter the scope of Medi-Cal benefits or the overall payments made to providers.

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

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

No reduction to the overall scope of benefits or annual program payments will result from the emergency action.

The Department has determined that the regulations will affect small businesses since many Medi-Cal providers meet the criteria for small business.

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

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

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

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

**ADDITIONAL STATEMENTS
AND COMMENTS**

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

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

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

R-03-01E

<p>GENERAL PUBLIC INTEREST</p>

AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO CONSIDER
AN APPLICATION FOR A VARIANCE FROM
THE REGULATION FOR REDUCING VOLATILE
ORGANIC COMPOUND EMISSIONS FROM
CONSUMER PRODUCTS**

At the direction of the Executive Officer of the California Air Resources Board, a public hearing will be conducted at the time and place noted below to consider an application for a variance from the Regulation for Reducing Volatile Organic Compound Emissions from Consumer Products (the "consumer products regulation"; Title 17, California Code of Regulations, sections 94507-94517).

DATE: February 13, 2002

TIME: 10:00 a.m.

**PLACE: California Environmental Protection
Agency
Headquarters Building
Administrative Hearing Room 107
1001 I Street
Sacramento, California 95814**

Section 94509(a) of the consumer products regulation specifies volatile organic compound (VOC) limits for various categories of consumer products. These limits include the following percent by weight VOC limits for aerosol adhesives, which will become effective January 1, 2002: 65 percent limit for mist spray aerosol adhesives, 55 percent limit for web spray aerosol adhesives, and 65 percent limit for special purpose spray—automobile headliner aerosol adhesives. In addition, Section 94509(i)(3) prohibits the manufacture for use in California of aerosol adhesives containing methylene chloride, perchloroethylene, or trichloroethylene after January 1, 2002. Section 94514 of the consumer products regulation allows any person who cannot comply with the requirements of section 94509, because of extraordinary reasons beyond the person's reasonable control, to apply to the Executive Officer for a variance. The criteria and procedures for granting a variance are specified in section 94514.

The applicant listed below has applied for a variance under section 94514 for: five products from the 65 percent VOC limit for mist spray aerosol adhesives; two products from the 55 percent VOC limit for web spray aerosol adhesives; one product from the 65 percent VOC limits for special purpose spray—automobile headliner aerosol adhesives; and two products from the ban in section 94509(i)(3) on manufacturing chlorinated aerosol adhesives for use in California.

Claire/Sprayway Incorporated
1005 Westgate Street
Addison, Illinois 60101

The public hearing to consider the variance application will be conducted in accordance with procedures set forth in section 94514 of the consumer products regulation. At the hearing, the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing. All parties may, but need not, be represented by counsel at the hearing. Subsequent to the hearing, the Executive Officer shall determine whether, under what conditions, and to what extent a variance is necessary and will be permitted.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact Mr. Jose Saldana at (916) 322-0289, TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, by January 29, 2002.

Copies of the consumer products regulation and variance application may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Sacramento, California 95812, (916) 322-2990, at least 30 days prior to the scheduled hearing. Further inquiries regarding this matter should be directed to Mr. Steven Giorgi, Manager, Implementation Section, Stationary Source Division, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812, (916) 322-9148.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A HAZARDOUS WASTE MANIFESTING VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR CATELLUS

On November 8, 2001, the Department of Toxic Substances Control (DTSC), granted Catellus Urban Development Corporation (Catellus), a variance under California Health and Safety Code, Section 25143 from the hazardous waste manifesting requirements of California Health and Safety Code, Section 25160. The variance allows Catellus to use a bill of lading in lieu of a manifest to transport lead-contaminated soil generated from excavation activities associated with the redevelopment of an area known as Mission Bay Project Area, approximately a 300 acre site.

The contaminated soil will be excavated from one part of the Mission Bay Project Area, loaded into trucks, transported up to two miles via public streets located within and in the vicinity of the Project Area, and placed within another part of the Project Area. In accordance with the Project Area's approved Risk Management Plan (RMP), the soil will be used for site grading, backfill, other development purposes, or staged prior to such activities, or prior to offsite disposal. Registered hazardous waste transporters will be used when the contaminated soil is transported along public streets from one part of the Project Area to another.

The variance imposes specific conditions to ensure protection of public health and the environment. A Notice of Exemption (Title 14, California Code of Regulations, Section 15061(b)(3) [With certainty, no possibility of a significant effect on the environment]) was filed pursuant to the California Environmental Quality Act.

The Catellus project site is located at Mission Bay, San Francisco, California 94107. The variance expires on January 30, 2005. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

INDUSTRIAL WELFARE COMMISSION

OFFICIAL NOTICE

Summary of Amendments to Wage Order 5

To employers and representatives of persons working in industries and occupations in the State of California:

TAKE NOTICE that on October 29, 2001, the Industrial Welfare Commission (hereinafter the "IWC"), having proceeded according to its authority in the Labor Code and the Constitution of California, article 14, § 1, promulgated amendments to Sections 3 (Hours and Days of Work), 11 (Meal Periods), and 12 (Rest Periods) of Wage Order 5-2001. The amendments to all three Sections affect employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, receive 24 hour care. The amendments regarding meal periods and rest periods also apply to employees of 24 hour residential care facilities for elderly, blind, or developmentally disabled individuals. These two types of workers are collectively referred to as group home employees in this Summary. The other Sections of Wage Order 5-2001 have not been changed.

SUMMARY

This summary must be made available to employees in accordance with the IWC's wage orders.

This is a summary. Copies of the full text of the amended Wage Orders may be obtained at www.dir.ca.gov/IWC or by mail from the IWC.

Hours and Days of Work

Pursuant to a request from the California Alliance of Child and Family Services, a full investigation, and an unanimous wage board recommendation, the IWC amended the partial exemption from overtime for workers with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, receive 24 hour care, payment of overtime. The IWC deleted the phrase from Section 3(E)(1) that made its provisions applicable to employees or who have direct responsibility for children under eighteen (18) years of age receiving 24 hour care, and added Section 3(E)(2) for such employees. Section 3(E)(2) provides that employers may compensate these employees in the following manner without violating the general

overtime provisions of Section 3. Overtime must be paid for all work in excess of 40 hours in a workweek at one and one-half (1-1/2) times the employee's regular rate of pay. Overtime is paid at two (2) times the employee's regular rate of pay for all hours worked in excess of 48 hours in the workweek and 16 hours in a workday. In addition, no employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off-duty immediately following the 24 consecutive hours of work. Time spent sleeping shall not be included as "hours worked" as defined in Section 2 of Wage Order 5.

Meal and Rest Periods

The IWC added a Paragraph E to Section 11 and Paragraph C to Section 12. Section 11(E) provides that a group home employee may be required to work on-duty meal periods without penalty to the employer when it is necessary for regulatory or approved program standards and, either the employee eats with the residents and the employer provides the same meal as the residents receive at no charge to the employee, or the employee is the sole person in charge and, on a day shift, the employer provides the meal at no charge. In addition, an employee, except when working a night shift, may exercise the right to have an off-duty meal period upon first giving 30 days notice to the employer for each instance where an off-duty meal is desired. However, there will be no more than one off-duty meal period every two weeks. Section 12(C) provides that employers of group home employees may, without penalty, require such employees to remain on the work premises and maintain general supervision of residents during rest periods if an employee is the sole person in charge of the residents. In addition, the employer must authorize and permit another rest period when an employee is affirmatively required to interrupt his or her break to respond to the needs of a resident.

Minimum Wage, Reporting Time Pay, Pay Records, Cash Shortages and Breakage, Uniforms and Equipment, Meals and Lodging, and Seats

There have been no changes to these provisions of the Wage Order 5. However, pursuant to the previously promulgated General Minimum Wage Order, MW-2001, the minimum wage will increase to \$6.75 per hour effective January 1, 2002.

These Amendments to the Wage Order 5 shall be in effect as of January 1, 2002

Questions about enforcement of this Wage Order should be directed to the Division of Labor Standards Enforcement. Consult the white pages of your telephone directory under CALIFORNIA, State of, Industrial Relations for the address and telephone number of the office nearest you. The Division has

offices in the following cities: Bakersfield, Eureka, Fresno, Long Beach, Los Angeles, Marysville, Oakland, Redding, Sacramento, Salinas, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Barbara, Santa Rosa, Stockton, and Van Nuys.

**STATEMENT AS TO THE BASIS FOR
AMENDMENTS TO WAGE ORDER NO. 5
REGARDING EMPLOYEES WORKING IN
GROUP HOMES**

TAKE NOTICE that the Industrial Welfare Commission of the State of California (hereinafter the "IWC"), in accordance with the authority vested in it by the California Constitution, Article 14, Section 1, as well as Labor Code §§ 500–558, and 1171–1204 has promulgated amendments to Wage Order 5 regulating wages, hours, and working conditions in the public housekeeping industry. The amendments affect Sections 3 (Hours and Days of Work), 11 (Meal Periods), and 12 (Rest Periods) of employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, receive 24 hour care. The amendments regarding meal periods and rest periods also apply to employees of 24 hour residential care facilities for elderly, blind, or developmentally disabled individuals. These two kinds of employees are collectively referred to as group home employees in this Statement.

Prior to 1998, Wage Order 5-89 (as amended in 1993) provided that these group home employees (along with "personal attendants" as currently defined in Section 2(N) of Wage Order 5, resident managers of homes for the aged having less than eight (8) beds, and organized camp counselors) had a partial exemption from daily overtime. As long as an employee's work time did not exceed 54 hours or 6 days in a workweek, employers were not required to pay overtime. In emergency situations an employee could work over 54 hours or 6 days in a workweek, provided the employer paid overtime at one and one half times the employee's regular rate of pay. However, in non-emergency situations, if an employee worked over 54 hours or 6 days in any workweek, employers were required to pay daily overtime for all hours worked in excess of 8 in a day during that workweek.

In 1998, the IWC promulgated amendments to Wage Order 5 which included language eliminating the partial exemption from daily overtime. Instead, the IWC conformed Wage Order 5 to the federal standard of weekly overtime, rather than daily overtime, after working 40 hours in a workweek. Under that standard, as long as an employee's work time did not exceed 40 hours in a workweek, employers were not required to pay overtime. However, pursuant to the "Eight-Hour-Day Restoration and Workplace Flexibility Act"

of 1999 (commonly referred to as "AB 60"), the Legislature restored daily overtime in general, and temporarily restored the provisions of Wage Order 5-89 until the IWC could promulgate new regulations to implement the statute. The new regulations became effective October 1, 2000.

According to the Wage Orders 5-2000 and 5-2001¹ which were promulgated pursuant to AB 60, group home employees continued to have a partial exemption from daily overtime. However, the partial exemption now provided that, as long as an employee's work time did not exceed 40 hours or 6 days in a workweek, employers were not required to pay overtime. In emergency situations an employee could work over 40 hours or 6 days in a workweek provided the employer paid overtime at one and one half times the employee's regular rate of pay. In non-emergency situations, if an employee worked over 40 hours or 6 days in any workweek, employers were required to pay daily overtime for all hours worked in excess of 8 in a day during that workweek.

In February 2001, the IWC received a request from the California Alliance of Child and Family Services to amend Wage Order 5 to reinstate the former partial exemption allowing employees to work 54 hours or 6 days in a workweek before payment of overtime. The IWC also received public comment regarding such an amendment via the U.S. mail, hand delivery, and facsimile and electronic transmissions. In addition, the IWC heard testimony from employee and employer representatives of this industry at its public meetings. Proponents of the reinstatement of the former partial exemption state that the current provisions are too restrictive. For example, under the current provisions of Wage Order 5, if an employee works a 50-hour workweek of two 20-hour shifts and one 10-hour shift, the employer would pay daily overtime for the entire workweek because the employee's workweek schedule is in excess of 40 hours. The employee would receive one and one-half times his or her regular rate of pay after working 8 hours and two times his or her regular rate of pay after working 12 hours. Using the example above to explain the effect of a return to daily overtime only after an employee works 54 hours, if an employee works a 50-hour workweek of two 20-hour shifts and one 10-hour shift, the employer would pay federal weekly overtime after 40 hours, but no daily overtime.

Based upon comments that the partial exemption is too restrictive, the IWC conducted a preliminary investigation regarding group home employees pursuant to Labor Code §§ 1173, 1178, and 1178.5. In

accordance with Labor Code § 1178, the initial investigation included a public hearing held March 2, 2001.

The IWC received public comment to the effect that the employment settings at issue generally are residential group homes that are small, home-like environments for foster care children, the developmentally disabled, and assisted residential care for the elderly and blind, where, from a therapeutic sense, it is ideal to provide longer shifts to simulate parenting and or family life for the individuals living in the home. Long shifts allow the residents to have the benefit of having the same care giver at night and at breakfast the next morning. For the same reasons on-duty meal and rest periods are preferable to an employee leaving the premises to eat or rest.

The testimony the IWC received suggests that these "long shifts" are also attractive to many employees who prefer to work 40-plus hours per week in three or four days and find the flexibility to be compatible with their schedules. Long shifts and short weeks are also ways in which to supplement income from another job.

In addition, these facilities are nonprofit agencies that receive 100-percent of their funding from the government. They have no ability in today's market, at today's government rates, to go out and recruit the numbers of employees necessary to have all work time covered without payment of overtime, nor do they have the ability to pass on the cost of overtime to their customers, because the government is their customer.

However, the IWC received testimony and written comment from the Service Employees International Union in California and others who represent employees working in these types of facilities, who stated that union contracts in this area provide for 8-hour days, and that the employees have no trouble working such shifts. They also reminded the IWC that, in enacting AB 60, the Legislature reaffirmed the 8-hour day as the standard in California. In addition, they advised the IWC that last year the state government increased rates for foster care group homes by 13 percent, 3 percent of it across the board and 10 percent for wages. They acknowledged that this increase was still not enough to provide adequate pay for employees, but urged that the IWC not subsidize these facilities by decreasing overtime obligations when it is the Legislature that has not provided sufficient funding. They suggested that the more appropriate course of action is to seek relief from the Legislature.

Following the investigation, and as part of its continuing duties to ascertain the wages, hours, and conditions of labor and employment of employees in the State, the IWC determined that the provisions in Wage Order 5 regarding overtime, meal periods, and rest periods may be prejudicial to the health, safety,

¹ Order 5-2001 merely made technical corrections to Order 5-2000.

and welfare of employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, receive 24 hour care. The IWC also determined that the provisions of Wage Order 5 regarding meal periods and rest periods may be prejudicial to employees of 24 hour residential care facilities for elderly, blind, or developmentally disabled individuals. The IWC therefore decided to convene a wage board to consider whether any amendments should be made to the overtime, meal period, and rest period provisions of Wage Order 5.

The Wage Board met on May 31 and July 18, 2001, and thereafter sent the IWC its report with proposed regulations that received the unanimous recommendation of the Wage Board members. Pursuant to Labor Code § 1182(a), the IWC must adopt proposed regulations based on recommendations that receive the support of at least two-thirds of the Wage Board, unless the IWC finds that there is no substantial evidence to support such recommendations.

Following its receipt of the Wage Board's report and its unanimous recommendation for proposed regulations, the IWC held additional public meetings and public hearings pursuant to Labor Code §§ 1178.5 and 1181, during which it considered the recommendation of the Wage Board, proposed new regulations amending Sections 3, 11, and 12 of Wage Order 5, and offered the public the opportunity to provide comment on the proposed regulations. No one appeared at any of the three public hearings for public comment on the proposed regulations. However, the IWC did receive a request from a member of the Wage Board to expand the applicability of the proposed overtime regulation to employees of 24 hour residential care facilities for the elderly, and blind or developmentally disabled adults. Since the Charge to the Wage Board was limited in scope, the IWC chose not to expand the scope of the partial exemption at this time.

The IWC considered all correspondence, verbal presentations, and other written materials prior to the adoption of amendments to the Order and found that there was substantial evidence for the proposed regulations that received the unanimous recommendation of the Wage Board. Accordingly, the IWC adopted the proposed regulations as amendments to Wage Order 5 on October 29, 2001. The following amendments will become effective January 1, 2002.

Section 3—Hours and Days of Work

The IWC deleted the phrase that made the provisions of Paragraph E(1) applicable to employees or who have direct responsibility for children under eighteen (18) years of age receiving 24 hour care, and added subparagraph (2) Paragraph E. Paragraph E(2) provides that:

“(2) Employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, may, without violating any provision of this section, be compensated as follows:

- (a) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half (1-1/2) times the employee's regular rate of pay for all hours over 40 hours in the workweek.
- (b) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 48 hours in the workweek.
- (c) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 16 in a workday.
- (d) No employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off-duty immediately following the 24 consecutive hours of work. Time spent sleeping shall not be included as hours worked.”

The Wage Board's unanimous recommendation for this amendment included a request that the Statement as to the Basis contain two specific points. The first point is that employers should be aware that they can still pay daily overtime if they choose. The second point is that the definition of “sleeping” is intended to be consistent with the meaning in the Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*, hereinafter “FLSA”) and in the IWC's other wage orders that sleep time is not included in the definition of “hours worked”.

The amendment of the overtime provisions regarding time spent sleeping for these employees to more closely resemble the federal standards promotes the IWC's intention to make the state and federal exemptions consistent where the Legislature has not expressed a clear contrary intention. The IWC sought to achieve this goal when it adopted the wage orders that became effective on October 1, 2000, and January 1, 2001. In keeping with this objective, the white collar exemptions for executive, administrative, and professional employees in the Wage Orders 1 through 15 incorporate many of the federal standards set forth in 29 C.F.R. Part 541.

The partial exemption for employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, receive 24 hour care, differs from the “white collar exemptions” for executive, administrative, and professional employees. The partial exemption at issue in the current amendments to Wage Order 5 is limited to some of the overtime rules and does not depend on the level of the

employee's pay or whether it is paid in the form of a salary. The standards for the white collar exemptions differ. In accordance with the provisions of Labor Code § 515(a), Section 1 (Applicability of Order) of Wage Order 5 requires that an employee earn "a monthly salary equivalent to no less than two times the state minimum wage for full-time employment" to qualify as exempt. Labor Code § 515(c) defines "full-time employment" to mean "employment in which an employee is employed for 40 hours per week." For many decades prior to AB 60's effective date on January 1, 2000, the IWC's wage orders required that exempt employees receive "remuneration" in excess of specified levels "per month." While the IWC increased the amount of remuneration from time to time, the monthly remuneration standard remained unchanged.

The remuneration standard was construed by the Division of Labor Standards Enforcement in 1997 and 1998 in published interpretations in a manner that was generally consistent with the federal "salary basis" regulations set forth in 29 C.F.R. § 541.118. In reviewing these federal regulations, the Division expressed the opinion that it "intended to insure that, as far as possible, the overtime requirements under the IWC Orders are consistent with those of the requirements under the FLSA." The Division construed the monthly remuneration standard to parallel the federal regulations that require a predetermined salary that "may not be subject to reduction because of variations in quality or quantity of work performed during the course of any workweek." It further noted that "an employer is not required to pay salary for a workweek during which the employee performs no work." Both the "monthly" and the "salary" standards now in the wage orders thus existed and were well known prior to the enactment of AB 60.

The IWC intended to incorporate those standards, including the "salary for a workweek" standards, within its 2000 and 2001 wage orders. This is consistent with the provisions of Labor Code § 515(c) and the wage orders that use of the weekly standard to compute the amount of the required salary. The IWC incorporated the standards set forth in Labor Code § 515(a) in to the wage orders promulgated pursuant to AB 60. Subject to the requirement that the minimum amount of the salary must be higher under state law than federal law, the IWC intended to follow the federal salary standards set forth in 29 C.F.R. § 541.118.

An opinion issued by a representative of the Division on May 30, 2001, misinterpreted the IWC's intent and failed to implement its goal of harmonizing state and federal law on this important issue. In a June 22, 2001 letter, the Labor Commissioner rescinded the May 30 opinion and requested clarification

of the criteria for determining the correct interpretation of "salary." Comments from the public at the hearings and in letters to the IWC also requested clarification.

The IWC is providing this clarification of its intention so that the distinctions between the partial exemption at issue in the current amendments to Wage Order 5 and the broader exemptions for white collar employees will be clear and both will be properly construed. The IWC also wishes to make clear that it wishes to follow the federal salary basis standards it previously adopted for the white collar exemptions. Under those standards, an employee must be paid a predetermined amount constituting all or part of his or her compensation on a weekly or less frequent basis. A salary that is no less than the equivalent of two times the state minimum wage for full-time employment of 40 hours in a workweek, and that meets the standards in 29 C.F.R. § 541.118, satisfies the state salary rule. The exceptions in the federal regulations regarding deductions also apply under state law. The federal standards have been construed by the U.S. Supreme Court and the Ninth Circuit Court of Appeals to allow a fair system for using and charging paid leave, vacation, and sick leave benefits in a manner that affords employees workplace flexibility. The regulations also recognize the ability to pay a proportionate part of the employee's salary for the time actually worked in initial and terminal weeks of employment. In addition, they allow adjustments in compensation where other statutory requirements are met, such as the family and medical leave rules that provide eligible employees the flexibility they need to take leaves on a "reduced leave" or "intermittent leave" basis. The IWC sought to preserve that same flexibility under state law.

The IWC does not intend that these salary rules apply to the partial exemption at issue in the current amendments to Wage Order 5. Although group home employees may be paid on a salary, hourly or other basis, they must be paid overtime in accordance with the provisions of Section 3.

Section 11—Meal Periods

The IWC added a Paragraph E to Section 11. This paragraph provides that a group home employee may be required to work on-duty meal periods without penalty to the employer when it is necessary to regulatory or approved program standards and either the employee eats with the residents and the employer provides the same meal as the residents receive at no charge to the employee, or the employee is the sole person in charge and, on a day shift, the employer provides the meal at no charge. In addition, an employee, except when working a night shift, may exercise the right to have an off-duty meal period upon first giving 30 days notice to the employer for each

instance where an off-duty meal is desired. However, the paragraph further provides that there will be no more than one off-duty meal period every two weeks.

Section 12—Rest Periods

The IWC added a Paragraph C to Section 12. Employers of group home employees may, without penalty, require such an employee to remain on the work premises and maintain general supervision of residents during rest periods if the employee is the sole person in charge of the residents. In addition, the employer must authorize and permit another rest period when an employee is affirmatively required to interrupt his or her break to respond to the needs of a resident.

ORDER NO. 5-2001

REGULATING WAGES, HOURS AND WORKING CONDITIONS IN THE PUBLIC HOUSEKEEPING INDUSTRY

(Effective January 1, 2002 as amended)

1. APPLICABILITY OF ORDER This order shall apply to all persons employed in the public housekeeping industry whether paid on a time, piece rate, commission, or other basis, except that:

(A) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to student nurses in a school accredited by the California Board of Registered Nursing or by the Board of Vocational Nurse and Psychiatric Technician Examiners or exempted by the provisions of Sections 2789 or 2884 of the Business and Professions Code;

(B) Provisions of Sections 3 through 12 shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption from those sections:

(1) Executive Exemption A person employed in an executive capacity means any employee:

(a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretion and independent judgment; and

(e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.102, 541.104–111, and 541.115–116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(2) Administrative Exemption A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or

(ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or

(d) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or

(e) Who executes under only general supervision special assignments and tasks; and

(f) Who is primarily engaged in duties that meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. Sections 541.201–205, 541.207–208, 541.210, and 541.215. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer’s realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement; and

(g) Such employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(3) Professional Exemption A person employed in a professional capacity means any employee who meets all of the following requirements:

(a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or

(b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, “learned or artistic profession” means an employee who is primarily engaged in the performance of:

(i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or

(ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

(iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in subparagraph (a).

(d) Who earns a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515 (c) as 40 hours per week.

(e) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this Wage Order: 29 C.F.R. Sections 541.207, 541.301(a)–(d), 541.302, 541.306, 541.307, 541.308, and 541.310.

(f) Notwithstanding the provisions of this subparagraph, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this subparagraph unless they individually meet the criteria established for exemption as executive or administrative employees.

(g) Subparagraph (f) above shall not apply to the following advanced practice nurses:

(i) Certified nurse midwives who are primarily engaged in performing duties for which certification is required pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code.

(ii) Certified nurse anesthetists who are primarily engaged in performing duties for which certification is required pursuant to Article 7 (commencing with Section 2825) of Chapter 6 of Division 2 of the Business and Professions Code.

(iii) Certified nurse practitioners who are primarily engaged in performing duties for which certification is required pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code.

(iv) Nothing in this subparagraph shall exempt the occupations set forth in clauses (i), (ii), and (iii) from meeting the requirements of subsection 1(B)(3)(a)–(d) above.

(h) Except, as provided in subparagraph (i), an employee in the computer software field who is paid on an hourly basis shall be exempt, if all of the following apply:

(i) The employee is primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment.

(ii) The employee is primarily engaged in duties that consist of one or more of the following:

- The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.

- The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.

- The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

(iii) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.

(iv) The employee's hourly rate of pay is not less than forty-two dollars and sixty four cents (\$42.64). The Division of Labor Statistics and Research shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

(i) The exemption provided in subparagraph (h) does not apply to an employee if any of the following apply:

(I) The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.

(II) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.

(iii) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.

(iv) The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.

(v) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for on screen media or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-ROMs.

(vi) The employee is engaged in any of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

(C) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.

(D) The provisions of this order shall not apply to outside salespersons.

(E) The provisions of this order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.

(F) The provisions of this order shall not apply to any individual participating in a national service program, such as AmeriCorps, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, ch. 365, amending Labor Code § 1171.)

2. DEFINITIONS

(A) An "alternative workweek schedule" means any regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period.

(B) "Commission" means the Industrial Welfare Commission of the State of California.

(C) "Division" means the Division of Labor Standards Enforcement of the State of California.

(D) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.

(E) "Employ" means to engage, suffer, or permit to work.

(F) "Employee" means any person employed by an employer, and includes any lessee who is charged rent, or who pays rent for a chair, booth, or space; and

(1) Who does not use his or her own funds to purchase requisite supplies; and

(2) Who does not maintain an appointment book separate and distinct from that of the establishment in which the space is located; and

(3) Who does not have a business license where applicable.

(G) "Employees in the health care industry" means any of the following:

(1) Employees in the health care industry providing patient care; or

(2) Employees in the health care industry working in a clinical or medical department, including pharmacists dispensing prescriptions in any practice setting; or

(3) Employees in the health care industry working primarily or regularly as a member of a patient care delivery team; or

(4) Licensed veterinarians, registered veterinary technicians and unregistered animal health technicians providing patient care.

(H) "Employer" means any person as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(I) "Health care emergency" consists of an unpredictable or unavoidable occurrence at unscheduled intervals relating to healthcare delivery, requiring immediate action.

(J) "Health care industry" is defined as hospitals, skilled nursing facilities, intermediate care and residential care facilities, convalescent care institutions, home health agencies, clinics operating 24 hours per day, and clinics performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis.

(K) "Hours worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so, and in the case of an employee who is required to reside on the employment premises, that time spent carrying out assigned duties shall be counted as hours worked. Within the health care industry, the term "hours worked" means the time during which an employee is suffered or permitted to work for the employer,

whether or not required to do so, as interpreted in accordance with the provisions of the Fair Labor Standards Act.

(L) "Minor" means, for the purpose of this order, any person under the age of 18 years.

(M) "Outside salesperson" means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities.

(N) "Personal attendant" includes baby sitters and means any person employed by a non-profit organization covered by this order to supervise, feed or dress a child or person who by reason of advanced age, physical disability or mental deficiency needs supervision. The status of "personal attendant" shall apply when no significant amount of work other than the foregoing is required.

(O) "Primarily" as used in Section 1, Applicability, means more than one-half the employee's work time.

(P) "Public Housekeeping Industry" means any industry, business, or establishment which provides meals, housing, or maintenance services whether operated as a primary business or when incidental to other operations in an establishment not covered by an industry order of the Commission, and includes, but is not limited to the following:

(1) Restaurants, night clubs, taverns, bars, cocktail lounges, lunch counters, cafeterias, boarding houses, clubs, and all similar establishments where food in either solid or liquid form is prepared and served to be consumed on the premises;

(2) Catering, banquet, box lunch service, and similar establishments which prepare food for consumption on or off the premises;

(3) Hotels, motels, apartment houses, rooming houses, camps, clubs, trailer parks, office or loft buildings, and similar establishments offering rental of living, business, or commercial quarters;

(4) Hospitals, sanitariums, rest homes, child nurseries, child care institutions, homes for the aged, and similar establishments offering board or lodging in addition to medical, surgical, nursing, convalescent, aged, or child care;

(5) Private schools, colleges, or universities, and similar establishments which provide board or lodging in addition to educational facilities;

(6) Establishments contracting for development, maintenance or cleaning of grounds; maintenance or cleaning of facilities and/or quarters of commercial units and living units; and

(7) Establishments providing veterinary or other animal care services.

(Q) "Shift" means designated hours of work by an employee, with a designated beginning time and quitting time.

(R) "Split shift" means a work schedule, which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods.

(S) "Teaching" means, for the purpose of Section 1 of this order, the profession of teaching under a certificate from the Commission for Teacher Preparation and Licensing or teaching in an accredited college or university.

(T) "Wages" includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.

(U) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.

(V) "Workweek" and "week" mean any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

3. HOURS AND DAYS OF WORK

(A) Daily Overtime-General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half (1½) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any

workday and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive day of work in a workweek.

(c) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be computed by using the employee's regular hourly salary as one-fortieth (1/40) of the employee's weekly salary.

(B) Alternative Workweek Schedules

(1) No employer shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per day within a 40 hour workweek without the payment of an overtime rate of compensation. All work performed in any workday beyond the schedule established by the agreement up to 12 hours a day or beyond 40 hours per week shall be paid at one and one-half (1½) times the employee's regular rate of pay. All work performed in excess of 12 hours per day and any work in excess of eight (8) hours on those days worked beyond the regularly scheduled number of workdays established by the alternative workweek agreement shall be paid at double the employee's regular rate of pay. Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift. Nothing in this section shall prohibit an employer, at the request of the employee, to substitute one day of work for another day of the same length in the shift provided by the alternative workweek agreement on an occasional basis to meet the personal needs of the employee without the payment of overtime. No hours paid at either one and one-half (1½) or double the regular rate of pay shall be included in determining when 40 hours have been worked for the purpose of computing overtime compensation.

(2) If an employer whose employees have adopted an alternative workweek agreement permitted by this order requires an employee to work fewer hours than those that are regularly scheduled by the agreement, the employer shall pay the employee overtime compensation at a rate of one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours, and double the employee's regular rate of pay for all hours worked in excess of 12 hours for the day the employee is required to work the reduced hours.

(3) An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.

(4) An employer shall explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule, in the manner provided by subdivision (j) of Section 12940 of the Government Code.

(5) An employer shall make a reasonable effort to find a work schedule not to exceed eight (8) hours in a workday, in order to accommodate any affected employee who was eligible to vote in an election authorized by this section and who is unable to work the alternative workweek schedule established as the result of that election.

(6) An employer shall be permitted, but not required, to provide a work schedule not to exceed eight (8) hours in a workday to accommodate any employee who is hired after the date of the election and who is unable to work the alternative workweek schedule established by the election.

(7) Arrangements adopted in a secret ballot election held pursuant to this order prior to 1998, or under the rules in effect prior to 1998, and before the performance of the work, shall remain valid after July 1, 2000 provided that the results of the election are reported by the employer to the Division of Labor Statistics and Research by January 1, 2001, in accordance with the requirements of subsection (C) below (Election Procedures). If an employee was voluntarily working an alternative workweek schedule of not more than ten (10) hours a day as of July 1, 1999, that alternative workweek schedule was based on an individual agreement made after January 1, 1998 between the employee and employer, and the employee submitted, and the employer approved, a written request on or before May 30, 2000 to continue the agreement, the employee may continue to work that alternative workweek schedule without payment of an overtime rate of compensation for the hours provided in the agreement. The employee may revoke his/her voluntary authorization to continue such a schedule with 30 days written notice to the employer. New arrangements can only be entered into pursuant to the provisions of this section. Notwithstanding the foregoing, if a health care industry employer implemented a reduced rate for 12-hour shift employees in the last quarter of 1999 and desires to re-implement a flexible work arrangement that includes 12-hour shifts at straight time for the same work unit, the employer must pay a base rate to each affected employee in the work unit that is no less than that employee's base rate in 1999 immediately prior to the date of the rate reduction.

(8) Notwithstanding the above provisions regarding alternative workweek schedules, no employer of employees in the health care industry shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order a regularly scheduled alternative workweek schedule that includes work days exceeding ten (10) hours but not more than 12 hours within a 40 hour workweek without the payment of overtime compensation, provided that:

(a) An employee who works beyond 12 hours in a workday shall be compensated at double the employee's regular rate of pay for all hours in excess of (12);

(b) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half (1½) times the employee's regular rate of pay for all hours over 40 hours in the workweek;

(c) Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift;

(d) The same overtime standards shall apply to employees who are temporarily assigned to a work unit covered by this subsection;

(e) Any employer who instituted an alternative workweek schedule pursuant to this subsection shall make a reasonable effort to find another work assignment for any employee who participated in a valid election prior to 1998 pursuant to the provisions of Wage Orders 4 and 5 and who is unable to work the alternative workweek schedule established;

(f) An employer engaged in the operation of a licensed hospital or in providing personnel for the operation of a licensed hospital who institutes, pursuant to a valid order of the Commission, a regularly scheduled alternative workweek that includes no more than three (3) 12-hour workdays, shall make a reasonable effort to find another work assignment for any employee who participated in the vote which authorized the schedule and is unable to work the 12-hour shifts. An employer shall not be required to offer a different work assignment to an employee if such a work assignment is not available or if the employee was hired after the adoption of the 12 hour, three (3) day alternative workweek schedule.

(9) No employee assigned to work a 12-hour shift established pursuant to this order shall be required to work more than 12 hours in any 24-hour period unless the Chief Nursing Officer or authorized executive declares that:

(a) A “healthcare emergency”, as defined above exists in this order; and

(b) All reasonable steps have been taken to provide required staffing; and

(c) Considering overall operational status needs, continued overtime is necessary to provide required staffing.

(10) Provided further that no employee shall be required to work more than 16 hours in a 24-hour period unless by voluntary mutual agreement of the employee and the employer, and no employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off duty immediately following the 24 consecutive hours of work.

(11) Notwithstanding subsection (B)(9) above, an employee may be required to work up to 13 hours in any 24-hour period if the employee scheduled to relieve the subject employee does not report for duty as scheduled and does not inform the employer more than two (2) hours in advance of that scheduled shift that he/she will not be appearing for duty as scheduled.

(C) Election Procedures

Election procedures for the adoption and repeal of alternative workweek schedules require the following:

(1) Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of workdays and work hours are regularly recurring. The actual days worked within that alternative workweek schedule need not be specified. The employer may propose a single work schedule that would become the standard schedule for workers in the work unit, or a menu of work schedule options, from which each employee in the unit would be entitled to choose. If the employer proposes a menu of work schedule options, the employee may, with the approval of the employer, move from one menu option to another.

(2) In order to be valid, the proposed alternative workweek schedule must be adopted in a secret ballot election, before the performance of work, by at least a two-thirds ($\frac{2}{3}$) vote of the affected employees in the work unit. The election shall be held during regular working hours at the employees’ work site. For purposes of this subsection, “affected employees in the work unit” may include all employees in a readily identifiable work unit, such as a division, a department, a job classification, a shift, a separate physical location, or a recognized subdivision of any such work unit. A

work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this subsection are met.

(3) Prior to the secret ballot vote, any employer who proposed to institute an alternative workweek schedule shall have made a disclosure in writing to the affected employees, including the effects of the proposed arrangement on the employees’ wages, hours, and benefits. Such a disclosure shall include meeting(s), duly noticed, held at least 14 days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. An employer shall provide that disclosure in a non-English language, as well as in English, if at least five (5) percent of the affected employees primarily speak that non-English language. The employer shall mail the written disclosure to employees who do not attend the meeting. Failure to comply with this paragraph shall make the election null and void.

(4) Any election to establish or repeal an alternative workweek schedule shall be held at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an affected employee, and after an investigation by the labor commissioner, the labor commissioner may require the employer to select a neutral third party to conduct the election.

(5) Any type of alternative workweek schedule that is authorized by the Labor Code may be repealed by the affected employees. Upon a petition of one-third ($\frac{1}{3}$) of the affected employees, a new secret ballot election shall be held and a two-thirds ($\frac{2}{3}$) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the alternative workweek schedule shall be held not more than 30 days after the petition is submitted to the employer, except that the election shall be held not less than 12 months after the date that the same group of employees voted in an election held to adopt or repeal an alternative workweek schedule. However, where an alternative workweek schedule was adopted between October 1, 1999 and October 1, 2000, a new secret ballot election to repeal the alternative workweek schedule shall not be subject to the 12-month interval between elections. The election shall take place during regular working hours at the employees’ work site. If the alternative workweek schedule is revoked, the employer shall comply within 60 days. Upon proper showing of undue hardship, the Division of Labor Standards Enforcement may grant an extension of time for compliance.

(6) Only secret ballots may be cast by affected employees in the work unit at any election held pursuant to this section. The results of any election conducted pursuant to this section shall be reported by the employer to the Division of Labor Statistics and Research within 30 days after the results are final, and the report of election results shall be a public document. The report shall include the final tally of the vote, the size of the unit, and the nature of the business of the employer.

(7) Employees affected by a change in the work hours resulting from the adoption of an alternative workweek schedule may not be required to work those new work hours for at least 30 days after the announcement of the final results of the election.

(8) Employers shall not intimidate or coerce employees to vote either in support of or in opposition to a proposed alternative workweek. No employees shall be discharged or discriminated against for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal. However, nothing in this section shall prohibit an employer from expressing his/her position concerning that alternative workweek to the affected employees. A violation of this subparagraph shall be subject to Labor Code Section 98 *et seq.*

(D) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises shall be deemed to have violated any provision of this section if, pursuant to an agreement or understanding arrived at between the employer and employee before performance of work, a work period of 14 consecutive days is accepted in lieu of the workweek of seven (7) consecutive days for purposes of overtime computation and if, for any employment in excess of 80 hours in such 14 day period, the employee receives compensation at a rate not less than one and one-half (1½) times the regular rate at which the employee is employed.

(E) (1) This section does not apply to organized camp counselors who are not employed more than 54 hours and not more than six (6) days in any workweek except under the conditions set forth below. This section shall also not apply to personal attendants as defined in Section 2 (N), nor to resident managers of homes for the aged having less than eight (8) beds; provided that persons employed in such occupations shall not be employed more than 40 hours nor more than six (6) days in any workweek, except under the following conditions:

In the case of emergency, employees may be employed in excess of 40 hours or six (6) days in any workweek provided the employee is compensated for all hours in excess of 40 hours and days in excess of six (6) days in the workweek at not less than one and one-half (1½) times the employee's regular rate of pay. However, regarding organized camp counselors, in case of emergency they may be employed in excess of 54 hours or six (6) days, provided that they are compensated at not less than one and one-half (1½) times the employee's regular rate of pay for all hours worked in excess of 54 hours and six (6) days in the workweek.

(2) Employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, may, without violating any provision of this section, be compensated as follows:

(a) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half (1½) times the employee's regular rate of pay for all hours over 40 hours in the workweek.

(b) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 48 hours in the workweek.

(c) An employee shall be compensated at two (2) times the employee's regular rate of pay for all hours in excess of 16 in a workday.

(d) No employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off-duty immediately following the 24 consecutive hours of work. Time spent sleeping shall not be included as hours worked.

(F) One and one-half (1½) times a minor's regular rate of pay shall be paid for all work over 40 hours in any workweek except minors sixteen (16) or 17 years old who are not required by law to attend school and may therefore be employed for the same hours as an adult are subject to subsection (A), (B), (C), or (D) above.

(VIOLATIONS OF CHILD LABOR LAWS are subject to civil penalties of from \$500 to \$10,000 as well as to criminal penalties. Refer to California Labor Code sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment of minors and for descriptions of criminal and civil penalties for violation of the child labor laws. Employers should ask school districts about any required work permits.)

(G) An employee may be employed on seven (7) workdays in one workweek when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday thereof do not exceed six (6).

(H) If a meal period occurs on a shift beginning or ending at or between the hours of 10 p.m. and 6 a.m., facilities shall be available for securing hot food and drink or for heating food or drink, and a suitable sheltered place shall be provided in which to consume such food or drink.

(I) The provisions of this section are not applicable to employees whose hours of service are regulated by:

(1) The United States Department of Transportation Code of Federal Regulations, Title 49, Sections 395.1 to 395.13, Hours of Service of Drivers; or

(2) Title 13 of the California Code of Regulations, subchapter 6.5, Section 1200 and following sections, regulating hours of drivers.

(J) The daily overtime provisions of subsection (A) above shall not apply to ambulance drivers and attendants scheduled for 24-hours shifts of duty who have agreed in writing to exclude from daily time worked not more than three (3) meal periods of not more than one (1) hour each and a regularly scheduled uninterrupted sleeping period of not more than eight (8) hours. The employer shall provide adequate dormitory and kitchen facilities for employees on such a schedule.

(K) The provisions of Labor Code Sections 551 and 552 regarding one (1) day's rest in seven (7) shall not be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires the employee to work seven (7) or more consecutive days; provided, however, that in each calendar month, the employee shall receive the equivalent of one (1) day's rest in seven (7).

(L) Except as provided in subsections (F) and (K), this section shall not apply to any employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

(M) Notwithstanding subsection (L) above, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement pertaining to the hours of work of the employees, the requirement regarding the equivalent

of one (1) day's rest in seven (7) (see subsection (K) above) shall apply, unless the agreement expressly provides otherwise.

(N) If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one (1) day or 40 hours of work in one (1) workweek. If an employee knows in advance that he/she will be requesting makeup time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may request to make up work time for up to four (4) weeks in advance; provided, however, that the makeup work must be performed in the same week that the work time was lost. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this subsection. While an employer may inform an employee of this makeup time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this subsection.

4. MINIMUM WAGES

(A) Every employer shall pay to each employee wages not less than six dollars and twenty-five cents (\$6.25) per hour for all hours worked, effective January 1, 2001, and not less than six dollars and seventy-five cents (\$6.75) per hour for all hours worked, effective January 1, 2002, except:

LEARNERS: Employees during their 160 hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than 85 per cent of the minimum wage rounded to the nearest nickel.

(B) Every employer shall pay to each employee, on the established payday for the period involved, not less than the applicable minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

(C) When an employee works a split shift, one (1) hour's pay at the minimum wage shall be paid in addition to the minimum wage for that workday, except when the employee resides at the place of employment.

(D) The provisions of this section shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

5. REPORTING TIME PAY

(A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage.

(B) If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.

6. LICENSES FOR DISABLED WORKERS

(A) A license may be issued by the Division authorizing employment of a person whose earning capacity is impaired by physical disability or mental deficiency at less than the minimum wage. Such licenses shall be granted only upon joint application of employer and employee and employee's representative if any.

(B) A special license may be issued to a nonprofit organization such as a sheltered workshop or rehabilitation facility fixing special minimum rates to enable the employment of such persons without requiring individual licenses of such employees.

(C) All such licenses and special licenses shall be renewed on a yearly basis or more frequently at the discretion of the Division. (See California Labor Code, Sections 1191 and 1191.5)

7. RECORDS

(A) Every employer shall keep accurate information with respect to each employee including the following:

(1) Full name, home address, occupation and social security number.

(2) Birth date, if under 18 years, and designation as a minor.

(3) Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.

(4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.

(5) Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.

(6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

(C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. An employee's records shall be available for inspection by the employee upon reasonable request.

(D) Clocks shall be provided in all major work areas or within reasonable distance thereto insofar as practicable.

8. CASH SHORTAGE AND BREAKAGE

No employer shall make any deduction from the wage or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the

shortage, breakage, or loss is caused by a dishonest or willful act, or by the gross negligence of the employee.

9. UNIFORMS AND EQUIPMENT

(A) When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term "uniform" includes wearing apparel and accessories of distinctive design or color.

NOTE: This section shall not apply to protective apparel regulated by the Occupational Safety and Health Standards Board.

(B) When tools or equipment are required by the employer or are necessary to the performance of a job, such tools and equipment shall be provided and maintained by the employer, except that an employee whose wages are at least two (2) times the minimum wage provided herein may be required to provide and maintain hand tools and equipment customarily required by the trade or craft. This subsection (B) shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

NOTE: This section shall not apply to protective equipment and safety devices on tools regulated by the Occupational Safety and Health Standards Board.

(C) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of subsections (A) and (B) of this section upon issuance of a receipt to the employee for such deposit. Such deposits shall be made pursuant to Section 400 and following of the Labor Code or an employer with the prior written authorization of the employee may deduct from the employee's last check the cost of an item furnished pursuant to (A) and (B) above in the event said item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the employee upon completion of the job.

10. MEALS AND LODGING

(A) "Meal" means an adequate, well-balanced serving of a variety of wholesome, nutritious foods.

(B) "Lodging" means living accommodations available to the employee for full-time occupancy which are adequate, decent, and sanitary according to usual and customary standards. Employees shall not be required to share a bed.

(C) Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the

employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the following:

Effective Dates:	January 1, 2001	January 1, 2002
Lodging:		
Room occupied alone:	\$29.40 per week	\$31.75 per week
Room shared:	\$24.25 per week	\$26.20 per week
Apartment two-thirds (2/3) of the ordinary rental value, and in no event more than:	\$352.95 per month	\$381.20 per month
Where a couple are both employed by the employer, two-thirds (2/3) of the ordinary rental value, and in no event more than:	\$522.10 per month	\$563.90 per month
Meals:		
Breakfast	\$2.25	\$2.45
Lunch	\$3.10	\$3.35
Dinner	\$4.15	\$4.50

(D) Meals evaluated as part of the minimum wage must be bona fide meals consistent with the employee's work shift. Deductions shall not be made for meals not received or lodging not used.

(E) If, as a condition of employment, the employee must live at the place of employment or occupy quarters owned or under the control of the employer, then the employer may not charge rent in excess of the values listed herein.

11. MEAL PERIODS

(A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and the employee. Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to. The written agreement shall state that the employee may, in writing, revoke the agreement at any time.

(B) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided.

(C) In all places of employment where employees are required to eat on the premises, a suitable place for that purpose shall be designated.

(D) Notwithstanding any other provision of this order, employees in the health care industry who work shifts in excess of eight (8) total hours in a workday may voluntarily waive their right to one of their two meal periods. In order to be valid, any such waiver must be documented in a written agreement that is voluntarily signed by both the employee and the employer. The employee may revoke the waiver at any time by providing the employer at least one (1) day's written notice. The employee shall be fully compensated for all working time, including any on-the-job meal period, while such a waiver is in effect.

(E) Employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, and employees of 24 hour residential care facilities for the elderly, blind or developmentally disabled individuals may be required to work on-duty meal periods without penalty when necessary to meet regulatory or approved program standards and one of the following two conditions is met:

(1) (a) The residential care employees eat with the residents during residents' meals and the employer provides the same meal at no charge to the employee; or

(b) The employee is in sole charge of the resident(s) and, on the day shift, the employer provides a meal at no charge to the employee.

(2) An employee, except for the night shift, may exercise the right to have an off-duty meal period upon 30 days' notice to the employer for each instance where an off-duty meal is desired, provided that, there shall be no more than one off-duty meal period every two weeks.

12. REST PERIODS

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof. However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3½) hours. Authorized rest period time shall be counted, as hours worked, for which there shall be no deduction from wages.

(B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided.

(C) However, employees with direct responsibility for children who are under 18 years of age or who are not emancipated from the foster care system and who, in either case, are receiving 24 hour residential care, as well as employers of employees of 24 hour residential care facilities for elderly, blind or developmentally disabled individuals may, without penalty, require an employee to remain on the premises and maintain general supervision of residents during rest periods if the employee is in sole charge of residents. Another rest period shall be authorized and permitted by the employer when an employee is affirmatively required to interrupt his/her break to respond to the needs of residents.

13. CHANGE ROOMS AND RESTING FACILITIES

(A) Employers shall provide suitable lockers, closets, or equivalent for the safekeeping of employees' outer clothing during working hours, and when required, for their work clothing during non-working hours. When the occupation requires a change of clothing, change rooms or equivalent space shall be provided in order that employees may change their clothing in reasonable privacy and comfort. These rooms or spaces may be adjacent to but shall be separate from toilet rooms and shall be kept clean.

NOTE: This section shall not apply to change rooms and storage facilities regulated by the Occupational Safety and Health Standards Board.

(B) Suitable resting facilities shall be provided in an area separate from the toilet rooms and shall be available to employees during work hours.

14. SEATS

(A) All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats.

(B) When employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.

15. TEMPERATURE

(A) The temperature maintained in each work area shall provide reasonable comfort consistent with industry-wide standards for the nature of the process and the work performed.

(B) If excessive heat or humidity is created by the work process, the employer shall take all feasible means to reduce such excessive heat or humidity to a degree providing reasonable comfort. Where the nature of the employment requires a temperature of less than 60° F., a heated room shall be provided to which employees may retire for warmth, and such room shall be maintained at not less than 68°.

(C) A temperature of not less than 68° shall be maintained in the toilet rooms, resting rooms, and change rooms during hours of use.

(C) Federal and State energy guidelines shall prevail over any conflicting provision of this section.

16. ELEVATORS

Adequate elevator, escalator or similar service consistent with industry-wide standards for the nature of the process and the work performed shall be provided when employees are employed four floors or more above or below ground level.

17. EXEMPTIONS

If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 7, Records; Section 12, Rest Periods; Section 13, Change Rooms and Resting Facilities; Section 14, Seats; Section 15, Temperature; or Section 16, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

18. FILING REPORTS (See California Labor Code, Section 1174(a))

19. INSPECTION (See California Labor Code, Section 1174)

20. PENALTIES (See California Labor Code, Section 1199)

(A) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates, or causes to be violated, the provisions of this order, shall be subject to the civil penalty of:

(1) Initial Violation—\$50.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.

(2) Subsequent Violations—\$100.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to an amount which is sufficient to recover unpaid wages.

(3) The affected employee shall receive payment of all wages recovered.

(B) The labor commissioner may also issue citations pursuant to California Labor Code Section 1197.1 for payment of wages for overtime work in violation of this order.

21. SEPARABILITY

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

22. POSTING OF ORDER

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order and make it available to every employee upon request.

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.

**COMMISSION ON TEACHER CREDENTIALING
CBEST Fee**

This rulemaking action raises the fee for taking the state basic skills proficiency test (CBEST) from \$40 to \$41.

Title 5

California Code of Regulations

AMEND: 80487

Filed 12/26/01

Effective 12/26/01

Agency Contact: Yvonne Novelli (916) 323-6512

DEPARTMENT OF CORPORATIONS

CPA Audits; Regulatory Examinations (AB 459 (2001))

This emergency action relates to the frequency of the routine regulatory examinations of escrow agent licensees and additional information to be included in the Independent Annual Audit Report each escrow agent licensee is required to submit to the Department of Corporations under the Escrow Law (Fin. C. Secs. 17000, et seq.; Title 10, Ch. 3, Secs. 1729 and 1741.5), as well as the frequency of the routine regulatory examinations of licensees under the California Residential Mortgage Lending Act (Fin. C. Secs. 50000, et seq.; Title 10, Ch. 3, Sec. 1950.302 (CRMLA)).

Title 10

California Code of Regulations

ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5

Filed 12/31/01

Effective 01/01/02

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE

Amendment to CDFA Conflict of Interest Code

The Department of Food and Agriculture is amending its conflict of interest code found in title 3, division 1, chapter 1.1, section 2. The Fair Political Practices Commission approved the changes for filing on December 24, 2001.

Title 3

California Code of Regulations

AMEND: 2

Filed 12/27/01

Effective 01/26/02

Agency Contact:

Michael P. Krug (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE

State-Federal Meat and Poultry Inspection

This action implements Food and Agricultural Code section 18963 by adopting standards for the treatment, transportation, and marking of fallow deer headed for slaughter.

Title 3

California Code of Regulations

ADOPT: 950, 951, 952, 953, 954, 955 AMEND: 900.1, 901, 927, 930, 931

Filed 12/26/01

Effective 01/25/02

Agency Contact: Douglas Hepper (916) 654-0504

DEPARTMENT OF HEALTH SERVICES

Increase in Newborn Screening Fees

This emergency action increases the fee paid to the Department for laboratory screening of specimens collected from newborn infants for the detection of preventable heritable or congenital disorders.

Title 17

California Code of Regulations

AMEND: 6508

Filed 12/28/01

Effective 12/28/01

Agency Contact:

Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF INSURANCE

Organized Automobile Insurance Interdiction Program

This emergency rulemaking specifies the criteria for the calculation and payment of the annual assessment for the purposes of prosecuting organized automobile fraud cases.

Title 10

California Code of Regulations

AMEND: 2698.70, 2698.71

Filed 12/26/01

Effective 12/26/01

Agency Contact:

Wesley E. Kennedy (916) 854-5766

DEPARTMENT OF INSURANCE

Public Inspection and Publication of Examinations

This is the certification of compliance for standards affecting the presentation and length of comments that an insurance company may submit for publication concerning the insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10

California Code of Regulations

ADOPT: 2695.30

Filed 12/31/01

Effective 12/31/01

Agency Contact:

Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

Holocaust Victim Insurance Relief Act of 1999

This readopted emergency rulemaking adopts procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
California Code of Regulations
ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4,
2278.5
Filed 12/26/01
Effective 01/02/02
Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF JUSTICE
Proposition 65 Private Enforcement

This emergency rulemaking action provides that a notice of motion (and supporting materials) by a private enforcer for judicial approval of a settlement of a Proposition 65 lawsuit that must be served on the Attorney General must be served no later than 45 days prior to the date of the hearing of the motion, or for the maximum time permitted by the court if court rules or other applicable orders do not permit a forty-five day period. The action repeals an existing provision which allowed the Attorney General thirty days after actual receipt to review a settlement. The action also conforms existing regulations to changes made by chapter 678, statutes of 2001.

Title 11
California Code of Regulations
AMEND: 3000, 3001, 3003, 3007
Filed 12/31/01
Effective 01/01/02
Agency Contact: Edward G. Weil (510) 622-2149

DEPARTMENT OF MANAGED HEALTH CARE
Electronic Filing

This emergency regulation requires plans to submit statutorily mandated documents electronically to assist the Department in speedy and accurate data retrieval and delivery of service.

Title 28
California Code of Regulations
ADOPT: 1300.41.8
Filed 12/27/01
Effective 12/27/01
Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF PESTICIDE REGULATION
Protection of Bees

The proposed regulatory action amends provisions governing the protection of bees from the use of pesticides. Subsection 6656(g)(5) was withdrawn from review and may be resubmitted to OAL for review on or before February 11, 2002, the date the notice of proposed rulemaking on this rulemaking action expires.

Title 3
California Code of Regulations
AMEND: 6650, 6654, 6656

Filed 12/26/01
Effective 01/25/02
Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Consistency with Senate Bill 271

This is a nonsubstantive action which conforms regulations to Statutes of 2001, Chapter 319 (SB 271) which concerns transporting hazardous wastes. These regulations deal with consolidated manifests, consolidated transporters, and generators.

Title 22
California Code of Regulations
AMEND: 66260.10, 66262.12, 66263.40, 66268.7
REPEAL: 66263.42
Filed 12/31/01
Effective 12/31/01
Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF WATER RESOURCES
Grant Program Under the Creek Restoration and Flood Control Act

This resubmittal, which completes the Department of Water Resources' rulemaking action to amend the existing regulations governing the grant program under the Urban Creek Restoration and Flood Control Act of 1985, defines "stream clearance" and "flood mitigation measures," provides for periodic grant application cycles, and revises the criterion on enhancement of aesthetic, recreational, and economic values. OAL previously approved part of the initial submission of this rulemaking action on May 21, 2001.

Title 23
California Code of Regulations
AMEND: 451.1, 451.4, 451.5
Filed 12/28/01
Effective 01/27/02
Agency Contact:
Claire Priestly LeFlore (916) 653-8826

DIVISION OF WORKERS COMPENSATION
Inpatient Hospital Fee Schedule

Provisions allowing health care providers to contract for payment other than that allowed by the maximum reimbursement formula for specified implantable hardware and instrumentation for certain back surgery and cost outliers were to sunset on January 1, 2002, but AB 1177, Statutes of 2001, chapter 252, effective January 1, 2002, removed the regulation's sunset. This non-substantive filing clarifies that the sunset has been legislatively extended by the enactment of Labor Code section 5813, until the next biennial review of the fee schedules.

Title 8
California Code of Regulations
AMEND: 9792.1
Filed 12/31/01
Effective 12/31/01
Agency Contact: James Robbins (415) 703-4600

FAIR POLITICAL PRACTICES COMMISSION

Reporting by Affiliated Entities

The Fair Political Practices Commission is amending the captioned section pertaining to reporting by affiliated entities on an emergency basis. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
AMEND: 18428
Filed 12/27/01
Effective 12/27/01
Agency Contact:
Lawrence T. Woodlock (916) 322-5660

FISH AND GAME COMMISSION

Special Order Relating to Incidental Take of Coho Salmon During Candidacy Period

This filing is the second readoption of an emergency filing which permits under specified conditions the incidental take of coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 12/31/01
Effective 12/31/01
Agency Contact: John M. Duffy (916) 653-4899

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Proposed State Standard

This rulemaking requires employers to notify the Division of lead-related work in advance of starting the job.

Title 8
California Code of Regulations
AMEND: 1532.1
Filed 12/26/01
Effective 01/25/02
Agency Contact: Marley Hart (916) 274-5721

OFFICE OF THE STATE FIRE MARSHAL

Portable Fire Extinguishers

This regulatory action revises and updates the standards for the maintenance and servicing of portable fire extinguishers based on an updated

version of the national guidelines and extensive input from an advisory committee and concerned parties, including fire fighters and licensed fire extinguisher service concerns.

Title 19
California Code of Regulations
ADOPT: 565.1, 567.1, 567.2, 567.3, 567.4, 567.5, 567.6, 567.7, 567.8, 573, 575 AMEND: 550, 550.2, 557.1, 557.3, 557.4, 557.5, 557.6, 557.8, 557.9, 557.12, 557.13, 557.14, 557.16, 557.18, 557.19, 557.20, 557.21, 557.22, 557.23, 560, 560.1, 560.2, 560.3,
Filed 12/27/01
Effective 01/01/02
Agency Contact:
Rodney Slaughter (916) 445-8454

OFFICE OF THE STATE FIRE MARSHAL

Fireworks License Fees

This regulatory action adopts a fee for the original registration and classification of specified pyrotechnics.

Title 19
California Code of Regulations
ADOPT: CCR, Title 19, Chapter 6, Article 3, Section 981.3 AMEND: CCR, Title 19, Chapter 6, Article 3, Section 981.3
Filed 12/28/01
Effective 01/27/02
Agency Contact:
Rodney Slaughter (916) 445-8454

SCHOLARSHARE INVESTMENT BOARD

Governor's Scholarship Programs

This emergency regulatory action clarifies and streamlines administrative activities.

Title 5
California Code of Regulations
ADOPT: 31000, 31001, 31003, 31004, 31005, 31006, 31007
Filed 12/27/01
Effective 01/01/02
Agency Contact: Marian Cohen (916) 651-8376

STATE LANDS COMMISSION

Structural Regulations for Vapor Control Systems at Marine Terminals

This is a change without regulatory effect pursuant to Title 1, section 100 of the California Code of Regulations.

Title 2
California Code of Regulations
AMEND: 2554(b)(4), 2555(a)(1)
Filed 12/26/01
Effective 01/25/02
Agency Contact: John H. Kloman (562) 499-6312

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN AUGUST 29, 2001 TO
JANUARY 02, 2002**

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

12/27/01 AMEND: 18428
12/26/01 AMEND: 2554(b)(4), 2555(a)(1)
12/21/01 AMEND: 1859.2, 1859.81
12/20/01 AMEND: 2300(b)
12/20/01 AMEND: 45100
12/18/01 AMEND: 2541(c), 2541(d)
12/12/01 ADOPT: 1896.300, 1896.310, 1896.320,
1896.330, 1896.340, 1896.350, 1896.360,
1896.370
11/27/01 ADOPT: 599.911, 599.912, 599.913
11/26/01 ADOPT: 18540
11/16/01 ADOPT: 18539.2
11/06/01 ADOPT: 18536 REPEAL: 18536
10/31/01 AMEND: 599.936
10/31/01 AMEND: 599.911, 599.912, 599.913
10/29/01 ADOPT: 18542
10/29/01 ADOPT: 18543
10/18/01 ADOPT: 18404.2
10/09/01 ADOPT: 18530.4, 18570
10/04/01 ADOPT: 18531.6
10/04/01 AMEND: 599.502, 599.508
10/01/01 AMEND: 599.616.1, 599.619, 599.631,
599.723.1
09/17/01 ADOPT: 549.90
09/14/01 ADOPT: 58100
09/10/01 ADOPT: 37000
08/29/01 AMEND: 7286.0

Title 3

12/27/01 AMEND: 2
12/26/01 AMEND: 6650, 6654, 6656
12/26/01 ADOPT: 950, 951, 952, 953, 954, 955
AMEND: 900.1, 901, 927, 930, 931
12/20/01 ADOPT: 7010
12/14/01 AMEND: 3700(a),(b),(c)
12/12/01 AMEND: 3591.2(a)
12/05/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3,
1301.4, 1301.5, 1301.6, 1301.7, 1301.8,
1301.9
12/04/01 AMEND: 3591.12(a)
11/28/01 AMEND: 3430(b)

11/28/01 AMEND: 1359, 1392.4, 1436.30 RE-
PEAL: 1359.1, 1360, 1361, 1362, 1363
11/27/01 AMEND: 6252, 6256
11/26/01 AMEND: 1380.19
10/25/01 ADOPT: 480.9 AMEND: 300(c)(1)
10/24/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3,
1301.4, 1301.5, 1301.6, 1301.7, 1301.8,
1301.9
10/19/01 ADOPT: 2302 AMEND: 2303
10/15/01 AMEND: 3591.16
10/15/01 AMEND: 6450.2, 6450.3
10/11/01 ADOPT: 6625 AMEND: 6624
10/04/01 AMEND: 3423(b)
10/04/01 ADOPT: 3700
09/07/01 AMEND: 3406(b)
09/06/01 AMEND: 3591.12(a)
08/29/01 AMEND: 3591.13(a)

Title 4

12/12/01 REPEAL: 143.4
12/11/01 AMEND: 1979
12/10/01 AMEND: 1969
11/29/01 ADOPT: 12130
11/20/01 AMEND: 376, 377
11/19/01 ADOPT: 12100, 12102, 12104, 12106,
12108, 12110, 12120
11/19/01 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337 AMEND: 10317(c)
11/01/01 AMEND: 401, 403
10/29/01 AMEND: 8070(e)
10/12/01 ADOPT: 4144
10/11/01 AMEND: 1433
10/09/01 ADOPT: 7000, 7001, 7002, 7003, 7003.5,
7004, 7005, 7006, 7007, 7008, 7009,
7010, 7011, 7012, 7013, 7013.1, 7013.5,
7014, 7015, 7016, and 7017 REPEAL:
7000, 7001, 7002, 7003, 7004, 7005,
7006, 7007, 7008, 7009, 7010, 7011,
7012, 7013, 7014, 7015, 7016
08/30/01 AMEND: 4300, 4304, 4307

Title 5

12/27/01 ADOPT: 31000, 31001, 31003, 31004,
31005, 31006, 31007
12/26/01 AMEND: 80487
12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218,
1219, 1219.5
12/21/01 ADOPT: 31000, 31001, 31002, 31003,
31004, 31005, 31006, 31007
12/18/01 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959,
12/12/01 AMEND: 80225
12/05/01 ADOPT: 20430, 20432, 20434, 20436,
20438, 20440, 20442, 20444
11/26/01 AMEND: 22000

11/19/01 AMEND: 80026, 80027
 11/15/01 AMEND: Section 1032(i)
 11/06/01 AMEND: Section 18302
 11/05/01 REPEAL: 18140, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18165, 18166, 18167, 18168, 18169, 18170, 18171, 18172, 18173, 18174
 10/26/01 ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, 18434
 10/22/01 AMEND: 74000, 74002, 74004, 74006, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74120, 74130, 74140, 74150, 74160, 74170, 74180, 74190, 74200, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130
 10/16/01 AMEND: 53309, 53310
 10/10/01 AMEND: 59020, 59022, 59023
 10/04/01 ADOPT: 11510, 11511, 11511.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517
 10/04/01 ADOPT: 40701 AMEND: 40700
 09/19/01 AMEND: 15440, 15443, 15444, 15445, 15453, 15454, 15456, 15457, 15458, 15459, 15467, 15468, 15472, 15474, 15475, 15476, 15480, 15481, 15483, 15484, 15485, 15486 REPEAL: 15469, 15471, 15473

Title 7

12/11/01 ADOPT: 236
 11/27/01 ADOPT: 212.5

Title 8

12/31/01 AMEND: 9792.1
 12/26/01 AMEND: 1532.1
 12/24/01 AMEND: 31100
 12/04/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 6000, 60010, 60020, 60030, 60035, 60040, 60050, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61130
 11/29/01 AMEND: 5031(c)(3)
 11/19/01 AMEND: 341.15
 11/08/01 AMEND: 3340(c) and (d)
 11/02/01 AMEND: 15212

10/30/01 ADOPT: 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, 344.17 AMEND: Re-number 344.10 to 344.18
 10/29/01 AMEND: 65
 10/24/01 AMEND: 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, Appendix A
 10/23/01 AMEND: 1698(e)(1)(2)
 09/27/01 AMEND: 3469
 09/26/01 AMEND: 2943
 09/06/01 AMEND: 50, 55, 104
 09/05/01 AMEND: 4296

Title 8, 24

08/29/01 ADOPT: 3093.60 AMEND: 3000, 3001, 3009, 3093, 3093.1, 3093.2, 3093.3, 3093.4, 3093.5, 3093.6, 3093.7, 3093.8, 3093.9, 3093.10, 3093.11, 3093.12, 3093.13, 3093.14, 3093.15, 3093.16, 3093.17, 3093.18, 3093.19, 3093.20, 3093.21, 3093.22, 3093.23, 3093.24

Title 9

12/12/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545
 12/10/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Title 10

12/31/01 ADOPT: 2695.30
 12/31/01 ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5
 12/26/01 AMEND: 2698.70, 2698.71
 12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
 10/31/01 AMEND: 4081, 4081.5
 10/23/01 AMEND: 2699.6619, 2699.6629
 10/12/01 AMEND: 2698.61, 2698.62, 2698.65, 2698.66, 2698.67
 10/11/01 ADOPT: 2695.30
 10/02/01 AMEND: 2248.30, 2248.31, 2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48
 09/25/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 09/17/01 ADOPT: 2192.1 et seq.
 09/17/01 ADOPT: 5904.1, 5906 AMEND: 5900, 5901, 5903, 5904, 5905
 09/13/01 ADOPT: 2393, 2394, 2395, 2396, 2397, 2398
 09/04/01 ADOPT: 2182.1, 2182.2, 2182.3, 2182.4, 2182.5
 09/04/01 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 2-Z

08/30/01 ADOPT: 260.102.19, 260.140.41,
260.140.42, 260.140.45, 260.140.46

Title 11

12/31/01 AMEND: 3000, 3001, 3003, 3007
12/05/01 AMEND: 1005
10/29/01 ADOPT: 410, 411, 415, 416, 417, 418,
419, 420, 421, 422, 423, 424, 425, 426
10/17/01 AMEND: 1005, 1018
09/26/01 ADOPT: 977.10, 977.15, 977.20, 977.30,
977.30, 977.31, 977.32, 977.33, 977.34,
977.35, 977.36, 977.40, 977.41, 977.42,
977.43, 977.44, 977.45, 977.46, 977.47,
977.48, 977.49, 977.50, 977.51, 977.55,
977.60, 977.70, 977.71, 977.80, 977.85,
977.90

Title 13

10/30/01 AMEND: 553
10/24/01 AMEND: 1200, 1201, 1213.2
10/17/01 AMEND: 20.04
08/29/01 AMEND: 2263

Title 14

12/31/01 ADOPT: 749.1
12/20/01 AMEND: 2.00
12/19/01 ADOPT: 180.4
12/17/01 AMEND: 120
12/11/01 ADOPT: 17367, 17368, 17369, 17370.1,
17370.2, 18225
11/29/01 ADOPT: 1057, 1057.1, 1057.2, 1057.3,
1057.4, 1057.5, 1058, 1058.1, 1058.2,
1058.3, 1058.4, 1058.5
11/20/01 AMEND: 895.1, 898, 898.2, 914.8
[934.8, 954.8], 916 [936, 956], 916.2
[936.2, 956.2], 916.9 [936.9, 956.9],
916.11 [936.11, 956.11], 916.12 [916.12,
936.12, 956.12], 923.3 [943.3, 963.3],
923.9 [943.9, 963.9]
11/16/01 AMEND: 1038, 1104.1
11/08/01 AMEND: 150.16
11/07/01 AMEND: 1037.5
11/01/01 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9
10/31/01 AMEND: 163, 163.5, 164
10/31/01 AMEND: 300(a)
10/30/01 ADOPT: 1059
10/25/01 AMEND: 165, 165.5
10/23/01 AMEND: 550, 551, 552
10/17/01 AMEND: 27.82, 28.54, 28.55
10/04/01 ADOPT: 6595
10/03/01 AMEND: 502, 507(c) and 507.1
10/03/01 AMEND: 11900
10/03/01 AMEND: 14111
09/25/01 AMEND: 1038
09/24/01 ADOPT: 17367, 17368, 17369, 17370.1,
17370.2, 18225

09/24/01 ADOPT: 159 REPEAL: 148

09/18/01 AMEND: 150.16

09/17/01 AMEND: 790, 791, 791.7, 795, 796, 797,
Forms 1924, 1925, 1929, 1930, 1946,
1947, 1962, and 1972

09/17/01 AMEND: 17943

09/04/01 AMEND: 851.1, 851.4, 851.5.1, 851.6,
851.7, 851.8, 851.9, 851.9.1

09/04/01 AMEND: 13040

Title 15

11/29/01 ADOPT: 4746.5
11/27/01 AMEND: 6045.2(e)(2)(G)
11/20/01 ADOPT: 2646.1 AMEND: 2646
10/23/01 AMEND: 3375.2, 3378
10/16/01 AMEND: 3341.5
10/04/01 AMEND: 4720.1
09/20/01 AMEND: 4695

Title 16

12/19/01 AMEND: 1388, 1388.6, 1389, 1392,
1397.63 REPEAL: 1388.5
12/18/01 AMEND: 1397.61, 1397.64, 1397.65
12/17/01 AMEND: 1088
12/17/01 ADOPT: 2412 AMEND: 2418 REPEAL:
2411(a)(1)(A)
12/07/01 ADOPT: 386
12/04/01 AMEND: 1887.3
11/28/01 ADOPT: 872, 872.1
11/27/01 AMEND: 3340.16.5
11/20/01 ADOPT: 2450
10/31/01 ADOPT: 890
10/23/01 ADOPT: 1999.5 AMEND: 1970, 1970.6
10/19/01 ADOPT: 1357.1, 1357.2, 1357.3, 1357.4,
1357.5, 1357.6
10/18/01 AMEND: 2420
10/16/01 AMEND: 1391.12(b)
10/16/01 AMEND: 1870
10/15/01 ADOPT: 1024.1, 1024.3, 1024.4, 1024.5,
1024.6, 1024.7, 1024.8, 1024.9, 1024.10,
1024.11, 1024.12 AMEND: 1000 RE-
PEAL: 1024.1
10/03/01 AMEND: 1760
09/27/01 AMEND: 1399.157(b)
09/19/01 AMEND: 1419.3
09/19/01 AMEND: 89.1 REPEAL: 55
09/13/01 ADOPT: 980.1 AMEND: 974
09/10/01 AMEND: 3340.42
09/10/01 AMEND: 3005
09/07/01 AMEND: 1399.170.13
09/05/01 AMEND: 3008

Title 17

12/28/01 AMEND: 6508
11/19/01 ADOPT: 37000, 37020, 37025, 37100
11/19/01 AMEND: 57310, 57332, and 57530
11/14/01 ADOPT: 33001, 33002, 33003, 33004,
3005, 33006, 33007, 33008, 33009,

33010, 33011, 33012, 33013, 330014,
33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 33001, 33010
11/07/01 AMEND: 60201
11/05/01 ADOPT: 2638 AMEND: 2500, 2502,
2505, 2551, 2552, 2553, 2596, 2614,
2626
10/29/01 ADOPT: 30400.5, 30400.60, 30403.5,
30403.8, 30406
10/29/01 ADOPT: 30437 AMEND: 30424, 30425,
30427, 30427.2, 30436, 30447
10/25/01 ADOPT: 54327.2 AMEND: 54302,
54327, 54327.1, 56002, 56093, 58651
10/15/01 AMEND: 30225, 30253, 30350
10/11/01 AMEND: 56033
09/06/01 AMEND: 94011

Title 18

12/24/01 AMEND: 17000.30
12/24/01 ADOPT: 17951-6 AMEND: 17951-4
12/17/01 AMEND: 1642
12/14/01 ADOPT: 138
12/06/01 AMEND: 1660
12/04/01 AMEND: 1661
11/20/01 AMEND: 19513
11/08/01 ADOPT: 206
11/01/01 AMEND: 1598
11/01/01 AMEND: 1617
10/12/01 ADOPT: 18567
09/20/01 AMEND: 1574
09/17/01 AMEND: 23101.5
09/13/01 AMEND: 1705.1

Title 19

12/28/01 AMEND: 981.3
12/27/01 ADOPT: 565.1, 567.1, 567.2, 567.3,
567.4, 567.5, 567.6, 567.7, 567.8, 573,
575 AMEND: 550, 550.2, 557.1, 557.3,
557.4, 557.5, 557.6, 557.8, 557.9, 557.12,
557.13, 557.14, 557.16, 557.18, 557.19,
557.20, 557.21, 557.22, 557.23, 560,
560.1, 560.2, 560.3
08/30/01 AMEND: 2900, 2910, 2915, 2940, 2945,
2955, 2970, 2980, 2990

Title 21

12/04/01 AMEND: 7000

Title 22

12/31/01 AMEND: 66260.10, 66262.12, 66263.40,
66268.7 REPEAL: 66263.42
12/19/01 AMEND: 5151(c), 5151(e), 51518(b),
51521(i), 51527(b)
12/18/01 ADOPT: 11000, 110042, 110046,
110088, 110099, 110129, 110135,
110147, 110148, 110150, 110164,
110182, 110184, 110186, 110194,
110200, 110220, 110224, 110230,
110252, 110261, 110289, 110341,

110410, 110431, 110436, 110445,
110456, 110474, 110478, 110479
12/13/01 AMEND: 670.5
11/30/01 ADOPT: 66273.6, 66273.80-66273.90
AMEND: 66261.9, 66273.1, 66273.8,
66273.9
11/13/01 ADOPT: 64860
11/08/01 ADOPT: 67900.1, 67900.2, 67900.3,
67900.4, 67900.5, 67900.6, 67900.7,
67900.8, 67900.9, 67900.10, 67900.11,
67900.12
11/08/01 ADOPT: 66250, 66250.1, 66250.2
11/06/01 AMEND: 4408, 4409, 4414
11/06/01 AMEND: 66264.140, 66264.143,
66264.145, 66264.147, 66265.140,
66265.143, 66265.145, 66265.147
11/02/01 ADOPT: 66261.9, 66273.1, 66273.2,
66273.3, 66273.4, 66273.5, 66273.6,
66273.7, 66273.8, 66273.9, 66273.10,
66273.11, 66273.12, 66273.13, 66273.14,
66273.15, 66273.16, 66273.17, 66273.18,
66273.19, 66273.20, 66273.30, 66273.31,
66273.32, 66273.33
11/02/01 ADOPT: 100901, 100902, 100903,
100904, 100904.5 AMEND: 100900
10/24/01 AMEND: 12000
10/02/01 ADOPT: 68300, 68301, 68302, 68303,
68304, 68305, 68306, 68307, 68308,
68309
09/24/01 ADOPT: 110250, 110374, 117016,
117019, 117021, 117025, 117030,
117036, 117042, 117047, 117049,
117052, 117054, 117064, 117074,
117080, 117083, 117085, 117089,
117091, 117094, 117200, 117300,
117301, 117302, 117303, 117400,
117401, 117402, 117403
09/19/01 ADOPT: 123000
09/10/01 ADOPT: 110041, 110098, 110284,
110299, 110428, 110430, 110473,
110539, 112002, 112015, 112025,
112034, 112035, 112100, 112110,
112130, 112140, 112150, 112152,
112154, 112155, 112200, 112210,
112300, 112301, 112302 AMEND:
110042, 110431, 110609
09/06/01 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140
09/05/01 ADOPT: 51224.5 AMEND: 51051,
51200, 51104
09/04/01 ADOPT: 110413, 110550, 113100,
113200, 113300

Title 22, MPP

11/08/01 AMEND: 84110, 85002, 87102
10/25/01 ADOPT: 85081, 87593 AMEND: 85001,
87101

09/24/01 ADOPT: 87701.1, 87716.1 AMEND:
87101, 87102, 87570, 87575, 87575.1,
87701, 87701.1, 87702, 87716, 87124.1,
87721

09/19/01 AMEND: 87564.3, 87730

09/06/01 ADOPT: 35333, 35334 AMEND: 35001,
35013, 35067, 35177, 35179, 35211,
35325, 35326, 35337, 35339, 35341,
35343, 35344, 35351, 11-401, 45-803
REPEAL: 35333

Title 23

12/28/01 AMEND: 451.1, 451.4, 451.5

11/27/01 AMEND: 3952

10/09/01 AMEND: 3988

Title 25

12/19/01 AMEND: 8202, 8203, 8212, 8212.1

Title 27

10/24/01 AMEND: 15240

Title 28

12/27/01 ADOPT: 1300.41.8

12/12/01 ADOPT: 1000

08/31/01 ADOPT: 1300.75.4, 1300.75.4.1,
1300.75.4.2, 1300.75.4.3, 1300.75.4.4,
1300.75.4.5, 1300.75.4.6

Title MPP

12/11/01 AMEND: 44-314, 82-518

11/29/01 ADOPT: 44-302 AMEND: 25-301, 25-
302, 25-303, 25-304, 25-305, 25-306,
25-310.3, 25-330.9, 25-506, 44-304, 44-
305, 44-325, 44-327, 80-310

10/15/01 AMEND: 44-211.63, 44-211.64

10/10/01 AMEND: 42-205, 43-119, 44-133

10/01/01 AMEND: 63-102, 63-300, 63-301, 63-
402, 63-405, 63-501, 63-502, 63-503,
63-504, 63-507

09/17/01 ADOPT: 49-101, 49-105, 49-110, 49-115,
49-120, 49-125

09/10/01 AMEND: 42-710.1, 42-710.2, 42-710.3,
42-711.9, 42-716.11, 63-407.2, 63-407.5

08/30/01 AMEND: 42-702, 42-716, 44-111

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.

ACUPUNCTURE BOARD

Deleting Clinical Examination Requirement

Conforming to a 1999 legislative change
(AB 1105), the Board is deleting references to passage
of a clinical examination from its regulations.

Title 16

California Code of Regulations

AMEND: 1399.417, 1399.419, 1399.443, 1399.444

REPEAL: 1399.445

Filed 06/20/01

Effective 06/20/01

Agency Contact:

Marilyn Nielsen

(916) 263-2682

AIR RESOURCES BOARD

Enhanced Vapor Recovery (CP—201, Section 18)

This emergency action amends the Board's proce-
dure for certification of vapor recovery systems used
at gasoline stations by adding a new section 18 that
provides for a certification period of four years.

Title 17

California Code of Regulations

AMEND: 94011

Filed 05/31/01

Effective 06/01/01

Agency Contact:

Diane M. Johnston

(916) 322-2884

AIR RESOURCES BOARD

Consumer Products Antiperspirants and Deodorants

This rulemaking action raises the allowable percent
of volatile organic compounds by weight for high
volatility organic compounds (HVOCs) in antiperspi-
rants from 0 to 40 for products manufactured
beginning January 1, 2001, clarifies that the rule
94502(d) "Special Requirements for Aerosol Manu-
facturers" apply only to aerosol products manufac-
tured before January 1, 1999, modifies reportable
information, and changes reporting from annually to
upon receipt of a 90 day written notice from the Air
Resources Board.

Title 17

California Code of Regulations

AMEND: 94502, 94504

Filed 06/06/01

Effective 06/06/01

Agency Contact:

Robert C. Jenne

(916) 322-2884

**2001 INDEX OF REGULATIONS
FILED WITH THE
SECRETARY OF STATE**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

January 1, 2001 through December 31, 2001

This Summary of Regulatory Actions lists regula-
tions filed with the Secretary of State on the dates
indicated. Copies of the regulations may be obtained

AIR RESOURCES BOARD

Aerosol Coating Products

This action implements a change from mass based VOC emission limits for aerosol coatings to a system of limits based upon the reactivity of the VOCs comprising aerosol coating products.

Title 17

California Code of Regulations

ADOPT: 94700, 94701 AMEND: 94521, 94522, 94523, 94524, 94526

Filed 06/18/01

Effective 07/18/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Asbestos ATCM for Surfacing Applications

Existing section 93106 of title 17 of the California Code of Regulations contains the asbestos airborne toxic control measure for asbestos containing serpentine. Existing section 93106 provides in part that no person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of 5% or less. This regulatory action extensively revises this standard to, among other changes, revise the asbestos content limit downward to 0.25% and expand beyond serpentine to include ultramafic rock, aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit, or any aggregate material determined to have an asbestos content of 0.25% or greater.

Title 17

California Code of Regulations

AMEND: 93106

Filed 07/16/01

Effective 07/16/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Automotive Maintenance Repair ATCM

This regulation establishes airborne toxic control measures for methylene chloride (MeCl), perchloroethylene (Perc), and trichloroethylene (TCE), each of which has previously been identified by the Air Resources Board as a toxic air contaminant. The measures provide that brake cleaners, carburetor or fuel-injection air intake cleaners, engine degreasers, and general purpose degreasers manufactured after June 30, 2001 and sold or intended for sale in California must not contain one percent or more by weight of MeCL, Perc, or TCE. The regulation provides manufacturers with a sell-through period (a 12-month opportunity to sell affected products manu-

factured on or before June 30, 2001) and provides facility owners and operators with six months to use affected products after the end of the sell-through period. The regulation also establishes standards and procedures for obtaining a variance and establishes a test method for determining compliance with the regulation. There are no comparable federal regulations regarding emissions from the use of automotive consumer products containing MeCL, Perc, or TCE in automotive maintenance and repair activities.

Title 17

California Code of Regulations

ADOPT: 93111

Filed 04/04/01

Effective 04/04/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD

Light & Medium Duty LEV Alignment HDGE

This action better aligns California's exhaust emission standards for heavy duty gasoline engine vehicles and California's LEV 2 Program with federal standards for heavy duty vehicles and new federal Tier 2 standards for passenger cars and light trucks.

Title 13

California Code of Regulations

AMEND: 1956.6, 1961

Filed 04/30/01

Effective 05/30/01

Agency Contact:

W. Thomas Jennings (916) 322-2884

AIR RESOURCES BOARD

California Phase 3 Reformulated Gasoline

This rulemaking action establishes limits for sulfur, benzene, olefin, and aromatic hydrocarbons in denatured ethanol intended for use in California gasoline starting December 31, 2002 ("CaRFG3") and limits for denaturants used in such ethanol. The action also establishes a new predictive model ("CARBOB Model") which may be used instead of laboratory analysis of hand-blended gasoline and oxygenate to determine whether a gasoline from a refinery ("California reformulated gasoline blendstock for oxygenate blending" or "CARBOB") will satisfy California standards upon blending. In addition, the rulemaking action addresses the blending of CARBOB with other CARBOB, provides for protocols on up to six averaging banks and offset requirements per facility, establishes small refiner options in producing diesel fuel to offset the excess emissions from gasoline subject to the small refiner CaRFG3 standards, and revises and clarifies provisions on reproducibility of certain test methods, the sampling of gasoline, transitions to the winter oxygenates season, and racing gasoline.

Title 13

California Code of Regulations

ADOPT: 2262.9 AMEND: 2260, 2261, 2262.3, 2262.5, 2263, 2264, 2265, 2266, 2266.5, 2270, 2272, 2273, 2282, 2296, 2297

Filed 08/20/01

Effective 08/20/01

Agency Contact:

W. Thomas Jennings (916) 322-2884

AIR RESOURCES BOARD**Cleaner Burning Gasoline Test Methods**

This action updates the ASTM test methods designated by the Board for the measurement of the olefin fraction and the volatility characteristics of gasoline.

Title 13

California Code of Regulations

AMEND: 2263

Filed 08/29/01

Effective 09/28/01

Agency Contact:

W. Thomas Jennings (916) 322-2884

AIR RESOURCES BOARD**Enhanced Vapor Recovery (CP-201, section 18)**

This is the resubmission of a rule to be included in Board Certification Procedure 201 that specifies a life of four years for Board certification of gasoline dispensing vapor recovery systems.

Title 17

California Code of Regulations

ADOPT: none AMEND: 94011 REPEAL: none

Filed 09/06/01

Effective 10/06/01

Agency Contact:

Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD**Heavy Duty Diesel Emissions Standards and Test Procedures**

This action amends the test procedure for heavy-duty diesel engines and vehicles by accelerating federal amendments to the federal test procedure to the 2005 model year, rather than the 2007 model year, including a 13 to 16 mode test and a Not to Exceed test with its associated emissions standard.

Title 13

California Code of Regulations

ADOPT: 2065 AMEND: 1956.8

Filed 07/25/01

Effective 07/25/01

Agency Contact:

Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD**Consumer Products Aerosol Adhesives**

This rulemaking action replaces the 25 percent volatile organic compound (VOC) standard, which was to become effective for all aerosol adhesives on January 1, 2002, with standards for three categories and seven subcategories of aerosol adhesives ranging from 55 to 70 percent VOCs, prohibits the use of the toxic air contaminants methylene chloride, perchloroethylene, and trichloroethylene in aerosol adhesives manufactured after January 1, 2002, but provides that products manufactured by that date may be sold or supplied until January 1, 2005. The action also imposes corresponding labeling and reporting requirements on manufacturers and distributors of aerosol adhesives.

Title 17

California Code of Regulations

AMEND: 94508, 94509, 94512, 94513

Filed 04/18/01

Effective 05/18/01

Agency Contact:

Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD**Agricultural Burning Guidelines**

This rulemaking action revises the Air Resources Board (ARB) Agricultural Burning Guidelines to provide increased opportunities for agricultural burning while minimizing smoke impacts on the public. The action provides that the ARB may as an alternative to specifying a day as a permissive burn day, or a no-burn day declare a marginal burn day which allows a district to authorize limited burning. The revised Guidelines require each air district or region in the state to develop a smoke management program for agricultural burning (including prescribed burning) and specifies program elements and requirements that must be included, unless the Executive Officer of the Air Resources Board approves an alternative burn authorization system for a district or region. A program must require registration of all planned burn projects and require submittal of a smoke management plan for review and approval by a district for all burn projects greater than 10 acres or estimated to produce more than 1 ton of particulate matter, including naturally-ignited wildland fires managed for resource benefits. A smoke management plan for a burn project greater than 100 acres or estimated to produce more than 10 tons of particulate matter must include an evaluation of alternatives to burning. If smoke may impact smoke sensitive areas, a smoke management plan must include appropriate monitoring. The action also establishes procedures for smoke management program approval by the ARB and appeal of disapprovals.

Title 17
 California Code of Regulations
 ADOPT: 80145, 80179 AMEND: 80100, 80101,
 80102, 80110, 80120, 80130, 80140, 80150, 80155,
 80160, 80170, 80180, 80200, 80210, 80230, 80240,
 80250, 80260, 80270, 80280, 80290, 80300, 80310,
 80311, 80320, 80330 REPEAL: 80175
 Filed 03/14/01
 Effective 03/14/01
 Agency Contact:
 Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD
Transit Bus Standards

The regulatory action deals with public transit bus fleets and emission standards for new urban buses and is effective upon filing pursuant to Government Code section 11343.4. (Prior OAL File 00-1208-03S.)

Title 13
 California Code of Regulations
 AMEND: 1956.1, 1956.2, 1956.4
 Filed 06/04/01
 Effective 06/04/01
 Agency Contact:
 Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD
Transit Bus Standards

The regulatory action deals with public transit bus fleets and emission standards for new urban buses. The regulations incorporate by reference "California Certification Procedures for PM Retrofit Devices For On-Road Heavy-Duty Diesel Engines" (adopted November 22, 2000), "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" (adopted April 8, 1985 and last amended November 22, 2000) and "California Motor Vehicle Emission Control and Smog Index Label Specifications" (adopted March 1, 1978 and last amended November 22, 2000). The regulatory action is effective on filing pursuant to Government Code section 11343.4, subdivision (c). PLEASE NOTE: Only subsection (c)(8) of section 1956.2 and cross references to subsection (c)(8) contained in subsection (a)(11) of section 1956.1, subsection (c)(5) of section 1956.2 and subsection (3)(a) ix. of the incorporated by reference "California Motor Vehicle Emission Control and Smog Index Label Specifications" (adopted March 1, 1978 and last amended November 22, 2000) are disapproved for incorrect procedure.

Title 13
 California Code of Regulations
 ADOPT: 1956.1, 1956.2, 1956.3, 1956.4 AMEND:
 1956.8, 1965
 Filed 01/23/01

Effective 01/23/01
 Agency Contact:
 Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD
Conditional Rice Straw Burning Permit Program

This regulatory action adopts the requirements for a conditional rice straw burning permit.

Title 17
 California Code of Regulations
 ADOPT: 80156, 80157, 80158 AMEND: 80101
 Filed 08/20/01
 Effective 08/20/01
 Agency Contact:
 Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD
Conflict of Interest Code

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on May 21, 2001, and submitted to the Office of Administrative law for printing only and filing with the Secretary of State.

Title 17
 California Code of Regulations
 AMEND: 95001, 95002, 95005
 Filed 07/17/01
 Effective 08/16/01
 Agency Contact: Diane Moritz (916) 322-2884

AIR RESOURCES BOARD
Area Designations/State Ambient Air Ambient Air Quality Standards

This rulemaking amends the area designations for California with respect to the State ambient air quality standards. Specifically, this rulemaking redesignates Butte, Glenn, and Mono Counties from nonattainment-transitional to nonattainment for ozone.

Title 17
 California Code of Regulations
 AMEND: 60201
 Filed 05/30/01
 Effective 06/29/01
 Agency Contact: George Poppic (916) 322-3940

AIR RESOURCES BOARD
Area Designations

This change without regulatory effect filing makes changes to the table indicating districts within the state that are nonattainment-transitional for ozone pursuant to section 40925.5 of the Health and Safety Code.

Title 17
 California Code of Regulations
 AMEND: 60201
 Filed 11/07/01
 Effective 11/07/01
 Agency Contact: George Poppic (916) 322-3940

AIR RESOURCES BOARD**Hot Spots Fee Regulation FY 2000–2001**

The regulatory action deals with the “Hot Spots” fees.

Title 17

California Code of Regulations

AMEND: 90705

Filed 05/30/01

Effective 05/30/01

Agency Contact: Noreen Skelly (916) 322-2884

AIR RESOURCES BOARD**Enhance Vapor Recovery**

This action sets more rigorous standards and test procedures for Board certification of equipment used for gasoline vapor recovery during refueling of vehicles and District evaluation of equipment in use.

Title 17

California Code of Regulations

ADOPT: 94163 AMEND: 60030, 94010, 94011, 94148, 94149, 94154

Filed 03/20/01

Effective 04/01/01

Agency Contact:

Diane M. Johnston (916) 322-2884

ATHLETIC COMMISSION**HIV/HBV Test Reporting**

This rulemaking specifies that the phrase “within 30 days prior to the date of application” means that the blood test required for application for or renewal of a license as a professional boxer or material arts fighter will be accepted no later than 30 days from the date of the test report.

Title 4

California Code of Regulations

AMEND: 214, 546

Filed 03/20/01

Effective 04/19/01

Agency Contact: Leydis Church (916) 263-2197

ATHLETIC COMMISSION**Break In Service and Benefit Allocation**

This rulemaking provides all vested boxers who fought in the current plan year will receive 100% of their benefits even if there has been a prior break in service.

Title 4

California Code of Regulations

AMEND: 401, 403

Filed 11/01/01

Effective 12/01/01

Agency Contact: Leydis Church (916) 263-2197

ATHLETIC COMMISSION**Referee’s Performance and Hearing**

The proposed regulatory action amends provisions governing boxing referee performance evaluations and license suspension or revocation hearing procedures.

Title 4

California Code of Regulations

AMEND: 376, 377

Filed 11/20/01

Effective 12/20/01

Agency Contact: Leydis Church (916) 263-2197

BOARD FOR GEOLOGISTS AND**GEOPHYSICISTS****Registered Geologist Examination Fees**

The proposed regulatory action reduces registration fees for applicants taking the Fundamentals of Geology examination required for licensing as a Registered Geologist. This action also repeals other obsolete registration and examination fees.

Title 16

California Code of Regulations

AMEND: 3005

Filed 09/10/01

Effective 10/10/01

Agency Contact: Paul Sweeney (916) 263-2113

BOARD FOR GEOLOGISTS AND**GEOPHYSICISTS****Definitions**

The Board of Registration for Geologists and Geophysicists has been changed to Board for Geologists and Geophysicists. The subject amendments are providing for that change.

Title 16

California Code of Regulations

AMEND: 3000, 3003, 3005

Filed 02/28/01

Effective 03/30/01

Agency Contact:

Mary Lynn Ferreira (916) 263-2113

BOARD FOR GEOLOGISTS AND**GEOPHYSICISTS****Use of Seals**

This rulemaking action prohibits geologists and geophysicists from using a certified specialty seal on Real Estate Transfer Disclosure Statements. The board determined that the use of the seal on the statement may mislead a consumer to believe that a geologic or geophysical inspection of the property was performed.

Title 16

California Code of Regulations

AMEND: 3008

Filed 09/05/01

Effective 10/05/01

Agency Contact: Paul Sweeney (916) 263-2113

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**Establishment of Fees For Retired Status**

This regulatory action adopts a licensing fee for retired licensees.

Title 16

California Code of Regulations

AMEND: 407

Filed 03/15/01

Effective 04/14/01

Agency Contact: David E. Brown (916) 263-2020

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**Experience Requirements**

This action separates the education and experience standards applicable to engineers and land surveyors into two regulations, deletes an expired provision allowing waiver of the professional engineer's fundamentals examination, and establishes criteria for evaluation of the sufficiency of surveyor's "responsible field training" and "responsible office training."

Title 16

California Code of Regulations

ADOPT: 425 AMEND: 424, 438

Filed 01/25/01

Effective 02/24/01

Agency Contact:

Howard W. Brunner (916) 263-2271

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**Examination Subversion**

The proposed regulatory action amends the examination fraud provisions detailing actions which constitute subversion and the consequences which will be imposed.

Title 16

California Code of Regulations

AMEND: 442

Filed 03/20/01

Effective 03/20/01

Agency Contact: Donna J. Vaum (916) 263-2250

BOARD OF ACCOUNTANCY**Permission to use Name/Reports**

This nonsubstantive action repeals a regulation that allowed an exception to the rule that a licensee could not allow any person to practice using his or her name who was not a partner or employee; and amends a grammatical error.

Title 16

California Code of Regulations

AMEND: 89.1 REPEAL: 55

Filed 09/19/01

Effective 10/19/01

Agency Contact: Aronna Granick (916) 263-3788

BOARD OF ACCOUNTANCY**Permit Processing/Fee/Renew/Disciplinary Guidelines**

This rulemaking action specifies time frames for processing applications for approval of credential evaluation services, revises fees for exams and issuance of certified public accountant certificates, and incorporates by reference the 4th edition of the Board's disciplinary guidelines. The Board withdrew from review the amendments to section 93, which concerned expiration and renewal times for, and the process for renewal of permits issued to accountancy partnerships or accountancy corporations.

Title 16

California Code of Regulations

AMEND: 5.1, 70, 93, 98

Filed 05/03/01

Effective 07/01/01

Agency Contact: Aronna Granick (916) 263-3788

BOARD OF BEHAVIORAL SCIENCES**Continuing Education Course Requirements**

This regulatory action requires licensees to complete a course on law and ethics as part of the continuing education requirement.

Title 16

California Code of Regulations

AMEND: 1887.3

Filed 12/04/01

Effective 01/01/02

Agency Contact:

Julie McAuliffe (916) 445-4933 x1142

BOARD OF BEHAVIORAL SCIENCES**Human Sexuality Training**

The proposed regulatory action would specify that the Board shall approve continuing education providers instead of the existing language which provides that professional associations may approve continuing providers. It would also correct a citation to the Education Code.

Title 16

California Code of Regulations

AMEND: 1807

Filed 07/12/01

Effective 08/11/01

Agency Contact:

Julie McAuliffe (916) 445-4933 x1142

BOARD OF BEHAVIORAL SCIENCES**Requirements for Associate Clinical Social Worker Supervisors**

The Board of Behavioral Sciences is amending the captioned section which is revising the revision date for the form "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" from its

prior revision date of November 1998 to its current revision date of September 2001. The new form adds the language found in number 4 "I have completed a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider" (16 CCR 1870(a)(4)(A)). The form states that psychologists and physicians certified in psychiatry are exempt from this requirement. This is due to the fact that they are not licensed by the Board of Behavioral Sciences and because of that do not have the jurisdiction to require the 15 contact hours aforementioned..

Title 16
California Code of Regulations
ADOPT: none AMEND: Section 1870 REPEAL:
none
Filed 10/16/01
Effective 11/15/01
Agency Contact:
Julie McAuliffe (916) 445-4933 x1142

BOARD OF BEHAVIORAL SCIENCES **Corporation Registration and Experience**

The proposed nonregulatory action would repeal provisions regarding registration of professional corporations and a section titled "Experience" which only applies to applicants before January 1, 1990.

Title 16
California Code of Regulations
AMEND: 1805.1 REPEAL: 1817, 1850.8, 1873
Filed 03/22/01
Effective 04/21/01
Agency Contact:
Julie McAuliffe (916) 445-4933 x1142

BOARD OF CHIROPRACTIC EXAMINERS **Renewal and Restoration**

Existing regulation allows a license to be inactive for an indefinite period if not renewed, permitting the licensee to reinstate the license at any later time upon payment of a renewal fee and proof of one year's required continuing education. This regulatory action would limit the renewal period to three years, and, after three years, require proof that the licensee has completed the required number of continuing education units for each year beyond the three years before renewing, and require all the continuing education to occur in the year immediately before renewal/restoration.

Title 16
California Code of Regulations
ADOPT: 355(c) AMEND: 355(b), 355(d)
Filed 03/19/01
Effective 04/18/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Inactive License

The proposed action would establish the provisions for declaring a license inactive and for reinstating a license that is inactive.

Title 16
California Code of Regulations
ADOPT: 355.2
Filed 07/02/01
Effective 08/01/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS **Fraud**

The proposed regulatory action establishes the penalty to be imposed after an administrative hearing for any licensee found to have a second separate conviction for fraud. This action is the resubmittal of previously withdrawn OAL file number 01-0620-01S.

Title 16
California Code of Regulations
ADOPT: 386
Filed 12/07/01
Effective 01/06/02
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS **Ownership and Transfer**

The proposed amendment would require notification to the Board of the transfer of shares in a professional corporation in the event of shareholder disqualification by license suspension, revocation or death.

Title 16
California Code of Regulations
AMEND: 367.9(b)(2)
Filed 07/19/01
Effective 08/18/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS **Use of Title By Unlicensed Persons**

This regulatory action prohibits the use of "chiropractor" and the designations "Dr. or "D.C." or any other designation implying that the person is licensed as a chiropractor, unless the person has a valid, unrevoked or unsurrendered license.

Title 16
California Code of Regulations
AMEND: 310.2
Filed 07/20/01
Effective 08/19/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Curriculum

The proposed regulatory action would amend the curriculum requirement for physiotherapy to include additional clinical training with a minimum of 30 patient office visits in which physiotherapy procedures are performed by the student on their own clinic patients.

Title 16

California Code of Regulations

AMEND: 331.12.2, 331.12.3, 331.13

Filed 04/17/01

Effective 05/17/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Nonsubstantive Text Modifications

This nonregulatory action would correct the formatting for some of the subsections by changing the lettering assigned to those subsections to conform to the format of the remainder of the section.

Title 16

California Code of Regulations

AMEND: 331.13

Filed 04/19/01

Effective 05/19/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CORRECTIONS

Minimum Standards For Local Detention Facilities

Section 6030 of the Penal Code directs the Board of Corrections to establish and biennially review minimum standards for local detention facilities. This regulatory action revises the standards already established.

Title 15

California Code of Regulations

AMEND: 1005, 1006, 1008, 1010, 1013, 1020, 1021, 1024, 1025, 1027, 1029, 1051, 1053, 1054, 1055, 1056, 1058, 1061, 1062, 1063, 1066, 1068, 1069, 1070, 1080, 1083, 1206, 1209, 1230, 1241, 1242, 1243, 1245, 1247, 1262, 1265, 1272

Filed 01/11/01

Effective 02/10/01

Agency Contact:

Charlene Aboytes (916) 324-1914

BOARD OF CORRECTIONS

Minimum Standards for Local Juvenile Facilities

This regulatory action amends the minimum standards for local juvenile facilities.

Title 15

California Code of Regulations

ADOPT: 1327, 1328 AMEND: 1302, 1310, 1313, 1314, 1321, 1322, 1324, 1326, 1341, 1342, 1343, 1351, 1352, 1353, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1370, 1371, 1372, 1377, 1390, 1391,

1402, 1412, 1431, 1437, 1738, 1450, 1461, 1462, 1463, 1464, 1465,

Filed 01/11/01

Effective 02/10/01

Agency Contact:

Charlene Aboytes (916) 324-1914

BOARD OF CORRECTIONS

Conflict of Interest Code

The Board of Corrections is adopting its conflict of interest code which was approved by the Fair Political Practices Commission on November 2, 2000.

Title 15

California Code of Regulations

ADOPT: Section 1

Filed 01/04/01

Effective 02/03/01

Agency Contact:

Marilyn Coombs (916) 323-8631

BOARD OF CORRECTIONS

Standards & Training of Local Corrections & Probations Officers

This regulatory action increases the minimum hours of instruction required for the Corrections Officer Core Course.

Title 15

California Code of Regulations

AMEND: 179

Filed 05/29/01

Effective 07/01/01

Agency Contact: Wayne Landberg

BOARD OF EDUCATION

California High School Exit Examination

To improve pupil achievement in California high schools and ensure that pupils who graduate from high school demonstrate grade-level competency in English/language arts and mathematics, the Legislature authorized the development of a California high school exit examination and administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. This regulatory action provides the procedures that school districts must follow to administer the California high school exit examination.

Article 3 of the proposed regulations (sections 1215, 1216, 1217, and 1218) entitled "Accommodations" was withdrawn by the Board to make further changes.

Title 5

California Code of Regulations

ADOPT: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1215, 1216, 1217, 1218, 1220, 1225

Filed 06/20/01

Effective 07/20/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION**California High School Exit Examination**

To improve pupil achievement in California high schools and ensure that pupils who graduate from high school demonstrate grade-level competency in English/language arts and mathematics, the Legislature authorized the development of a California high school exit examination and administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. On June 20, 2001, the Office of Administrative Law (OAL) approved a regulatory action providing the procedures that school districts must follow to administer the California high school exit examination. Article 3 of the proposed regulations (sections 1215, 1216, 1217, and 1218) entitled "Accommodations" was withdrawn by the Board prior to OAL approval to make further changes. On November 20, 2001, the Board resubmitted to OAL a revised Article 3 (sections 1215, 1216, 1217, 1217.5, 1218, 1219, and 1219.5) on accommodations on the exam for pupils or adult students with disabilities or for English language learners.

Title 5

California Code of Regulations

ADOPT: 1215, 1216, 1217, 1217.5, 1218, 1219, 1219.5

Filed 12/21/01

Effective 01/20/02

Agency Contact: Pat McGinnis (916) 657-4669

BOARD OF EDUCATION**Conflict of Interest Code Amendment**

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on June 28, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 5

California Code of Regulations

AMEND: 18600

Filed 08/01/01

Effective 08/31/01

Agency Contact: Rae Belisle (916) 653-1540

BOARD OF EDUCATION**Award Programs Linked to API**

This emergency regulatory action amends the eligibility criteria for awards programs.

Title 5

California Code of Regulations

AMEND: 1032

Filed 08/02/01

Effective 08/02/01

Agency Contact: Linda A. Cabatic

BOARD OF EDUCATION**California English Language Development Test**

This regulatory action is intended to clarify what is required of school districts in administering the California English Language Development Test.

Title 5

California Code of Regulations

ADOPT: 11510, 11511, 11511.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517

Filed 10/04/01

Effective 11/03/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION**Criteria and Standards for Budgets and Reports**

This action amends the criteria and standards for fiscal accountability for school districts and county offices of education budgets and interim reports. This filing is exempt from the Administrative Procedure Act pursuant to Education Code section 33131 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 5

California Code of Regulations

AMEND: 15440, 15443, 15444, 15445, 15453, 15454, 15456, 15457, 15458, 15459, 15467, 15468, 15472, 15474, 15475, 15476, 15480, 15481, 15483, 15484, 15485, 15486 REPEAL: 15469, 15471, 15473

Filed 09/19/01

Effective 09/19/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION**Safe Schools Assessment Program**

This rulemaking action modifies the school crime data that public schools must report annually to the California Department of Education to include the reporting of hate motivated incidents and hate crimes, as required by Assembly Bill 1785 (Chapter 955 of the Statutes of 2000).

Title 5

California Code of Regulations

AMEND: 700, 701, 702, 704

Filed 08/01/01

Effective 08/01/01

Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION**Nondiscrimination and Educational Equity**

The Board is comprehensively revising its nondiscrimination regulations, to reflect recent legislative changes and to comply with a court order.

Title 5

California Code of Regulations

ADOPT: 4914, 4915, 4915, 4916, 4917, 4925, 4926, 4927, 4963, 4964, 4965 AMEND: 4900,

4901, 4902, 4910, 4911, 4912, 4913, 4920, 4921,
4922, 4930, 4931, 4940, 4960
Filed 06/13/01
Effective 07/13/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
Award Programs Linked to API

This Certificate of Compliance follows emergency actions (OAL file numbers 00-1218-04E and 01-0122-02E) which implemented three statutory awards programs which provide for ranking and comparing schools, their achievement, growth, and improvement, setting targets, and providing for monetary and non-monetary awards to demonstrably improving schools and staff, clarifying eligibility criteria and the applicable funding formulae. The programs were first implemented by emergency regulations effective on December 29, 2000, modified effective February 1, 2001. OAL disapproves subsection 1032(i) which was added as the result of a post-hearing modification.

Title 5
California Code of Regulations
ADOPT: 1031, 1032, 1032(i), 1033, 1034, 1035,
1036, 1037, 1038, 1039
Filed 06/11/01
Effective 06/11/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
Award Programs Linked to API

This emergency action revises regulations implementing three statutory awards programs which provide for ranking and comparing schools, their achievement, growth, and improvement, setting targets, and providing for monetary and non-monetary awards to achieving schools and staff by clarifying eligibility criteria and the applicable funding formulae. The programs were implemented by emergency regulations effective on December 29, 2000.

Title 5
California Code of Regulations
ADOPT: 1038 AMEND: 1032, 1033, 1035, 1039
Filed 01/30/01
Effective 01/30/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
Standardized Testing and Reporting Program

This is the certification of compliance for an action that updates the regulations governing administration of the Standardized Testing And Reporting program to conform with statutory changes in the program and clarifies the rule concerning exemption of students from testing.

Title 5
California Code of Regulations
AMEND: 850, 852, 853, 855, 857, 858, 859, 862,
864.5, 866, 867, 867.5, 868, 870, 880, 884, 891, 894
Filed 05/09/01
Effective 05/09/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
Award Programs Linked To API/ Section 1032(i)

In June 2001, OAL approved all but one section of a Certificate of Compliance for emergency regulations implementing three statutory awards programs to compare and rank school achievement, growth, and improvement, set targets, and provide both monetary and non-monetary awards to demonstrably improving schools and staff. This revised provision prescribes how and when schools must correct any erroneous testing and demographic data posted on the Department's web site.

Title 5
California Code of Regulations
AMEND: Section 1032 (I)
Filed 11/15/01
Effective 11/15/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
Instructional Materials

This regulatory action updates the "Standards for Evaluating the Social Content of Instructional Materials."

Title 5
California Code of Regulations
AMEND: 9511 REPEAL: 9510
Filed 01/22/01
Effective 02/21/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION
School-Age Parenting and Infant Development Programs

The proposed change without regulatory effect repeals the School Age Parenting and Infant Development Program regulations. This action implements S.B 1064 (Stats. 1998, Chap. 1078) which repealed the statutory authority for those regulations.

Title 5
California Code of Regulations REPEAL: 18140,
18141, 18142, 18143, 18144, 18145, 18146, 18147,
18148, 18149, 18150, 18151, 18152, 18153, 18154,
18155, 18156, 18157, 18158, 18159, 18160, 18161,
18162, 18163, 18164, 18165, 18166, 18167, 18168,
18169, 18170, 18171, 18172, 18173, 18174
Filed 11/05/01
Effective 12/05/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EQUALIZATION**Vending Machines**

The proposed amendment would provide a presumption that taxable vending machine sales are made on a tax-included basis and delete the requirement for posting such statement, would include the formula for calculating the cold food factor, and would delete obsolete provisions.

Title 18

California Code of Regulations

AMEND: 1574

Filed 09/20/01

Effective 10/20/01

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

BOARD OF EQUALIZATION**Bad Debts**

This rulemaking action amends regulation section 1642, which interprets and explains Sales and Use Tax Law as it applies to retailers taking deductions or submitting claims for refund for accounts receivable found to be worthless. The amendment conforms the regulation to amendments made to Revenue and Taxation Code Sections 6055 and 6203.5 by A.B. 599 (Stats. 2000, Ch. 600), which extended such relief to certain lenders with regard to accounts sold without recourse, codifies existing policies in regulatory form, and makes minor style changes.

Title 18

California Code of Regulations

AMEND: 1642

Filed 12/17/01

Effective 01/16/02

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

BOARD OF EQUALIZATION**Relief From Liability**

The existing regulation defines when taxpayers may be relieved of liability for taxes, penalties, and interest when reasonably relying upon written advice from the Board that the transaction at issue is not subject to tax. This rulemaking requires the Board, when it approves the use of a reporting method include certain information in its written approval to the taxpayer.

Title 18

California Code of Regulations

AMEND: 1705

Filed 05/23/01

Effective 06/22/01

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

BOARD OF EQUALIZATION**Oil Spill Response, Prevention & Administration Fees Law**

This rulemaking defines the terms "petroleum products," and "barrels" for the purposes of the Oil Spill Response, Prevention and Administration Fees

Law, and adds electronic record keeping and relief from liability provisions parallel to similar provisions in the sales and use tax regulations. The Oil Spill Fees Law gives the oil spill administrator (within the Department of Fish and Game) authority to set fees for owners of petroleum products or crude oil when it arrives at a marine terminal and operators of pipelines, as specified, and mandates the Board to collect the fees, for which they needed to define terms and procedures more fully.

Title 18

California Code of Regulations

ADOPT: 2240, 2241, 2242, 2250, 2255

Filed 06/06/01

Effective 07/06/01

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

BOARD OF EQUALIZATION**Mining Properties**

The proposed change without regulatory effect would delete the reference in subsection (e)(2)(B)(1) to Property Tax rule 460.1, 1975 Base Year Values, which was repealed on June 6, 1998.

Title 18

California Code of Regulations

AMEND: 469

Filed 06/07/01

Effective 06/07/01

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

BOARD OF EQUALIZATION**Motor Vehicle & Aircraft Fuels**

This rulemaking action concerns the Sales and Use Tax Law as it applies to sales of motor vehicle and aircraft fuels. Revisions are made to be consistent with statutory changes, in particular allowing qualified fuel purchasers to purchase fuel without payment of the sales tax on the federal excise taxes included in the price of the fuel purchased, under certain conditions. Samples of Exemption Certificates are amended and added.

Title 18

California Code of Regulations

AMEND: 1598

Filed 11/01/01

Effective 12/01/01

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

BOARD OF EQUALIZATION**Change in Ownership—Joint Tenancies**

The Board of Equalization is making a grammatical change in "Example 8." of subsection (b)(1).

Title 18

California Code of Regulations

AMEND: 462.040

Filed 04/03/01
Effective 04/03/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Permits

This regulatory action defines the term “concessionaire” and clarifies when a retailer is liable for the tax deficiencies derived from unreported sales made by a concessionaire operating within the perimeter of the retailer’s business.

Title 18
California Code of Regulations
AMEND: 1699
Filed 08/08/01
Effective 09/07/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Assessment of Artificial Satellites

The proposed regulatory action provides that an artificial satellite permanently located in outer space does not have a tax situs in this state.

Title 18
California Code of Regulations
ADOPT: 206
Filed 11/08/01
Effective 12/08/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Innocent Spouse Relief from Liability

This regulatory action interprets and explains the Sales and Use Tax Law as it applies to innocent spouse relief from liability. It explains when sales of such property are subject to sales and use tax and when they are not. It specifically defines when relief is available to a person as an “innocent spouse,” and establishes criteria for “equitable relief” claims.

Title 18
California Code of Regulations
AMEND: 1705.1
Filed 09/13/01
Effective 10/13/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Business Inventory Exemption

Rule 133 describes the requirement that for property held by nonprofessional service enterprises to be regarded as “business inventories” held for sale, it must be delivered as an item regularly included in the service. This non-substantive action amends Rule 133 to conform to a recent California Court of Appeal decision in *Transworld Systems, Inc. v. Sonoma County* (2000) 78 Cal.App.4th 713 which has become final.

Title 18
California Code of Regulations
AMEND: 133
Filed 04/06/01
Effective 04/06/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Leases of Mobile Transportation Equipment

This action amends the Sales and Use Tax as it applies to leases of mobile transportation equipment (MTE). It clarifies when an election to pay use tax liability measured by the fair rental value of MTE must be made.

Title 18
California Code of Regulations
AMEND: 1661
Filed 12/04/01
Effective 01/03/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Hospital & Other Medical Service Facilities & Institutions

This action would amend the rule which interprets and explains the application of sales and use tax to sales of foods and medicines to and by hospitals, institutions, and homes for the care of persons. It would amend the definition of meals; expand a definition of institutions to include other medical service facilities; and delete the distinction between administered and non-administered medical supply items so that all facilities are consumers of tangible personal property, used in the performance of medical services they provide, and retailers of tangible personal property intended to be taken home.

Title 18
California Code of Regulations
AMEND: 1503
Filed 05/02/01
Effective 06/01/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Leases of Tangible Personal Property—In General

The proposed regulatory action amends provisions governing taxation of leases of tangible personal property to specify that charges for mandatory maintenance or cleaning services of portable toilet units are subject to use tax as part of the rental price.

Title 18
California Code of Regulations
AMEND: 1660
Filed 12/06/01
Effective 01/05/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Collection of Use Tax by Retailers**

The Revenue and Taxation Code formerly provided that, for purposes of sales tax liability, a retailer was not “engaged in business in this state” if (1) the retailer’s sole physical presence in California was participation in “convention and trade show activities” as defined in the Internal Revenue Code and (2) this participation did not exceed 7 days during any twelve month period and did not result in more than \$10,000 in gross income. Recent legislation (AB 330) changed the second provision to allow 15 days of trade show participation and up to \$100,000 in net income. In this rulemaking action, the Board proposes to conform its regulation to these statutory changes, and to also print in the California Code of Regulations the text of the Internal Revenue Code section that defines convention and trade show activities.

Title 18

California Code of Regulations

AMEND: 1684

Filed 08/01/01

Effective 08/01/01

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

BOARD OF EQUALIZATION**Geothermal Properties**

The Board of Equalization is amending the captioned section pertaining to geothermal properties. The amendment is deleting a reference to 18 CCR 460.2 which doesn’t exist.

Title 18

California Code of Regulations

AMEND: 473

Filed 06/06/01

Effective 07/06/01

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

BOARD OF EQUALIZATION**Rules of Practice**

This action updates the Board’s procedures for appeals and provides more detailed rules for conduct of an appeals conference.

Title 18

California Code of Regulations

AMEND: 5020, 5023, 5030, 5043, 5051, 5053, 5063, 5071, 5075.1, 5076.1, 5079, 5081, 5081.2, 5090, 5091, 5094, 5095

Filed 06/06/01

Effective 07/06/01

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

BOARD OF EQUALIZATION**Interstate & Foreign Commerce**

The proposed regulatory action exempts from use tax intermodal cargo containers first used in interstate or foreign commerce if specified conditions are met.

Title 18

California Code of Regulations

AMEND: 1620

Filed 06/06/01

Effective 07/06/01

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

BOARD OF EQUALIZATION**Manufacturing Equipment**

This regulatory action amends the application of sales and use tax to sales of equipment used in the manufacturing process to qualified manufacturers. It provides, in part, that consumables, items having a useful life of less than one year, are not tangible personal property for the purpose of the partial tax exemption provided by Revenue and Taxation Code section 6377.

Title 18

California Code of Regulations

AMEND: 1525.2

Filed 06/05/01

Effective 07/05/01

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

BOARD OF EQUALIZATION**Federal Taxes**

The proposed regulatory action implements Revenue and Taxation Code section 6245.5 by specifying when federal excise taxes on fuel sales are not included in gross receipts subject to state sales or use tax.

Title 18

California Code of Regulations

AMEND: 1617

Filed 11/01/01

Effective 12/01/01

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

BOARD OF EQUALIZATION**Resale Certificates**

The proposed regulatory action would add a suggested specific resale certificate form for auto body repairs and paint shops and a warning statement regarding the improper use of a resale certificate into the general resale certificate form.

Title 18

California Code of Regulations

AMEND: 1668

Filed 06/06/01

Effective 07/06/01

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

BOARD OF EQUALIZATION**SBE Conflict of Interest Code-General Provisions**

The Board of Equalization is amending its conflict of interest code found in the captioned cite. The Fair

Political Practices Commission approved the amendment on January 22, 2001.

Title 18
California Code of Regulations
AMEND: 6001
Filed 03/12/01
Effective 04/11/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Membership Fee

Title 18, California Code of Regulations, section 1584 provides that membership fees related to the anticipated sale of tangible personal property must be included in taxable gross receipts if the fee exceeds a "nominal amount." Section 1584 defines "nominal amount" as \$40 or less per year, but provides for an adjustment every five years to reflect changes in the California Consumer Price Index ("CCPI") under specified conditions. Pursuant to this adjustment provision, and reflecting changes in the CCPI, this action increases the "nominal amount" from \$40 to \$45 and also sets the date for the next adjustment computation as September 2005.

Title 18
California Code of Regulations
AMEND: 1584
Filed 01/05/01
Effective 01/01/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Occasional Sale

Existing section 1595 of title 18 of the CCR provides that, if, in a 12 month period, the operator of a service enterprise makes more than two sales in substantial amounts of tangible personal property used in the service enterprise, none of the sales qualify as an occasional sale not subject to sales tax. This regulatory action amends section 1595 to provide that the first two sales in a twelve month period are exempt as occasional sales.

Title 18
California Code of Regulations
AMEND: 1595
Filed 01/05/01
Effective 02/04/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Fee Payer

The proposed regulatory action adopts provisions clarifying the definition of "fee payer" for purposes of the Underground Storage Maintenance Fee by establishing a rebuttable presumption that the owner of the real property where an underground storage tank is located is the owner of that tank.

Title 18
California Code of Regulations
ADOPT: 1205
Filed 01/09/01
Effective 02/08/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Medicines and Medical Devices

This regulatory action amends provisions concerning the application of sales tax to specified medicines and medical devices.

Title 18
California Code of Regulations
AMEND: 1591
Filed 03/13/01
Effective 04/12/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Teleproduction or Other Postproduction Service Equipment

In this action filed under to Title 1, CCR, section 100, the Board is revising a tax exemption regulation to reflect the fact that the tax rate has in substance been reduced by 0.25% effective January 1, 2001 pursuant to the Revenue and Taxation Code. The Director of Finance has certified to the Governor that certain statutory conditions have been met.

Title 18
California Code of Regulations
AMEND: 1532
Filed 02/13/01
Effective 02/13/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Application for Equalization by Member, Alternate Member or Hearing Officer

This non-substantive amendment deletes the county residency requirement for appointment as a special alternate member, conforming this regulation to Revenue and Taxation Code section 1622.6 as amended by Stats. 1999, ch. 941.

Title 18
California Code of Regulations
AMEND: 308.6
Filed 02/13/01
Effective 02/13/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION
Exemption of Aircraft

This emergency rulemaking implements a 1955 statute which exempts aircraft from personal property taxation if on the assessment date, the aircraft is in California "solely for the purpose of being repaired,

overhauled, modified, or serviced.” The proposed regulation addresses post- September 11th economic uncertainties and clarifies that certain aircraft “taken out of revenue service” and located in California for servicing during that period are exempt.

Title 18

California Code of Regulations

ADOPT: 138

Filed 12/14/01

Effective 12/14/01

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

BOARD OF EQUALIZATION

Rules of Practice

The proposed change without regulatory effect updates authority and reference citations for and deletes portions of regulations governing the Board’s petition and hearing procedures.

Title 18

California Code of Regulations

AMEND: 5021, 5022, 5031, 5032, 5033, 5034, 5035, 5036, 5041, 5042, 5070, 5072, 5073, 5074, 5074.5, 5075, 5076, 5077, 5078, 5080, 5082, 5083, 5085, 5087, 5092

Filed 06/11/01

Effective 07/11/01

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

BOARD OF EQUALIZATION

Oil & Gas Producing Properties

The Board of Equalization is amending the captioned section pertaining to oil and gas producing properties. The amendment is deleting a reference to 18 CCR 460.1 which was repealed 5-7-98, Register 98, No. 19.

Title 18

California Code of Regulations

AMEND: 468

Filed 06/06/01

Effective 06/06/01

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

BOARD OF FORESTRY AND FIRE PROTECTION **Infractions**

This rulemaking action prescribes procedural requirements, the violation of which does not result in, or cause environmental damage, as required by subdivision (b) of Public Resources Code Section 4601.4. It also establishes a procedure to interpret and give effect to subdivision (b) of Public Resources Code Section 4601.5.

Title 14

California Code of Regulations

ADOPT: 1059 AMEND: none REPEAL: none

Filed 10/30/01

Effective 01/01/02

Agency Contact: James L. Mote (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION **Watershed Protection Extension**

This rulemaking action extends for one year the changes to the Forest Practice Rules that were adopted in 2000 to provide properly functioning habitat for salmonid species which have been listed as threatened, and adopts clarifying amendments. The action also makes permanent the requirement that a timber harvest plan shall not be approved if implementation of the plan would cause a violation of any requirement of an applicable water quality control plan.

Title 14

California Code of Regulations

AMEND: 895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [916.12, 936.12, 956.12], 923.3 [943.3, 963.3], 923.9 [943.9, 963.9]

Filed 11/20/01

Effective 01/01/02

Agency Contact: James L. Mote (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION **Large Old Trees**

This action limits a landowner’s use of an exemption from the generally applicable requirement of a timber harvesting plan based upon harvesting dead, dying or diseased trees, harvesting trees for fire protection, or conversion of less than three acres of timberland to non-timber use, in circumstances where the harvest includes a large old tree.

Title 14

California Code of Regulations

AMEND: 1038, 1104.1

Filed 11/16/01

Effective 01/01/02

Agency Contact: James L. Mote (916) 653-9418

BOARD OF FORESTRY AND FIRE PROTECTION **Exemption From Timber Harvesting Plan/Removal of Slash & Debris**

This emergency rulemaking provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14

California Code of Regulations

AMEND: 1038

Filed 02/21/01

Effective 02/21/01

Agency Contact:

Christopher P. Rowney (916) 653-8007

BOARD OF FORESTRY AND FIRE PROTECTION **Review Team Recommendations, 2001**

The proposed regulatory action amends provisions governing mitigation recommendations made by multi-agency review team members reviewing timber

harvesting plans (THP). This action is the resubmittal of previously withdrawn OAL file number BOFFP-01-0904-01S.

Title 14
California Code of Regulations
AMEND: 1037.5
Filed 11/07/01
Effective 01/01/02
Agency Contact: James L. Mote (916) 653-9418

**BOARD OF FORESTRY AND FIRE PROTECTION
Slash Disposal Exemption**

This Certificate of Compliance provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14
California Code of Regulations
AMEND: 1038
Filed 09/25/01
Effective 09/25/01
Agency Contact: James L. Mote (916) 653-9418

**BOARD OF FORESTRY AND FIRE PROTECTION
Administrative Penalty Hearing Procedures**

This regulatory action provides for a hearing process for persons issued an administrative penalty for violating the Z'berg-Nejedly Forest Practice Act of 1973.

Title 14
California Code of Regulations
ADOPT: 1057, 1057.1, 1057.2, 1057.3, 1057.4, 1057.5, 1058, 1058.1, 1058.2, 1058.3, 1058.4, 1058.5
Filed 11/29/01
Effective 12/29/01
Agency Contact: James L. Mote (916) 653-9418

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Attendance Procedures**

This action amends the inoperative dates in subsection (f) of section 58003.1 and subsection (c) of section 58009 which pertain to full-time equivalent student and independent study/work experience attendance procedures. This amendment was filed with the Secretary of State on December 27, 2000. This filing is exempt from the Administrative Procedure Act and OAL review pursuant to Education Code section 70901.5 and is submitted to OAL for printing only.

Title 5
California Code of Regulations
AMEND: 58003.1, 58009
Filed 02/13/01
Effective 01/26/01
Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES**

Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget

This regulation was filed with the Secretary of State on August 22, 2001, and became effective September 21, 2001. This action is exempt from the Administrative Procedure Act pursuant to Education Code section 70901.5 and is submitted to OAL for printing only.

Title 5
California Code of Regulations
AMEND: 58305
Filed 08/22/01
Effective 09/21/01
Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Nondiscrimination in Programs Receiving State
Financial Assistance**

The Board of Governors, California Community Colleges, is making the subject amendments pursuant to Education Code section 70901.5 which provides that these changes are exempt from review by the Office of Administrative Law.

Title 5
California Code of Regulations
ADOPT: 59311, 59339, 59351 AMEND: 59300, 59303, 59320, 59322, 59326, 59327, 59328, 59330, 59336, 59338, 59340, 59342, 59350, 59356, 59358, 59360, 53002 REPEAL: 59301, 59307, 59311
Filed 02/07/01
Effective 03/09/01
Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Retention and Destruction of Records**

This action amends regulations pertaining to the definition and classification of records of community college districts. This filing is exempt from the Administrative Procedure Act pursuant to Education Code section 70901.5 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 5
California Code of Regulations
AMEND: 59020, 59022, 59023
Filed 10/10/01
Effective 11/09/01
Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Full Time Part Time Faculty Ratio**

The Board of Governors, California Community Colleges is amending the captioned sections pertaining to rules for calculating full-time equivalent faculty attributable to full-time faculty, and rules for calculating full-time equivalent faculty attributable to part-time faculty. These amendments are exempt from full review by the Office of Administrative Law pursuant to Education Code section 70901.5.

Title 5
California Code of Regulations
AMEND: 53309, 53310
Filed 10/16/01
Effective 11/15/01
Agency Contact:
Renee Brouillette (916) 322-4145

**BOARD OF OPTOMETRY
Examinations Appeals**

This regulatory action repeals the Board's examination appeal process.

Title 16
California Code of Regulations REPEAL: 1533.1
Filed 04/25/01
Effective 05/25/01
Agency Contact: Jane Flint (916) 323-8722

**BOARD OF OPTOMETRY
Definitions**

The proposed regulatory action implements the provisions of S.B. 668 (Stats. 1996, Chap. 13) by repealing existing regulatory restrictions on the use of topical pharmaceutical agents.

Title 16
California Code of Regulations
REPEAL: 1560
Filed 04/06/01
Effective 05/06/01
Agency Contact: Jane Flint (916) 323-8722

**BOARD OF OPTOMETRY
Disciplinary Guidelines**

The proposed regulatory action would amend the Disciplinary Guidelines which are incorporated by reference by adding the requirement to make records available as a condition of probation.

Title 16
California Code of Regulations
AMEND: 1575
Filed 04/25/01
Effective 05/25/01
Agency Contact: Jane Flint (916) 323-8722

**BOARD OF OPTOMETRY
Inspection of Examination Papers**

The proposed action would repeal the provision which permits licensure candidates that have failed the Board's license examination to review the question's that were missed on that specific test's administration, replacing it with a provision for re-scoring when requested.

Title 16
California Code of Regulations
AMEND: 1533
Filed 07/05/01
Effective 08/04/01
Agency Contact: Jane Flint (916) 323-8722

**BOARD OF PHARMACY
Preprinted, Multiple checkoff Prescriptions**

This regulatory action allows a person to dispense more than one dangerous drug pursuant to a preprinted multiple checkoff prescription blank if the prescriber has indicated on the blank the number of dangerous drugs he or she has prescribed.

Title 16
California Code of Regulations
AMEND: 1717.3
Filed 08/01/01
Effective 08/31/01
Agency Contact:
Patricia F. Harris (916) 445-5014 x4004

**BOARD OF PHARMACY
Exempt Dangerous Drugs and Dangerous Devices**

The regulatory action lists dangerous drugs and devices that are exempt from the provisions of Chapter 9, Division 2 of the Business and Professions Code if specified criteria are met.

Title 16
California Code of Regulations
ADOPT: 1714.5
Filed 04/09/01
Effective 05/09/01
Agency Contact:
Patricia F. Harris (916) 445-5014 x4004

**BOARD OF PHARMACY
Citation and Fine**

The proposed regulatory action amends the Board of Pharmacy's citation and fine regulations. This action implements Business and Professions Code section 125.9.

Title 16
California Code of Regulations
ADOPT: 1775.15 AMEND: 1775, 1775.2 RE-
PEAL: 1775.1

Filed 06/22/01
Effective 07/22/01
Agency Contact:
Patricia F. Harris (916) 445-5014 x4004

BOARD OF PHARMACY
Disciplinary Guidelines

This regulatory action incorporates by reference the new Disciplinary Guidelines, revised January 2001, related to the practice of pharmacy.

Title 16
California Code of Regulations
AMEND: 1760
Filed 10/03/01
Effective 11/02/01
Agency Contact:
Paul Riches (916) 445-5014 x4016

BOARD OF PHARMACY

Self-Assessment of Pharmacy by Pharmacist-in Charge

The proposed regulatory action would change the compliance date for submission of the self-assessment of a pharmacy's compliance with federal and state pharmacy law by the pharmacist-in-charge from March 31 to July 1. It would also amend the forms entitled "Community Pharmacy and Practice Self-Assessment" and "Hospital Inpatient Pharmacy and Practice Self-Assessment" which are incorporated by reference.

Title 16
California Code of Regulations
AMEND: 1715
Filed 08/23/01
Effective 09/22/01
Agency Contact:
Patricia F. Harris (916) 445-5014 x4004

BOARD OF PHYSICAL THERAPY

Physical Therapist Assistant Equivalency

The proposed regulatory action amends provisions governing physical therapist assistant equivalent training or experience.

Title 16
California Code of Regulations
AMEND: 1398.47
Filed 01/24/01
Effective 02/23/01
Agency Contact: Rebecca Marco (916) 263-2550

BOARD OF PHYSICAL THERAPY

Physical Therapy Aide Identification

The proposed regulatory action would require physical therapy aides, applicants, students and interns to display name tags with their title while performing patient related tasks.

Title 16
California Code of Regulations
ADOPT: 1398.11
Filed 01/25/01
Effective 02/24/01
Agency Contact: Rebecca Marco (916) 263-2550

BOARD OF PILOT COMMISSIONERS

Pilotage Rate Hearing Procedures

The regulatory action sets forth the procedures for pilotage rate hearings.

Title 7
California Code of Regulations
ADOPT: 236
Filed 12/11/01
Effective 01/10/02
Agency Contact: Alice Evans (415) 397-2253

BOARD OF PILOT COMMISSIONERS

Conflict of Interest Code

The proposed action would adopt the conflict of interest code for the Board of Pilot Commissioners.

Title 7
California Code of Regulations
ADOPT: 212.5
Filed 11/27/01
Effective 12/27/01
Agency Contact:
Captain Patrick A. Moloney (415) 397-2253

BOARD OF PODIATRIC MEDICINE

Citations and Fines

This rulemaking updates the Board's citation and fine list to include recent legislation which prohibits the unfair and deceptive use of coupons.

Title 16
California Code of Regulations
AMEND: 1399.696
Filed 07/03/01
Effective 08/02/01
Agency Contact: JoAnn Bodnaras (916) 263-0315

BOARD OF PODIATRIC MEDICINE

Disciplinary Guidelines

This regulatory action updates the "Manual of Disciplinary Guidelines and Model Disciplinary Orders."

Title 16
California Code of Regulations
AMEND: 1399.710
Filed 07/10/01
Effective 08/09/01
Agency Contact: JoAnn Bodnaras (916) 263-0315

BOARD OF PRISON TERMS**Attempted Murder**

This action deletes from existing section 2400 the words "first degree" where they characterize the criminal offense of attempted murder in order to conform the regulation with the decision of the Supreme Court in *People v. Bright* (1996), in which the court determined that the crime of attempted murder is not divided into degrees, and makes a conforming change in section 2403, subdivision (a), to clarify the applicability of base terms under matricides (b) and (c).

Title 15

California Code of Regulations

AMEND: 2400, 2403

Filed 02/16/01

Effective 03/18/01

Agency Contact: Pearl McGuire (916) 324-9895

BOARD OF PRISON TERMS**Parole Conditions**

This action without regulatory effect deletes a redundant definition.

Title 15

California Code of Regulations

AMEND: 2512(a)(5)(b)

Filed 05/21/01

Effective 05/21/01

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS**Battered Women Syndrome**

The emergency regulatory action deals with battered woman syndrome.

Title 15

California Code of Regulations

ADOPT: 2239, 2830 AMEND: 2000, 2269.1(a)(2), 2218(d), 2284(a), 2317(c)(1), 2402(d)(5), 2405(a)

Filed 03/16/01

Effective 03/16/01

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS**Parole Supervision and Parole Revocation**

This action makes non-substantive changes to regulations regarding length and conditions of parole, parole violations and reports, and revocation procedures, to conform them to amended Penal Code statutes.

Title 15

California Code of Regulations

AMEND: 2513(e), 2616(a)(8), 2646(c)(3)

Filed 06/28/01

Effective 06/28/01

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS**Parole Revocation**

The Board is correcting four cross-references to reflect the fact that Title 15, CCR, section 2616 was both substantively changed and renumbered in 1998 and 1999.

Title 15

California Code of Regulations

AMEND: 2601(b), 2605(c), 2637(b)(6), 2647.1(b)

Filed 05/08/01

Effective 05/08/01

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PRISON TERMS**Parole Assessment Guidelines**

This regulatory action adopts parole revocation assessment guidelines.

Title 15

California Code of Regulations

ADOPT: 2646.1 AMEND: 2646

Filed 11/20/01

Effective 12/20/01

Agency Contact: Lori Manieri (916) 445-5277

BOARD OF PSYCHOLOGY**Comparable Programs**

This action repeals 3 and amends one regulation that provide for board determinations on the equivalence of other doctorate degrees to an earned doctorate in (1) psychology; (2) education psychology; or (3) education with the field of specialization in counseling psychology or educational psychology.

Title 16

California Code of Regulations

AMEND: 1386 REPEAL: 1383, 1383.1,

Filed 08/24/01

Effective 09/23/01

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY**Continuing Education Enhancement**

This action updates the Board's standards for recognition of continuing education courses.

Title 16

California Code of Regulations

AMEND: 1397.61, 1397.64, 1397.65

Filed 12/18/01

Effective 01/01/02

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY**Examinations**

The Board of Psychology is amending the captioned section pertaining to examinations of psychologists. The ending date for the time period for the passing score administered by the Board was changed from

10-18-1985 to 10-18-95 as an editorial correction because 10-18-95 was the last test given a Board administered score.

Title 16
California Code of Regulations
AMEND: 1388(f)
Filed 08/13/01
Effective 09/12/01
Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY
Continuing Education Providers

This action establishes a procedure for a board recognized accreditation agency to deny, suspend, or revoke its approval of a continuing education provider, with the option of appeal to the Board.

Title 16
California Code of Regulations
ADOPT: 1397.71
Filed 07/06/01
Effective 08/05/01
Agency Contact: Carol Scotti (916) 263-2693

BOARD OF PSYCHOLOGY
Failure to Appear-W/D of Application, Examinations

This regulatory action requires that the licensing examination be taken by computer after September 1, 2001.

Title 16
California Code of Regulations
AMEND: 1381.4, 1388
Filed 07/11/01
Effective 08/10/01
Agency Contact: Carol Scotti (916) 263-2693

BOARD OF PSYCHOLOGY

Examinations/Examination Fees/Continuing Education

This action amends the rules on renewal of lapsed licenses, examination on California law, fees for examination, and continuing education credit for service to the Board.

Title 16
California Code of Regulations
AMEND: 1388.6, 1392, 1397.63
Filed 04/05/01
Effective 05/05/01
Agency Contact: Jeffrey Thomas (916) 263-1617

BOARD OF PSYCHOLOGY
Article 5. Psychological Assistants—Psychological Assistant Renewals

The Board of Psychology is making a correction to a reference in the captioned section. This reference changing from section 1392 to 1392.1 pertains to the delinquency fee for a psychological assistant.

Title 16
California Code of Regulations
AMEND: 1391.12(b)
Filed 10/16/01
Effective 11/15/01
Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY

Replace Oral Examination

The emergency regulatory action deals with licensing examinations including the elimination of an oral examination.

Title 16
California Code of Regulations
AMEND: 1388, 1388.6, 1389, 1392, 1397.63 RE-PEAL: 1388.5
Filed 12/19/01
Effective 01/01/02
Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF REGISTERED NURSING

Substantial Relationship Criteria

This rulemaking expands the list of crimes and acts that are grounds for denial of a license.

Title 16
California Code of Regulations
AMEND: 1444
Filed 06/06/01
Effective 07/06/01
Agency Contact: Ellen Jibben (916) 324-4605

BOARD OF REGISTERED NURSING

Reinstatement of Expired License

This rulemaking modifies the requirements for reinstatement of expired licenses.

Title 16
California Code of Regulations
ADOPT: none AMEND: Section 1419.3 REPEAL: none
Filed 09/19/01
Effective 10/19/01
Agency Contact: Ellen Jibben (916) 324-4605

BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

Provisions Applicable to all Approved Postsecondary Institutions

This non-substantive filing updates the above-referenced regulations to conform to statutory changes that transferred all duties and responsibilities of the former Council to the new Bureau. This filing also makes nonsubstantive changes to cross-references within the text, authority and reference citations, and minor grammatical corrections.

Title 5
California Code of Regulations
AMEND: 74000, 74002, 74004, 74006, 74008,

74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74120, 74130, 74140, 74150, 74160, 74170, 74180, 74190, 74200, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130 REPEAL:

Filed 10/22/01

Effective 10/22/01

Agency Contact: Julieta Leon (916) 445-3427

BUREAU OF AUTOMOTIVE REPAIR

Smog Check Stations, Technicians and Training Institutions

This filing is a resubmittal of a regulatory action which revises existing regulations on the requirements for smog check stations, technicians, training institutions and instructors.

Title 16

California Code of Regulations

AMEND: 3340.16, 3340.16.5, 3340.22.1, 3340.22.2, 3340.28, 3340.29, 3340.32, 3340.33, 3340.41

Filed 02/01/01

Effective 02/01/01

Agency Contact: Yvette Johnson (916) 255-1099

BUREAU OF AUTOMOTIVE REPAIR

Smog Check Inspection Procedures

This action adds to the Smog Check emissions inspection test procedure the requirement for a visual check for liquid fuel leaks.

Title 16

California Code of Regulations

AMEND: 3340.42

Filed 09/10/01

Effective 09/10/01

Agency Contact: James Allen (916) 255-4300

BUREAU OF AUTOMOTIVE REPAIR

Smog Check Station Equipment Requirements

This action amends the standards for the capabilities of ignition analyzers and digital storage oscilloscopes required by existing regulations so that one device may meet the requirements for both, so long as it has the requisite capabilities.

Title 16

California Code of Regulations

AMEND: 3340.16.5

Filed 11/27/01

Effective 12/27/01

Agency Contact: James Allen (916) 255-4300

BUREAU OF AUTOMOTIVE REPAIR

Consumer Assistance Program Applications (CAP/APP 01/01)

The Department of Consumer Affairs, Bureau of Automotive Repair, has amended its Consumer Assistance Program Application (CAP/APP new revision

04/01). Its incorporation by reference is being changed in the captioned section due to this new amendment.

Title 16

California Code of Regulations

AMEND: 3394.6

Filed 08/15/01

Effective 08/15/01

Agency Contact: James Allen (916) 255-4300

BUREAU OF BARBERING AND COSMETOLOGY

Processing Times for Examination Applications and Licenses

This emergency rulemaking provides the Bureau 15 days from the date of the examination to issue results and licenses to candidates.

Title 16

California Code of Regulations

AMEND: 901

Filed 05/10/01

Effective 05/10/01

Agency Contact: Tiffany Wetzel (916) 324-8945

BUREAU OF BARBERING AND COSMETOLOGY

Cleaning and Disinfecting Whirlpool Footspas

The proposed emergency regulatory action adopts cleaning and disinfecting procedures for whirlpool footspas and establishes administrative fines for initial and repeat violations of those procedures.

Title 16

California Code of Regulations

ADOPT: 980.1 AMEND: 974

Filed 05/16/01

Effective 05/16/01

Agency Contact: Tiffany Wetzel (916) 324-8945

BUREAU OF BARBERING AND COSMETOLOGY

Cleaning and Disinfecting Whirlpool Foot Spas

The proposed emergency regulatory action is the first readoption of provisions establishing cleaning and disinfecting procedures for whirlpool footspas and administrative fines for the initial and repeat violation of the procedures.

Title 16

California Code of Regulations

ADOPT: 980.1 AMEND: 974

Filed 09/13/01

Effective 09/13/01

Agency Contact: Tiffany Wetzel (916) 324-8945

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Conflict of Interest Code

The Business, Transportation and Housing Agency is amending the captioned section pertaining to its conflict of interest code. These changes were approved for filing by the Fair Political Practices Commission on October 9, 2001.

Title 21
California Code of Regulations
AMEND: 7000
Filed 12/04/01
Effective 01/03/02
Agency Contact:
Augustin Jimenez (916) 327-2830

BUSINESS, TRANSPORTATION AND HOUSING AGENCY
Income Limits

The Department of Housing and Community Development is amending the captioned section pertaining to income limits. These amendments are exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 50093.

Title 25
California Code of Regulations
AMEND: 6932
Filed 05/31/01
Effective 05/31/01
Agency Contact:
Richard Friedman (916) 323-7288

CALIFORNIA ARCHITECTS BOARD
Application for Licensure and License Renewal

The proposed regulatory action establishes a five year deadline following notification of passing all licensing examinations for application for licensure as a landscape architect and sets up procedures for renewal of post-three year expired landscape architects licenses.

Title 16
California Code of Regulations
ADOPT: 2616, 2624
Filed 05/17/01
Effective 06/16/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA ARCHITECTS BOARD
Fees

The proposed regulatory action would increase the fees for all the sections of the licensing examination.

Title 16
California Code of Regulations
AMEND: 2649
Filed 06/07/01
Effective 07/07/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA ARCHITECTS BOARD
Disciplinary Guidelines

The proposed regulatory action would revise the disciplinary guidelines including minimum and maximum penalties and standard and optional conditions of probation.

Title 16
California Code of Regulations
AMEND: 2680
Filed 03/14/01
Effective 04/13/01
Agency Contact: Gretchen Kjose (916) 323-6408

CALIFORNIA ARCHITECTS BOARD
Application for Temporary Certification

The Board (1) deletes the regulation which implemented a repealed statutory provision authorizing issuance of temporary landscape architect licenses to persons practicing out-of-state, and (2) changes "his" to "his/her" in a regulation concerning disciplinary actions taken against licensees.

Title 16
California Code of Regulations
AMEND: 2655 REPEAL: 2611
Filed 04/17/01
Effective 04/17/01
Agency Contact: Justin Sotelo (916) 445-6573

CALIFORNIA COASTAL COMMISSION
Conflict of Interest

The proposed regulatory action amends the California Coastal Commission's Conflict of Interest Code. This action was submitted to OAL for printing only.

Title 14
California Code of Regulations
AMEND: 13040
Filed 09/04/01
Effective 10/04/01
Agency Contact: Amy Roach (415) 904-5227

CALIFORNIA ENERGY COMMISSION
Re-Adoption of Emergency Siting Regulations

The proposed regulatory action is the Certificate of Compliance filing making permanent the prior emergency adoption by the California Energy Commission of the six-month power plant licensing regulations. This action implements the provisions of Public Resources Code section 25550.

Title 20
California Code of Regulations
ADOPT: 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031
Filed 04/25/01
Effective 04/25/01
Agency Contact:
David Mundstock (916) 654-3958

CALIFORNIA ENERGY COMMISSION
Electricity Generation Disclosure

This rulemaking action implements SB 1305, Statutes of 1997, in establishing requirements for both electricity generators and providers for electricity generation disclosure to consumers, post-deregulation.

It clarifies existing disclosure requirements; institutes a tradable certificates program for use by retail providers in supporting claims of specific purchases; and modifies the requirements for the annual retail provider report, and audit or third-party verification.

Title 20

California Code of Regulations

ADOPT: A-1, A-2, A-3, A-4, A-5, B, C AMEND: 1391, 1392, 1393, 1394 REPEAL: A, B, C, D, E

Filed 03/05/01

Effective 03/05/01

Agency Contact: Caryn Holmes (916) 654-4178

CALIFORNIA ENERGY COMMISSION

Data collection and Confidentiality

This is the resubmission of an action that defines terms and updates the periodic data reporting requirements applicable to gas and electric utilities, distributors, generators, retailers, service providers, and others.

Title 20

California Code of Regulations

ADOPT: 1305, 1306, 1307, 1308, 1309 AMEND: 1301, 1303, 1304, 2503, 2505, 2507 REPEAL: 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1313

Filed 02/23/01

Effective 02/23/01

Agency Contact: Richard Rohrer (916) 654-4899

CALIFORNIA GAMBLING CONTROL COMMISSION

Temporary Work Permit/Change of Place of Employment

This emergency regulatory action adopts the requirements for obtaining a temporary work permit.

Title 4

California Code of Regulations

ADOPT: 12100, 12102, 12104, 12106, 12108, 12110, 12120

Filed 11/19/01

Effective 11/19/01

Agency Contact: Herb Bolz (916) 327-8272

CALIFORNIA GAMBLING CONTROL COMMISSION

Conflict of Interest Code

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on June 21, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 2

California Code of Regulations

ADOPT: Ch. 95, section 58400

Filed 07/19/01

Effective 08/18/01

Agency Contact: Lisa King (916) 322-3095

CALIFORNIA GAMBLING CONTROL COMMISSION

Work Permit Application—Grounds of Denial

This emergency regulatory action adopts the standards the Commission will use to deny an application for a work permit.

Title 4

California Code of Regulations

ADOPT: 12130

Filed 11/29/01

Effective 11/29/01

Agency Contact: Herb Bolz (916) 327-8272

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

Community Clinic Investment Act Grant Program

These emergency regulations implement the Cedillo-Alarcon Community Clinic Investment Program setting forth the guidelines, criteria, and application process for the one-time allocation of \$50 million to community, free and Indian clinics to expand or improve services to patients in need pursuant to AB 2875 (Chapter 99, Statutes of 2000 and Chapter 801, Statutes of 2000). The regulations, deemed to be emergency regulations, are valid for 360 days, by which time the funds should have been completely disbursed.

Title 4

California Code of Regulations

ADOPT: 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017

Filed 04/11/01

Effective 04/11/01

Agency Contact: Mary Bates (916) 653-3423

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

Cedillo-Alarcon Community Clinic Investment Act 2000

These emergency regulations implement the Community Clinic Investment Program setting forth the guidelines, criteria, and application process for the allocation of \$50 million to community, free and Indian clinics to expand or improve services to patients in need pursuant to AB 2875 (Chapter 99, Statutes of 2000) and Chapter 801, Statutes of 2000. In April 2001, the agency adopted regulations deemed to be emergency regulations if submitted to OAL by July 1, 2001. They did not disburse all the money and are now adopting revised regulations and application forms for the second round of funding. Under Chapter 801, these emergency regulations will remain in effect for 360 days.

Title 4

California Code of Regulations

ADOPT: 7000, 7001, 7002, 7003, 7003.5, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.5, 7014, 7015, 7016, and 7017
 REPEAL: 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016

Filed 10/09/01

Effective 10/09/01

Agency Contact: Sumi Sousa (916) 653-3839

**CALIFORNIA HIGH SPEED RAIL AUTHORITY
 Conflict of Interest Code**

The High Speed Rail Authority is amending their conflict of interest code found at the captioned section. These changes were approved for filing by the Fair Political Practices Commission on June 27, 2001.

Title 2

California Code of Regulations

AMEND: Ch. 85, Sec. 57400

Filed 08/20/01

Effective 09/19/01

Agency Contact:

Carrie Pourvahidi (916) 322-1422

**CALIFORNIA HIGHWAY PATROL
 Motor Carrier Safety**

This action amends the definition of "on-duty time" of a driver to include all time spent providing a breath sample or urine specimen in connection with testing required under other laws, and makes a number of other non-substantive changes updating various definitions.

Title 13

California Code of Regulations

AMEND: 1200, 1201, 1213.2

Filed 10/24/01

Effective 11/23/01

Agency Contact:

Jack Schwendener (916) 445-1865

**CALIFORNIA HIGHWAY PATROL
 Side-Mounted and Supplemental Signal Lamps**

Current safety regulations for side-mounted supplemental signal lamps require such lamps to conform with Society of Automotive Engineers (SAE) standards. This rulemaking includes the latest version of the SAE standard, among the accepted standards.

Title 13

California Code of Regulations

AMEND: 790, 791, 792, 793, 794

Filed 01/08/01

Effective 02/07/01

Agency Contact: Fran Schurer (916) 327-3310

CALIFORNIA HIGHWAY PATROL

Motor Carrier Safety—Farm Labor Vehicles

This regulatory action provides for the design, display, and disposal of farm labor vehicle certification stickers pursuant to Vehicle Code section 31401.5; farm labor vehicle inspection scheduling; required markings and the display and content of interior notices for farm labor vehicles; and farm labor passenger seating and seat belt requirements.

Title 13

California Code of Regulations

ADOPT: 1231.5, 1234.5, 1270.3 AMEND: 1256, 1270

Filed 07/03/01

Effective 08/02/01

Agency Contact: Gary Ritz (916) 445-1865

**CALIFORNIA HIGHWAY PATROL
 School Bus Contractor Application**

The proposed regulatory action requires school bus contractors to complete new form CHP 296 (Rev. 01-00) when applying for a school bus contractor's license.

Title 13

California Code of Regulations

AMEND: 1130

Filed 05/24/01

Effective 06/23/01

Agency Contact: Mario Esbri (916) 445-1865

**CALIFORNIA HIGHWAY PATROL
 School Bus, SPAB, & Youth Bus Driving Requirements**

This regulatory action requires that drivers of school buses, school pupil activity uses and youth buses wear their seatbelts and turn on the headlamps at all times when the bus is in motion.

Title 13

California Code of Regulations

AMEND: 1224, 1225

Filed 03/22/01

Effective 04/21/01

Agency Contact: Mario Esbri (916) 445-1865

**CALIFORNIA HORSE RACING BOARD
 General Provisions**

The California Horse Racing Board is amending its conflict of interest code found at the captioned section. The Fair Political Practices Commission approved the changes on April 6, 2001.

Title 4

California Code of Regulations

AMEND: 2000

Filed 05/22/01

Effective 06/21/01

Agency Contact: Pat Noble (916) 263-6033

CALIFORNIA HORSE RACING BOARD**Wagering Prohibited**

The proposed regulatory action would add totalizer employees to the class of licensees who are prohibited from placing wagers while on duty.

Title 4

California Code of Regulations

AMEND: 1969.Wagering Prohibited

Filed 12/10/01

Effective 01/09/02

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD**Application for License to Conduct a Horse Racing Meeting**

Existing section 1433 of title 4 of the California Code of Regulations incorporates by reference two application forms (Application for License to Conduct a Horse Racing Meeting; Application for License to Conduct a Horse Racing Meeting of a California Fair) and specifies the content of the forms. This regulatory action removes the content description of the incorporated application forms from the regulation text and makes revisions to incorporated forms. The revisions to the forms include new questions concerning simulcast wagering programs, jockeys' quarters, and backstretch employee housing.

Title 4

California Code of Regulations

AMEND: 1433

Filed 10/11/01

Effective 11/10/01

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD**Trifecta**

The proposed regulatory action removes the requirement that five wagering interests complete the race for payment of any Trifecta pool.

Title 4

California Code of Regulations

AMEND: 1979

Filed 12/11/01

Effective 01/10/02

Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA HORSE RACING BOARD**Safety Vest Required**

The proposed regulatory action would add the requirement that a jockey, apprentice jockey, or exercise rider must wear a safety vest to train or exercise a horse on the grounds of a racing association or racing fair.

Title 4

California Code of Regulations

AMEND: 1689.1

Filed 02/15/01

Effective 03/17/01

Agency Contact: Roy Wood

CALIFORNIA HORSE RACING BOARD**Jockey's Riding Fee**

The regulatory action increases the riding fees for jockeys when there is no contract or special agreement and specifies that "A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey elects to take himself off of his mount." The regulatory action is effective on filing pursuant to Government Code section 11343.4, subdivision (c).

Title 4

California Code of Regulations

AMEND: 1632

Filed 02/28/01

Effective 02/28/01

Agency Contact: Harold Coburn (916) 263-6397

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Transfer/Processing of Putrescible Wastes**

This emergency rulemaking action amends the qualifying test for determining if a transfer and processing operation or facility is subject to the Board's regulations.

Title 14

California Code of Regulations

ADOPT: 17402.5 (c)(6) & 17402.5(d)(3) AMEND:
17400, 17402, and 17402.5

Filed 08/13/01

Effective 02/13/02

Agency Contact: Elliot Block (916) 255-2821

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Hazard Waste Facilities Disposing Nonhazardous,
Nonputrescible, Industrial Solid Waste Regulatory
Requirements**

This emergency regulatory action readopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, nonputrescible industrial waste. (Previous OAL file #00-0720-04E)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2,
18225

Filed 05/17/01

Effective 05/30/01

Agency Contact:

Michael Bledsoe

(916) 341-6058

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Waiver of Permit Terms and Conditions During
Temporary Emergencies**

This emergency regulatory action permits Enforcement Agencies to authorize operators to violate the terms and conditions of their solid waste facilities permits for a limited time.

Title 14

California Code of Regulations

ADOPT: 17211, 17211.1, 17211.2, 17211.3,
17211.4, 17211.5, 17211.6, 17211.7, 17211.8,
17211.9

Filed 11/01/01

Effective 11/01/01

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Hazard Waste Facilities Disposing Nonhazard

This action readopts emergency regulations initially adopted in July 2000. The regulations established a permit system under which hazardous waste facilities could process nonhazardous, nonputrescible, industrial solid wastes.

Title

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2,
18225

Filed 01/29/01

Effective 01/29/01

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Minimum Standards for Solid Waste Handling and
Disposal**

This emergency regulatory action readopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, nonputrescible industrial waste. (Previous OAL file #00-0720-04E, 01-0514-02ER)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2,
18225

Filed 09/24/01

Effective 09/24/01

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Enforcement of Solid Waste Standards &
Administration of Solid Waste Facility Permits**

This action updates the regulations that specify the responsibilities of local enforcement agencies, including inspecting facilities, investigating complaints, conducting enforcement actions in accordance with specified procedures, providing administrative review, and reporting to the Board.

Title 14

California Code of Regulations

ADOPT: 18304.1, 18304.2, 18304.3, 18304.4
AMEND: 18011, 18080, 18081, 18082, 18083,
18084, 18301, 18302, 18303, 18304, 18304.5,
18306, 18307, 18350, 18351, REPEAL: 18305,
18309, 18310, 18311, 18312, 18313, 18353, 18354,
18355

Filed 04/12/01

Effective 05/12/01

Agency Contact:

Suzanne Hambleton (916) 341-6337

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Prep. of Integrated Waste Management Plans;
Annual Reports; Disposal Reports**

The California Integrated Waste Management Board is amending the captioned sections pertaining to the preparation of integrated waste management plans, annual reports and disposal reports. These changes conform the subject sections to Stats. 2000, Ch. 740.

Title 14

California Code of Regulations

AMEND: 18755(g), 18757(e), 18776e,
18794(h)(1), 18794.1(c)(1), 18800(d), 18801(a)(4),
18813(c)

Filed 06/26/01

Effective 06/26/01

Agency Contact: Elliot Block (916) 255-2821

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Rigid Plastic Packaging Container Recycling Rates

This emergency action amends the definition of the term "recycling rate" so that annual determinations concerning attainment of the recycling goals of 25% and 55% will be based upon data reported during the previous year.

Title 14

California Code of Regulations

AMEND: 17943

Filed 09/17/01

Effective 09/17/01

Agency Contact:

Deborah Borzelleri (916) 255-2194

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Playground Safety and Recycling Act Grant Program**

This emergency regulatory action adopts the requirements for receiving a grant pursuant to the Playground Safety and Recycling Act Grant Program. This action is exempt from OAL review, pursuant to Health and Safety Code section 115814. (Previous OAL file ##00-0804-03E and 00-1205-02EE)

Title 14

California Code of Regulations

ADOPT: 18570, 18571, 18572, 18573, 18574, 18575, 18576, 18577, 18578, 18579, 18580

Filed 04/11/01

Effective 04/11/01

Agency Contact:

Marie W. Carter (916) 341-6062

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD****Minimum Standards for Solid Waste Handling and Disposal**

This emergency regulatory action readopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, nonputrescible industrial waste. (Previous OAL file ##00-0720-04E, 01-0126-04EE, 01-0514-02EE)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

Filed 12/11/01

Effective 12/11/01

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA LAW REVISION COMMISSION
Conflict of Interest Code**

The California Law Revision Commission is amending its Conflict of Interest Code filing found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on February 13, 2001.

Title 2

California Code of Regulations

AMEND: Chapter 26, 47000, 47001, 47002

Filed 02/27/01

Effective 02/27/01

Agency Contact: Brian Hebert (916) 739-7071

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY****California Capitol Access Program for Small Business**

The proposed regulatory action would amend the Capitol Access Program provisions to allow for loans to small business regardless of whether the small

business has operations that affect the environment and would authorized the use of general fees to support and fund the program.

Title 4

California Code of Regulations

AMEND: 8034, 8070, 8072 REPEAL: 8079

Filed 07/26/01

Effective 07/26/01

Agency Contact: Karen Newquist (916) 654-5740

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY****Capital Access Program for Small Business**

The California Pollution Control Financing Authority is amending the captioned section in order to bring it into conformity with Health and Safety Code section 44559.1.

Title 4

California Code of Regulations

AMEND: 8070(e)

Filed 10/29/01

Effective 10/29/01

Agency Contact: Karen Newquist (916) 654-5740

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY****California Recycle Underutilized Sites Program**

This emergency action implements the California Recycle Underutilized Sites [Cal ReUSE] loan program intended to encourage the clean-up of contaminated urban and rural brownfield sites.

Title 4

California Code of Regulations

ADOPT: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101

Filed 08/13/01

Effective 08/13/01

Agency Contact: Sherri K. Wahl (916) 654-5951

**CALIFORNIA PUBLIC LIBRARY
CONSTRUCTION AND RENOVATION BOARD
Definitions**

This regulatory action implements the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000. It includes definitions; grant fund priorities; procedures and requirements for submission of applications and grant awards; CEQA documentation; methods for determining project costs; and appendices containing the grant application form and completion instructions.

Title 5

California Code of Regulations

ADOPT: 20430, 20432, 20434, 20436, 20438, 20440, 20442, 20444

Filed 12/05/01
Effective 01/04/02
Agency Contact: Linda Springer (916) 445-9587

CALIFORNIA STATE UNIVERSITY
Summer Early Entrants

The Board of Trustees of the California State University is amending section 40700 of title 5, California Code of Regulations, pertaining to matriculation and adopting section 40701 pertaining to summer early entrant. These changes are exempt from full review by the Office of Administrative Law pursuant to Education Code section 89030.1.

Title 5
California Code of Regulations
ADOPT: 40701 AMEND: 40700
Filed 10/04/01
Effective 10/04/01
Agency Contact:
Bruce M. Richardson (562) 951-4500

CALIFORNIA STATE UNIVERSITY
Holidays

This action amends section 42920 of Title 5 to include Martin Luther King, Jr. and Cesar Chavez birthdays as paid holidays observed by employees of the California State University system. This amendment was filed with the Secretary of State on February 21, 2001 and is effective upon filing. This action is exempt from the Administrative Procedure Act pursuant to Education Code section 89030.1 and is submitted to OAL for printing only in the California Code of Regulations.

Title 5
California Code of Regulations
AMEND: 42920
Filed 02/21/01
Effective 02/21/01
Agency Contact:
Bruce M. Richardson (562) 951-4500

CALIFORNIA STRAWBERRY COMMISSION
Conflict of Interest Code

The California Strawberry Commission is amending the captioned section pertaining to its conflict of interest code. The changes were approved by the Fair Political Practices Commission on December 8, 2000.

Title 2
California Code of Regulations
AMEND: Ch. 72, section 56100
Filed 02/14/01
Effective 03/16/01
Agency Contact:
Jill S. England (916) 448-3826

CALIFORNIA STUDENT AID COMMISSION
Conflict of Interest Code

The California Student Aid Commission is amending its conflict of interest code found at the captioned section. The amendments were approved by the Fair Political Practices Commission on February 26, 2001.

Title 5
California Code of Regulations
AMEND: Section 30060
Filed 04/30/01
Effective 05/30/01
Agency Contact: Claire Lillie (916) 526-8043

CALIFORNIA STUDENT AID COMMISSION
Cal Grant Awards

This emergency readoption complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant Awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5
California Code of Regulations
ADOPT: 30007, 30008, 30009, 30023, 3024, 30025, 30026, 30027
Filed 05/15/01
Effective 05/16/01
Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA STUDENT AID COMMISSION
Cal Grant Awards

This certificate of compliance filing complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant Entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5
California Code of Regulations
ADOPT: 30007, 30008, 30009, 30023, 30024, 30025, 30026, 30027
Filed 08/13/01
Effective 08/13/01
Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA STUDENT AID COMMISSION
Cal Grant Awards

This emergency action complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant Awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant Entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5**California Code of Regulations**

ADOPT: 30007, 30008, 30009, 30023, 30024, 30025, 30026, 30027

Filed 01/16/01

Effective 01/16/01

Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE**Low Income Housing Tax Credit**

Pursuant to Health and Safety Code section 50199.17, this emergency regulatory action became effective on February 16, 2001, when adopted by the Committee. These regulations provide for allocation of low-income housing tax credits, as authorized by federal and state law. These February 16 regulations replace regulations adopted and made effective by the Committee on Dec. 20, 2000, but never printed in the California Code of Regulations. These December 20 regulations were superseded by federal legislative changes on December 21, 2000. The regulations adopted by the Committee on February 16, 2001 reflect the December 2000 federal legislative changes.

Title 4**California Code of Regulations**

AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

Filed 03/05/01

Effective 02/16/01

Agency Contact: Jeanne L. Peterson

CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE**Low Income Housing Tax Credit**

This emergency action was first effective in June 1999, then readopted on an emergency basis in October 1999, and in February, June, and September 2000, and February 2001. The Committee has again readopted these emergency regulations, which were effective September 17, 2001, deleting a maximum tax credit available to one project. The action revised the regulations implementing the

Federal and State Low Income Housing Tax Credit laws. As specified in Health and Safety Code section 50199.17, the Committee's action is exempt from most procedural requirements of the Administrative Procedure Act.

Title 4**California Code of Regulations**

ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 AMEND: 10317(c)

Filed 11/19/01

Effective 09/17/01

Agency Contact: Jeanne L. Peterson

CALIFORNIA TRAVEL AND TOURISM
COMMISSION**Conflict of Interest Code**

This action adopts the Commission's conflict of interest code.

Title 2**California Code of Regulations**

ADOPT: 58100

Filed 09/14/01

Effective 10/14/01

Agency Contact: Susan Cremins (916) 322-5000

COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**Training Requirements for Instructors/Academy Staff**
of Specialized Training Courses

This action prescribes the content of courses offered for instructors and specifies the minimum training standards for basic training academy directors, coordinators, recruit training officers and instructors of specialized training.

Title 11**California Code of Regulations**

ADOPT: 1070, 1071, 1082 AMEND: 1001, 1052, 1053, 1055

Filed 07/17/01

Effective 08/16/01

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**Management Course Attendance**

This rulemaking action would allow officers serving on the boards of local Peace Officer or Deputy Sheriff Associations to attend certified management courses, now open only to persons in or about to be in specified positions.

Title 11**California Code of Regulations**

AMEND: 1005(c)

Filed 08/02/01

Effective 09/01/01

Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Feasibility Studies for Peace Officer Status
Designation

This rulemaking requires the Commission to conduct a feasibility study for requests for changes in peace officer status or designation in accordance with Penal Code Section 13540(b).

Title 11
California Code of Regulations
AMEND: 1019
Filed 07/12/01
Effective 08/11/01
Agency Contact: Leah Cherry (916) 227-3891

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

The regulatory action amends the incorporated by reference document "Training and Testing Specifications for Peace Officer Basic Courses". The effective date of the amendments is October 1, 2001.

Title 11
California Code of Regulations
AMEND: 1005
Filed 08/16/01
Effective 10/01/01
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Aviation Security Course Update

This regulatory action updates the minimum standards for the course in Aviation Security.

Title 11
California Code of Regulations
AMEND: 1081(a)(2)
Filed 06/05/01
Effective 08/01/01
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Investigation and Trial Preparation Course

This is the resubmission of a withdrawn filing that revises and relocates in new section D-14, the Post Administrative Manual materials that specify the purpose and define terms relevant to the Investigation and Trial Preparation Course, and adopts new "Training Specifications" for the course set forth in a second document.

Title 11
California Code of Regulations
AMEND: 1005, 1018

Filed 10/17/01
Effective 01/01/02
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Regulation Clean-Up: Regs. 1020 through 1080

The proposed regulatory action amends various provisions as part of the Commission's regulation clean up project.

Title 11
California Code of Regulations
AMEND: 1020, 1021, 1051, 1052, 1053, 1054, 1055, 1056, 1080
Filed 01/22/01
Effective 02/21/01
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
CPT—Perishable and Communication Skills

The proposed regulatory action amends existing continuing professional training (CPT) requirements to specify that 14 of the 24 hours of CPT taken by regular and specialized peace officers and their first-level supervisors be in communications and perishable skills training.

Title 11
California Code of Regulations
AMEND: 1005
Filed 05/22/01
Effective 01/01/02
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Basic Course Transition Program—Pilot Format

This rulemaking repeals Part 2 of the Transition Program-Pilot Format as an alternative delivery format of the Regular Basic Course. This repeal becomes effective January 1, 2002.

Title 11
California Code of Regulations
AMEND: 1005
Filed 01/03/01
Effective 01/01/02
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Reserve Training Standards

This regulatory action implements recent amendments to Penal Code Section 832.6 by providing a lateral transfer provision for current Level I and II reserve officers.

Title 11
California Code of Regulations
AMEND: 1007
Filed 07/17/01
Effective 08/16/01
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Back-fill Reimbursement For Public Safety
Dispatchers

This regulatory action authorizes reimbursement to an eligible agency for the agency's expense of paying salary at overtime rate (1) to a public safety dispatcher or dispatch supervisor who replaces another public safety dispatcher or dispatch supervisor for his/her attendance at selected POST-certified training or (2) to a public safety dispatcher or dispatch supervisor who is assigned to such training on his/her days off.

Title 11
California Code of Regulations
AMEND: 1015(e)
Filed 04/11/01
Effective 07/01/01
Agency Contact: Leah Cherry (916) 227-3891

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**
Training and Testing Specifications Peace Officer
Basic Courses

This rulemaking action revises the training and testing specifications for the peace officer basic courses.

Title 11
California Code of Regulations
AMEND: 1005
Filed 12/05/01
Effective 01/01/02
Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON STATE MANDATES
Reconsideration of a Prior Final Decision

This regulatory action amends section 1188.4 regarding reconsideration of a prior final decision. This filing is exempt from OAL review pursuant to Government Code section 17527 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 2
California Code of Regulations
AMEND: 1188.4
Filed 02/02/01
Effective 03/04/01
Agency Contact: Kathleen Lynch (916) 323-8221

COMMISSION ON STATE MANDATES
Dismissals

The proposed regulatory action provides procedures for the dismissal of a pending action under circumstances where a claimant or party has, in effect, withdrawn its claim or request by failing to reactivate a claim or request within one year after its request for postponement or placement on inactive status was granted.

Title 2
California Code of Regulations
ADOPT: 1183.09, 1183.21, 1188.31
Filed 04/05/01
Effective 05/05/01
Agency Contact: Camille Shelton (916) 323-3562

COMMISSION ON STATE MANDATES
Findings of Significant Financial Distress

The proposed regulatory action amends the Commission's process for acting on county applications for findings of significant financial distress. This action was submitted to OAL for printing only pursuant to the provisions of Government Code section 17527(g).

Title 2
California Code of Regulations
ADOPT: 1186.6, 1186.61, 1186.62 AMEND: 1181.2, 1181.3, 1186.5, 1186.51, 1186.52, 1186.72, 1186.6, 1186.61, 1186.62
Filed 03/06/01
Effective 04/05/01
Agency Contact: Nancy Patton (916) 323-8217

COMMISSION ON TEACHER CREDENTIALING
CBEST Fee

This rulemaking action raises the fee for taking the state basic skills proficiency test (CBEST) from \$40 to \$41.

Title 5
California Code of Regulations
AMEND: 80487
Filed 12/26/01
Effective 12/26/01
Agency Contact: Yvonne Novelli (916) 323-6512

COMMISSION ON TEACHER CREDENTIALING
Declaration of Need and Limited Assignment Emergency Teaching Permit

The emergency regulatory action deals with Limited Assignment Emergency Teaching Permits and the Declaration of Need for Fully Qualified Educators.

Title 5
California Code of Regulations
AMEND: 80026, 80027
Filed 06/15/01
Effective 06/15/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSION ON TEACHER CREDENTIALING
Declaration of Need and Limited Assignment Teaching Permit

The regulatory action is the Certificate of Compliance for the emergency regulatory action that dealt with Limited Assignment Emergency Teaching Permits and the Declaration of Need for Fully Qualified Educators. (Prior OAL File 012-0607-06E.)

Title 5
California Code of Regulations
AMEND: 80026, 80027
Filed 11/19/01
Effective 11/19/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSION ON TEACHER CREDENTIALING
Change of Employment Teacher Reporting Requirements

The proposed rulemaking action deletes existing references to a credential holder's obligation to report changes in employment status to the Commission under specified circumstances. The proposed action is a change without regulatory effect under the provisions of Title 1, California Code of Regulations, section 100.

Title 5
California Code of Regulations
AMEND: 80303
Filed 04/02/01
Effective 05/02/01
Agency Contact: Joan Condit (916) 445-0243

COMMISSION ON TEACHER CREDENTIALING
Conflict of Interest

The Commission on Teacher Credentialing is amending its conflict of interest code found at title 5, California Code of Regulations, section 80225. These changes were approved for filing by the Fair Political Practices Commission on October 5, 2001.

Title 5
California Code of Regulations
AMEND: 80225
Filed 12/12/01
Effective 01/11/02
Agency Contact: Ann Erickson (916) 445-5502

COMMISSION ON TEACHER CREDENTIALING
Crosscultural Language And Academic Development (CLAD) Certificate

The proposed regulatory action would allow individuals to use three years of course work in a single language other than English taken in grades 7 through 12, with at least a B average, to satisfy the language—learning experience requirement for the Cross-cultural, Language and Academic Development (CLAD) Certificate.

Title 5
California Code of Regulations
AMEND: 80015
Filed 01/08/01
Effective 02/07/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSION ON TEACHER CREDENTIALING
Certificates of Completion of Staff Development

This regulatory action adopts the requirements for obtaining a Certificate of Completion of staff development to teach English language development and/or specially designed academic instruction delivered in English to limited-English-proficient students.

Title 5
California Code of Regulations
ADOPT: 80016
Filed 04/25/01
Effective 05/25/01
Agency Contact: Yvonne Novelli (916) 323-6512

COMMISSIONER OF CORPORATIONS
Form & Amount of Fidelity/Indemnity Bond Cover

This Certification of Compliance amends the Escrow Law to limit the persons required to be members of the Escrow Agents' Fidelity Corporation (EAFC). (Previous OAL file ##00-0420-01E and 00-0828-01ER)

Title 10
California Code of Regulations
AMEND: 1722, 1723
Filed 01/10/01
Effective 01/10/01
Agency Contact:
Gerardo Partida (916) 322-3675

CONTRACTORS STATE LICENSE BOARD
Consumer Protection Notices

The regulatory action contains the consumer protection notices mandated by Business and Professions Code sections 7159.3 and 7164. This regulatory action is effective on February 26, 2002.

Title 16
California Code of Regulations
ADOPT: 872, 872.1
Filed 11/28/01
Effective 02/26/02
Agency Contact:
Ellen Gallagher (916) 255-4005

CONTRACTORS STATE LICENSE BOARD
Minimum Qualification Standards for Arbitrators

This regulatory action establishes minimum qualifications for arbitrators.

Title 16
California Code of Regulations
ADOPT: 890

Filed 10/31/01
Effective 11/30/01
Agency Contact:
Ellen Gallagher (916) 255-4005

COURT REPORTERS BOARD OF CALIFORNIA
Qualifier Exams

The proposed emergency regulatory action would place a maximum on the number and shorten the duration of qualifier examinations given to court reporting students by schools so that all students are held to the same standards prior to entering the licensing examination.

Title 16
California Code of Regulations
ADOPT: 2412 AMEND: 2418 REPEAL:
2411(a)(1)(A)
Filed 12/17/01
Effective 12/17/01
Agency Contact: Gail S. Jones (916) 263-4690

COURT REPORTERS BOARD OF CALIFORNIA
Fee Schedule

The proposed regulatory action would establish a \$75 fee for each separate part and each administration of the licensing examination. It would also establish a \$50 penalty for failure to notify the board of a change of name or address.

Title 16
California Code of Regulations
ADOPT: 2450
Filed 11/20/01
Effective 12/20/01
Agency Contact: Dawn Darling (916) 263-3660

COURT REPORTERS BOARD OF CALIFORNIA
Exam Required, Passing Grades & Examination Credit

This rulemaking provides that an applicant must take and pass all three parts of the examination within three consecutive years, and that after a period of three months has elapsed, an applicant may repeat any part of the examination.

Title 16
California Code of Regulations
AMEND: 2420
Filed 10/18/01
Effective 11/17/01
Agency Contact: Dawn Darling (916) 263-3660

DELTA PROTECTION COMMISSION
Land Use/ Resource Management for Delta

This regulatory action adopts the requirements for local plans for the management of Delta resources.

Title 14
California Code of Regulations
ADOPT: 20030, 20040, 20050, 20060, 20070,

20080, 20090, 20100, 20110
Filed 05/08/01
Effective 06/07/01
Agency Contact:
Margit Aramburu (916) 776-2290

DENTAL BOARD OF CALIFORNIA
RDH Duties and Settings

This regulatory action permits registered dental hygienists, under the direct supervision of a licensed dentist, to place antimicrobial or antibiotic medications, which do not later have to be removed.

Title 16
California Code of Regulations
AMEND: 1088
Filed 12/17/01
Effective 01/16/02
Agency Contact:
Errol G. Chisom (916) 263-2300 x2327

DENTAL BOARD OF CALIFORNIA
Foreign Dental Schools

This regulatory action is a resubmittal of a previously withdrawn regulatory filing which revises the institutional standards for all dental schools and adopts specific requirements for the approval of foreign dental schools.

Title 16
California Code of Regulations
ADOPT: 1024.1, 1024.3, 1024.4, 1024.5, 1024.6,
1024.7, 1024.8, 1024.9, 1024.10, 1024.11, 1024.12
AMEND: 1000 REPEAL: 1024.1
Filed 10/15/01
Effective 11/14/01
Agency Contact:
Errol G. Chisom (916) 263-2300 x2327

DENTAL BOARD OF CALIFORNIA
Additional Office Rules

The regulatory action repeals section 1046 of Title 16 of the California Code of Regulations which deals with the "Requirement for Personal Attendance".

Title 16
California Code of Regulations
REPEAL: 1046
Filed 04/02/01
Effective 05/02/01
Agency Contact:
Errol G. Chisom (916) 263-2300 x2327

DENTAL BOARD OF CALIFORNIA
Permit Reform Act

The proposed regulatory would add permit reform act timelines for Registered Dental Assistant in Extended Functions (RDHEF) licensure and educa-

tional programs and would amend the application deadlines for Registered Dental Hygienist and RDHEF licensure.

Title 16
California Code of Regulations
AMEND: 1069, 1076
Filed 02/22/01
Effective 03/24/01
Agency Contact:
Errol G. Chisom (916) 263-2300 x2327

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This emergency readoption implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9
California Code of Regulations
ADOPT: 9500, 9510, 9517, 9530, 9533 AMEND:
9505, 9515, 9520, 9525, 9535, 9540, 9545
Filed 04/25/01
Effective 04/25/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

DUI Complaint Investigations

This rulemaking action sets out the complaint investigation process for driving under the influence (DUI) programs consistent with existing investigation, review, notice of deficiency and resolution procedures.

Title 9
California Code of Regulations
ADOPT: 9823.1
Filed 03/19/01
Effective 04/18/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This emergency readoption implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9
California Code of Regulations
ADOPT: 9500, 9505, 9510, 9515, 9517, 9520,
9525, 9530, 9532, 9533, 9535, 9540, 9545
Filed 12/12/01
Effective 12/20/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This emergency readoption implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9
California Code of Regulations
ADOPT: 9500, 9505, 9510, 9520, 9525, 9535, 9540
AMEND: 9515, 9530, 9545
Filed 03/22/01
Effective 03/22/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This readoption of emergency regulations implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9
California Code of Regulations
ADOPT: 9500, 9505, 9510, 9515, 9517, 9520,
9525, 9530, 9532, 9533, 9535, 9540, 9545
Filed 08/17/01
Effective 08/22/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Visual Display

The proposed regulatory action would repeal the section which provides that specified depictions, whether by "showing film, still pictures, electronic reproduction, or other visual reproductions" are contrary to public welfare and morals and prohibited at on-sale licensed premises.

Title 4
California Code of Regulations

REPEAL: 143.4
Filed 12/12/01
Effective 01/11/02
Agency Contact:
Matthew D. Botting (916) 263-6893

DEPARTMENT OF BOATING AND WATERWAYS

Public and Private Loan Regulation

This regulatory action implements the "Small Craft Harbors and Connecting Waterways" loan program, and the "Recreational Marina Loan" program.

Title 14
California Code of Regulations
ADOPT: 5104, 5170, 5171, 5172, 5173, 5174,
5175, 5176 AMEND: 5100, 5102, 5103, 5105,
5106, 5107
Filed 07/02/01
Effective 08/01/01
Agency Contact: Mike Sotelo (916) 263-0787

DEPARTMENT OF BOATING AND WATERWAYS
Ban Certain Two-Stroke Vessel Engines on Lake Tahoe

This action adopts in state law, a regulation banning the operation of certain 2-stroke powered watercraft in the Lake Tahoe region comparable to a ban implemented by the Tahoe Regional Planning Agency in 1999 for the purpose of protecting water quality.

Title 14

California Code of Regulations

ADOPT: 6595

Filed 10/04/01

Effective 10/04/01

Agency Contact: Mike Sotelo (916) 263-0787

DEPARTMENT OF CHILD SUPPORT SERVICES
Interstate Cases

This emergency action (R-5-01E) adopts definitions and general provisions pertaining to interstate child support cases. It also repeals DSS' Manual of Policies and Procedures regulations concerning interstate cases.

Title 22

California Code of Regulations

ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 117085, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403, 1

Filed 09/24/01

Effective 09/24/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Case Intake Process

The proposed regulatory action would require local child support agencies to make applications available to the public and to accept all applications for child support services and referrals of public assistance recipients from the county welfare department. These regulations also specify requirements for establishing a case record and processing a case, and specify requirements related to screening for family violence and activating a family violence indicator.

Title 22

California Code of Regulations

ADOPT: 110041, 110098, 110284, 110299, 110428, 110430, 110473, 110539, 112002, 112015, 112025, 112034, 112035, 112100, 112110, 112130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302 AMEND: 110042, 110431, 110609

Filed 09/10/01

Effective 09/10/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Location of Persons or Assets

This emergency rulemaking file adopts the uniform forms, policies and procedures to be used statewide by all local child support agencies.

Title 22

California Code of Regulations

ADOPT: 110413, 110550, 113100, 113200, 113300

Filed 09/04/01

Effective 09/04/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration

This emergency regulatory action adopts the requirements for program administration and complaint resolution.

Title 22, MPP

California Code of Regulations

ADOPT: 111000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478,

Filed 06/26/01

Effective 07/01/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration and Complaint Resolution

This emergency regulatory action adopts regulations concerning program administration and complaint resolution. (Previous OAL file # 01-0620-03E)

Title 22

California Code of Regulations

ADOPT: 11000, 110042, 110046, 110088, 110099, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478, 110479,

Filed 12/18/01

Effective 12/30/01

Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CHILD SUPPORT SERVICES
Conflict of interest Code

This action adopts the Department of Child Support Services' conflict of interest code. The Fair Political Practices Commission approved the code for filing on July 19, 2001.

Title 22

California Code of Regulations

ADOPT: 123000 AMEND: none REPEAL: none

Filed 09/19/01
Effective 10/19/01
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration—Administrative Reporting
—Quality Control—Performance Standards

This rulemaking action, which is deemed to be an emergency pursuant to Family Code Section 17306(e)(2), specifies data submission requirements for local child support agencies. The requirements are the same as those imposed by the regulation being repealed in this action, and those imposed by other state and federal law. The reporting involves a variety of collection and distribution data and service activity statistics for the local child support program and data related to performance measures.

Title 22
California Code of Regulations
ADOPT: 111900, 111910, 111920, 121100, 121120, 121140
Filed 09/06/01
Effective 09/06/01
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

Applicant Verifications

This emergency action updates the Department's regulation on verification of applicant eligibility, and adopts new definitions and rules on eligibility, self-certification, exemption, and fair hearings to conform with federal agency interpretations relating to eligibility for grants.

Title 22
California Code of Regulations
ADOPT: 100901, 100902, 100903, 100904, 100904.5 AMEND: 100900
Filed 06/14/01
Effective 06/14/01
Agency Contact: Lisa Bell (916) 323-8694

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

Applicant Verification

This action is the certification of compliance for an update of the Department's applicant verification regulations, revising certain terminology and narrowing the application of the verification requirements based upon instructions from the relevant federal programs.

Title 22
California Code of Regulations
ADOPT: 100901, 100902, 100903, 100904, 100904.5 AMEND: 100900

Filed 11/02/01
Effective 11/02/01
Agency Contact: Lisa Bell (916) 323-8694

DEPARTMENT OF CONSERVATION
Record Keeping Reporting and Exemptions

This rulemaking revises the record keeping, reporting and exemption requirements, both to clarify them and to lessen unnecessary requirements for recycling centers and processors, as specified.

Title 14
California Code of Regulations
AMEND: 2085, 2090, 2405, 2420, 2425, 2430, 2500, 2505, 2800, 2805
Filed 07/10/01
Effective 08/09/01
Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSERVATION
SB 332 Definitions and Reporting Deadlines

This action is the certification of compliance for amendments made to the recycling program definitions, procedures and reporting requirements to implement the statutory expansion of beverages covered under the program. The amendment to section 2200 (b)(1) is a regular amendment, rather than certification of compliance for an emergency action.

Title 14
California Code of Regulations
AMEND: 2000, 2045, 2055, 2200, 2235, 2240, 2305, 2310, 2320, 2430, 2540
Filed 01/11/01
Effective 01/11/01
Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSERVATION
Selection of Professional Service Firms

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the selection of professional service firms. (Prior OAL File 00-0822-02E.)

Title 14
California Code of Regulations
ADOPT: 1690, 1690.1, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699
Filed 02/01/01
Effective 02/01/01
Agency Contact: Marilu Habel (916) 445-9686

DEPARTMENT OF CONSERVATION
Remove Definition of "Division Chief" and Add CRV Labeling Options

This non-substantive action expands the CRV labeling message required for beverage containers and replaces "Division Chief" with "Assistant Director for Recycling".

Title 16
California Code of Regulations
AMEND: 2000, 2200, 2305, 2310, 2320, 2401,
2501, 2645, 2685, 2745
Filed 04/16/01
Effective 05/16/01
Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION
Portion control Container Labeling

This Certificate of Compliance establishes labeling requirements for portion control containers which were added to the recycling program by recent legislation.

Title 14
California Code of Regulations
AMEND: 2200
Filed 06/11/01
Effective 06/11/01
Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION
SB 332 Portion Control Containers

This emergency readoption establishes labeling requirements for portion control containers which were added to the recycling program by recent legislation.

Title 14
California Code of Regulations
AMEND: 2200
Filed 03/12/01
Effective 03/12/01
Agency Contact: Blanda Duncan (916) 322-1011

DEPARTMENT OF CONSERVATION
Application for Open Space Subvention Payment

The Open Space Subvention Act was changed with the enactment of SB 649 (Costa) on January 1, 2000. This rulemaking action revises the forms used by counties to apply to the state for open space subventions. Changes have been made to capture farmland security zone contracted land that is considered "urban" and meets the Williamson Act definition of "prime," to capture nonrenewal decade shift, to capture easement exchanges, to capture farmland security zone transfers from Williamson Act contracts, to capture parcel-by-parcel tabulation of farmland security zone acreage that has been under nonrenewal for more than ten years, and to capture parcel-by-parcel tabulation of enrollment acreage that has been cancelled pursuant to the Williamson Act Easement Exchange Program.

Title 14
California Code of Regulations
AMEND: 14111

Filed 10/03/01
Effective 10/03/01
Agency Contact: Tim Bryant (916) 322-5955

DEPARTMENT OF CONSERVATION
Permanent Scrap Regulations

This rulemaking action makes permanent the emergency regulations regarding non-PET plastic containers which establish recordkeeping and reporting requirements, and provide for the calculation of a processing fee and a processing payment.

Title 14
California Code of Regulations
AMEND: 2420, 2425, 2955
Filed 01/30/01
Effective 01/30/01
Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSERVATION
Individual Commingled Rate Survey

Pursuant to Public Resources Code section 14549.5, the Department has established a statewide commingled rate which is adjusted on an annual basis. However, an operator of a dropoff or collection program, curbside program and/or community service program may apply for an individual commingled rate. This regulatory action is intended to simplify current survey requirements, decrease the number and frequency of surveys, and allow more flexibility for program participants to determine survey methodology.

Title 14
California Code of Regulations
AMEND: 2000, 2620, 2625, 2630, 2635, 2640,
2645, 2660, 2665, 2670, 2675, 2680, 2685, 2720,
2725, 2730, 2735, 2740, 2745
Filed 01/26/01
Effective 01/26/01
Agency Contact: Marty Nold (916) 327-2761

DEPARTMENT OF CONSUMER AFFAIRS
Consumer Assistance Program

This is the certification of compliance for an action that amended the repair assistance and vehicle retirement programs to conform with statutory changes effective 7/6/99, and increase vehicle owner participation in these programs.

Title 16
California Code of Regulations
ADOPT: 3394.6 AMEND: 3340.1, 3394.1, 3394.2,
3394.3, 3394.4, 3394.5 REPEAL: 3340.9
Filed 03/27/01
Effective 03/27/01
Agency Contact: Jim Allen (916) 255-1379

DEPARTMENT OF CONSUMER AFFAIRS

Telephone Medical Advice Services

This Certificate of Compliance filing implements AB 285 (Corbett, Chapter 535, Statutes of 1999) and revisions (Statutes 2000, c. 857) which (1) require all business entities which provide telephone medical advice (as specified) to persons in California to register with the Department of Consumer Affairs; (2) require that the individual advice-givers be appropriately licensed health care professionals (nurses, doctors, psychologists, etc.); (3) give the Department specified oversight and other duties; (4) direct the Department to establish an application process, an application and other form(s), and (5) authorize a registration fee sufficient to cover administration costs.

Title 16

California Code of Regulations

ADOPT: 4000, 4001, 4010, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4031, 4032, 4033, 4034, 4040

Filed 08/24/01

Effective 08/24/01

Agency Contact: Teresa Ciau (916) 322-7898

DEPARTMENT OF CONSUMER AFFAIRS

Telephone Medical Advice

This emergency readoption implements AB 285 (Corbett, Chapter 535, Statutes of 1999) and AB 2903 (Chapter 857, Statutes of 2000) which (1) require specified business entities which provide telephone medical advice services to persons in California to register with the Department of Consumer Affairs; (2) require that the advice-givers be appropriately licensed (as nurses, doctors, psychologists, etc.); (3) give the Department specified oversight and other duties; (4) direct the Department to establish an application process and application and related forms, and (5) authorize a fee sufficient to cover administration costs.

Title 16

California Code of Regulations

ADOPT: 4000, 4001, 4010, 4011, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4030, 4031, 4032, 4033, 4034, 4040

Filed 03/19/01

Effective 03/19/01

Agency Contact: Teresa Ciau (916) 322-7898

DEPARTMENT OF CONSUMER AFFAIRS

Arbitration Certification Program—Definition of “New Motor Vehicle”

This action modifies the definition of “new motor vehicle” to conform to changes made in Senate Bill 1718 to the statutory program established to resolve disputes involving written warranties on new motor vehicles. Under this program, the Department of

Consumer Affairs is required to establish a program for certifying third-party dispute resolution processes used for the arbitration of such disputes

Title 16

California Code of Regulations

AMEND: 3396.1

Filed 01/25/01

Effective 01/25/01

Agency Contact: Anna Mar Wong (916) 323-3406

DEPARTMENT OF CONSUMER AFFAIRS

Conforming to AB 2697

The Department is conforming the hearing aid dispenser regulations to recent legislative changes, especially to Assembly Bill 2697, which created the Hearing Aid Dispensers Bureau within the Department of Consumer Affairs.

Title 16

California Code of Regulations

AMEND: 1399.101, 1399.102, 1399.105, 1399.113, 1399.114, 1399.115, 1399.116, 1399.118, 1399.120, 1399.121, 1399.131, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, 1399.139, 1399.140, 1399.141, 1399.142, 1399.144
REPEAL: 1399.104

Filed 06/11/01

Effective 06/11/01

Agency Contact: Dianne Tincher (916) 327-3433

DEPARTMENT OF CORPORATIONS

Expand Franchise Exemption to \$500

An offer and sale of a franchise is not subject to registration with the Commissioner where the franchisee is required to pay a franchise fee that does not exceed the sum of \$100.00. This rulemaking changes the amount of the fee to \$500.00 to make it consistent with a rule adopted by the Federal Trade Commission.

Title 10

California Code of Regulations

AMEND: 310.001

Filed 06/04/01

Effective 07/04/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Qualification Requirements For Compensatory Benefit Plans

This is the readoption of an emergency action (December 2000), which conformed existing departmental regulations to legislative changes which took effect on 1-1-01: Senate Bill 1837 provides that certain offerings of securities through option and purchase plans (“compensatory benefit plans”) of limited liability companies are exempt from qualification under the Corporate Securities Act of 1968 and refers to specific departmental regulations. However, prior to the initial emergency action, these regulations referred

solely to offerings of shares of stock in corporations; the initial emergency action amended these regulations to encompass offerings of interests in limited liability companies, in addition to stock in corporations.

Title 10

California Code of Regulations

ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46

Filed 05/02/01

Effective 05/02/01

Agency Contact: Colleen Monahan

DEPARTMENT OF CORPORATIONS

Federal "Affirmative Defense" Rule for Insider Trading

This emergency regulatory action clarifies "insider trading" in California.

Title 10

California Code of Regulations

ADOPT: 260.402

Filed 03/14/01

Effective 03/14/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Canadian Broker-Dealers & Agents & Pacific Exchange

This action exempts Canadian broker-dealers from the certification requirement of Corporations Code section 25210, and their agents from the registration requirement for certain securities transactions with Canadians temporarily residing in or visiting California, subject to specified conditions; and exempts members of the Pacific Exchange, Inc. who do not carry customer accounts but conduct proprietary or firm trading activity or act as agents for other broker-dealers through the Pacific Exchange from certification under section 25201.

Title 10

California Code of Regulations

ADOPT: 260.105.40, 260.204.10, 260.204.11

Filed 05/24/01

Effective 06/23/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Federal "Affirmative Defense" Rule for Insider Trading

This Certificate of Compliance clarifies "insider trading" in California.

Title 10

California Code of Regulations

ADOPT: 260.402

Filed 07/30/01

Effective 07/30/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

CPA Audits; Regulatory Examinations (AB 459 (2001))

This emergency action relates to the frequency of the routine regulatory examinations of escrow agent licensees and additional information to be included in the Independent Annual Audit Report each escrow agent licensee is required to submit to the Department of Corporations under the Escrow Law (Fin. C. Secs. 17000, et seq.; Title 10, Ch. 3, Secs. 1729 and 1741.5), as well as the frequency of the routine regulatory examinations of licensees under the California Residential Mortgage Lending Act (Fin. C. Secs. 50000, et seq.; Title 10, Ch. 3, Sec. 1950.302 (CRMLA)).

Title 10

California Code of Regulations

ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5

Filed 12/31/01

Effective 01/01/02

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Capital Access Company Investment Adviser Exemption

The proposed regulatory action would exempt an investment adviser from the certification requirement of Section 25230 of the Corporations Code when making recommendations with respect to the investment of funds on behalf of a capital access company licensed under the Capital Access Company Law.

Title 10

California Code of Regulations

ADOPT: 260.204.12

Filed 04/02/01

Effective 05/02/01

Agency Contact:

William Kenefick

(916) 322-3553

DEPARTMENT OF CORPORATIONS

Qualification Requirements for Compensatory Benefit Plans

This emergency regulatory action readopts the amendment of provisions to conform departmental regulations to legislative changes which exempted compensatory benefit plans of limited liability companies from qualification under the Corporate Securities Act of 1968. (Previous OAL file ##00-1219-09E, 01-0423-02EE)

Title 10

California Code of Regulations

ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46

Filed 08/30/01

Effective 08/30/01

Agency Contact:

Timothy L. LeBas

(916) 322-3553

DEPARTMENT OF CORPORATIONS

Broker-Dealers: Agent Procedures

This regulatory action conforms state agent, broker-dealer, and investment adviser requirements to changes in federal SEC forms and procedures and revises and clarifies certification and related procedures.

Title 10
California Code of Regulations
AMEND: 260.210, 260.211, 260.211.1, 260.234, 260.241
Filed 01/23/01
Effective 01/23/01
Agency Contact:
Timothy L. LeBas (916) 322-3553

DEPARTMENT OF CORPORATIONS

Internet Escrow Agent "Click Through" Fees

The proposed regulatory action authorizes Internet escrow agent "click-through" fees under specified conditions. The action implements AB 583 (Chap. 441, Stats. 1999).

Title 10
California Code of Regulations
ADOPT: 1741.6
Filed 07/05/01
Effective 08/04/01
Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Exemption for Internet Offers

This regulatory action exempts from the Franchise Investment Law (FIL) specified online Internet offers to sell franchises as long as they meet certain conditions such as not being offered or directed to California residents.

Title 10
California Code of Regulations
ADOPT: 310.100.3
Filed 01/25/01
Effective 01/25/01
Agency Contact:
Timothy L. LeBas (916) 322-3553

DEPARTMENT OF CORRECTIONS

Law Enforcement Responsibility and Peace Officer Designation

The proposed regulatory action would amend the provision for employee law enforcement and peace officer designation deleting the list of peace officers from subsection (b) and adding subsection (f) which deals with the authority of members of the Office of Internal Affairs.

Title 15
California Code of Regulations
AMEND: 3291

Filed 02/14/01

Effective 03/16/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Inmate Behavior-Excused Time Off

The Department of Corrections is correcting a cross-reference contained within the captioned section. The captioned subsection (g) refers to visiting during authorized absences, and contains a reference to section 3045.1(a) contained within parentheses. This section was renumbered from 3045.1 to 3045.3 in File No. 92-0420-04C. This particular amendment is a correction due to that filing.

Title 15
California Code of Regulations
AMEND: 6045.2(e)(2)(G)
Filed 11/27/01
Effective 12/27/01
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Non-Substantive Change to Reflect Revision of Date of Forms

This action would update the revision date for two forms used to document enemies of inmates. The revisions to the forms make changes to the format adding additional spaces and headings for deletion of confidential enemies. The revision also would add a reference to the Department's operational manual.

Title 15
California Code of Regulations
AMEND: 3375.2, 3378
Filed 10/23/01
Effective 11/22/01
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Segregation Order

The Department of Corrections is amending the captioned section in order to remove a classification, Correctional Program Supervisor III, which was reallocated into the Correctional Lieutenant class according to the Department of Personnel Administration on December 2, 1982.

Title 15
California Code of Regulations
AMEND: 3336
Filed 03/22/01
Effective 04/21/01
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Official Authorized to Approve Correspondence Between Inmates

The Department is updating the descriptions or titles of the officials authorized to approve correspondence between inmates, primarily to conform to the defini-

tions section of the Department's regulations (Title 15, California Code of Regulations, section 3000).

Title 15

California Code of Regulations

AMEND: 3139.

Filed 04/04/01

Effective 04/04/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Job Classifications

The Department of Corrections is amending the captioned section in order to remove a classification, Correctional Program Supervisor III, which was reallocated into the Correctional Lieutenant class according to the Department of Personnel Administration on December 2, 1982.

Title 15

California Code of Regulations

AMEND: 3338

Filed 07/30/01

Effective 08/29/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Job Classifications, Change of Reference

This action updates three regulations by deleting the term "program administrator" and replacing it with "facility captain."

Title 15

California Code of Regulations

AMEND: 3135, 3230, 3338

Filed 08/06/01

Effective 09/05/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Enclosures in Confidential Mail

The Department of Corrections is amending the captioned section in order to correct a name change for the classification Program Administrator.

Title 15

California Code of Regulations

AMEND: 3145

Filed 04/03/01

Effective 04/03/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Close Custody Designation of Inmates

This filing is a resubmission of a disapproved certificate of compliance for an emergency regulatory action which made extensive revisions to provisions concerning inmate custody designations and adopted a new regulation which established criteria for the assignment of close custody to inmates. In response to the earlier disapproval, changes to the regulations

were made available to the public for comment, the regulations were revised to address clarity problems and those changes made available to the public as well, and the Final Statement of Reasons was revised to include a summary and response to all comments and other required statements.

Title 15

California Code of Regulations

ADOPT: 3377.2 AMEND: 3000, 3377.1

Filed 05/03/01

Effective 05/03/01

Agency Contact: Marc Remis (916) 327-4540

DEPARTMENT OF CORRECTIONS

Research Advisory Committee

This rulemaking action gives the Director greater flexibility when appointing Research Advisory Committee members, by removing reference to their specific titles/organizational positions. This will eliminate the need to amend this section based on changes in job titles or other organizational changes.

Title 15

California Code of Regulations

AMEND: 3369.5

Filed 07/03/01

Effective 08/02/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Inmate Canteen Establishment & Draw Limits

This rulemaking increases the maximum monthly inmate canteen draw from \$140.00 to \$180.00.

Title 15

California Code of Regulations

AMEND: 3090

Filed 03/08/01

Effective 04/07/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Rotation of Inmate Work Assignments

The proposed regulatory action adopts provisions governing rotation of inmate work assignments.

Title 15

California Code of Regulations

AMEND: 3040

Filed 02/13/01

Effective 03/15/01

Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF CORRECTIONS

Parole Assessment

This filing is a certificate of compliance for an emergency regulatory action which established supervision levels for parolees.

Title 15

California Code of Regulations

ADOPT: 3605

Filed 05/11/01
Effective 05/11/01
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS
Segregated Program Housing Units

The Department of Corrections is amending the captioned section revising the revision date for the SHU Term Assessment Worksheet CDC Form 629-A from its prior revision dated August 1995 to the current revision dated March 1996.

Title 15
California Code of Regulations
AMEND: 3341.5
Filed 10/16/01
Effective 11/15/01
Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF DEVELOPMENTAL SERVICES
Behavior Analysts

This rulemaking action authorizes regional centers for the developmentally disabled to classify as vendors, and purchase services for individual clients from Behavior Analysts certified by the national Behavior Analyst Certification Board. A Behavior Analyst assesses the function of a behavior of a consumer and designs, implements, and evaluates instructional and environmental modifications to produce socially significant improvements in an individual's behavior through skill acquisition and the reduction of behavior. A Behavior Analyst may not practice psychology.

Title 17
California Code of Regulations
AMEND: 54319, 54342, 57332
Filed 05/03/01
Effective 06/02/01
Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF DEVELOPMENTAL SERVICES
Wage & Benefit Increase—Respite & Supplemental

This emergency readoption implements the Budget Act of 2000/01 to provide an increase in salaries and wages for individual respite workers and family members providing respite services, as well as rates for supplemental staff providing services to non-mobile consumers in day programs.

Title 17
California Code of Regulations
AMEND: 57310, 57332, 57530
Filed 07/12/01
Effective 07/12/01
Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF DEVELOPMENTAL SERVICES
Direct Care Staff Training

This emergency action extends the timelines for direct care staff competency-based training and testing, to be consistent with the legislative intent of amendments in AB 950.

Title 17
California Code of Regulations
AMEND: 56033
Filed 10/11/01
Effective 10/11/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Special Incident Reporting

This emergency rulemaking amends special incident reporting for vendors, long-term health care facilities and regional centers.

Title 17
California Code of Regulations
ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 58651
Filed 06/27/01
Effective 07/01/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Direct Care Staff Training

This Certificate of Compliance adopts the standards for training of direct care staff. (Previous OAL file ## 98-1223-01, 99-0507-03, 99-0908-01, 00-0107-01, 00-0302-02, 00-0719-02)

Title 17
California Code of Regulations
ADOPT: 56031, 56033, 56034, 56034.1, 56035, 56931, 56932, 56933, 56934, 56936, 56937
AMEND: 56002, 56037, 56038, 56048, 56054, 56057, 56059, 56060
Filed 05/02/01
Effective 05/02/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Wage and Benefit Increase—Respite & Supplemental

This emergency readoption implements the Budget Act of 2000/2001 to provide an increase in salaries and wages for individual respite workers and family members providing respite services, as well as rates for supplemental staff providing services to non-mobile consumers in day programs.

Title 17
California Code of Regulations
AMEND: 57310, 57332, and 57530
Filed 11/19/01
Effective 11/19/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Special Incident Reporting and Residential Standards

The proposed nonregulatory change would renumber subsections and correct a reference in the definition of “special incidence report”.

Title 17
California Code of Regulations
AMEND: 54302, 56002
Filed 08/28/01
Effective 09/27/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Special Incident Reporting Procedures

This emergency rulemaking readopts amendments to special incident reporting for vendors, long-term health care facilities and regional centers. (Previous OAL file #01-0620-02E)

Title 17
California Code of Regulations
ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 56002, 56093, 58651
Filed 10/25/01
Effective 10/31/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF DEVELOPMENTAL SERVICES
Wage & Benefit Increase—Respite & Supplemental Service Workers

This emergency action implements the Budget Act of 2000/01 to provide an increase in salaries and wages for individual respite workers and family members providing respite services, as well as rates for supplemental staff providing services to non-mobile consumers in day programs, retroactively to July 2000.

Title 17
California Code of Regulations
AMEND: 57310, 57332, 57530
Filed 03/14/01
Effective 03/14/01
Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF EDUCATION
Child Development Contractor's Responsibility

The Certificate of Compliance deals with child development contractor's responsibility. (Prior OAL file 01-0530-01E.)

Title 5
California Code of Regulations
AMEND: Section 18302
Filed 11/06/01
Effective 11/06/01
Agency Contact: Peggy Peters (916) 657-4440

DEPARTMENT OF FINANCE
Conflict of Interest Code

The California Department of Finance is amending its conflict of interest code filing found at the captioned citation. The changes were approved for filing by the Fair Political Practices Commission on July 17, 2001.

Title 2
California Code of Regulations
ADOPT: Ch. 16, Sec. 37000
Filed 09/10/01
Effective 10/10/01
Agency Contact: Adria Jenkins (916) 445-3368

DEPARTMENT OF FINANCIAL INSTITUTIONS
Loans Secured By Segregated Deposit Accounts

This emergency rulemaking conforms California law to Federal Banking laws for loans secured by segregated deposit accounts. This filing is exempt from the Administrative Procedure Act, and is submitted for printing in the California Code of Regulations.

Title 10
California Code of Regulations
ADOPT: 10.19605
Filed 04/02/01
Effective 04/02/01
Agency Contact: James Patten (415) 263-8514

DEPARTMENT OF FISH AND GAME
California Certificates of Financial Responsibility

This Certificate of Compliance completes the emergency action implementing SB 221 (chapter 721, Statutes of 2000), an urgency bill. SB 221 lowered the proof of financial responsibility requirement for nontank vessels and re-defined terms, making financial responsibility requirements proportionate to the amount of oil actually carried rather than the blanket \$300,000,000 previously required of most oil-carrying vessels, whether oil tankers or not. Vessels cannot operate in state waters without the required Certificate of Financial Responsibility.

Title 14
California Code of Regulations
AMEND: 790, 791, 791.7, 795, 796, 797, Forms 1924, 1925, 1929, 1930, 1946, 1947, 1962, and 1972
Filed 09/17/01
Effective 09/17/01
Agency Contact: Joy Lavin-Jones (916) 327-0910

DEPARTMENT OF FISH AND GAME**Suction Dredging**

This emergency regulatory action would establish the procedure for requesting a special permit to operate a suction dredge with a nozzle larger than prescribed in current regulations.

Title 14
California Code of Regulations
AMEND: 228, 757
Filed 04/26/01
Effective 04/26/01
Agency Contact: Brendan Fletcher

DEPARTMENT OF FISH AND GAME
Central California Gillnet Closure

This emergency readoption prohibits the use of gillnets from Point Reyes to Yankee Point, and from Point Arguello to Point Sal.

Title 14
California Code of Regulations
ADOPT: 104.1
Filed 01/10/01
Effective 01/10/01
Agency Contact: Joseph Milton (916) 654-5336

DEPARTMENT OF FISH AND GAME
Commercial Fishing for Coastal Pelagic Species

The Department of Fish and Game is adopting and repealing the captioned sections in order to conform commercial coastal pelagic species fishing regulations in State waters to the CPS Fishery Management Plan of the Pacific Fishery Management Council. These changes are exempt from review by the Office of Administrative Law pursuant to Fish and Game Code section 7652.

Title 14
California Code of Regulations
ADOPT: Section 159 AMEND: none REPEAL:
Section 148
Filed 09/24/01
Effective 10/24/01
Agency Contact: LB Boydston (916) 653-6281

DEPARTMENT OF FISH AND GAME
Commercial Salmon Fishing

This action conforms Title 14, section 182, to the Pacific Fishery Management Council salmon plan of 2001 by limiting commercial salmon fishing in various coastal areas, requiring the use of single shank barbless hooks, and providing for possession and landing of frozen salmon in a head-off condition. This regulatory action is exempt from the Administrative Procedure Act pursuant to Fish and Game Code section 7652 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 14
California Code of Regulations
AMEND: 182
Filed 05/09/01
Effective 05/09/01
Agency Contact: Scott Barrow (707) 431-4343

DEPARTMENT OF FISH AND GAME
Triploid Grass Carp Stocking

This rulemaking authorizes the statewide use of triploid grass carp for control of nuisance aquatic vegetation, and makes other clarifying changes.

Title 14
California Code of Regulations
AMEND: 238.6
Filed 04/24/01
Effective 05/24/01
Agency Contact:
Eugene R. Fleming (916) 653-4280

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency rulemaking adds the counties of Alameda, Mendocino and Solano to the regulated areas for oak mortality disease control, and also amends the restricted articles and commodities.

Title 3
California Code of Regulations
AMEND: 3700(a),(b),(c)
Filed 12/14/01
Effective 12/14/01
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Motor Oil Assessment

The regulatory action deals with motor oil fees.

Title 4
California Code of Regulations
AMEND: 4300, 4304, 4307
Filed 08/30/01
Effective 09/29/01
Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE
Quarantine of Animals and Animal Products

This emergency regulatory action adopts the standards and procedures for the quarantine of animals and animal products.

Title 3
California Code of Regulations
ADOPT: 1301, 1301.1, 1301.2, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9
Filed 06/15/01
Effective 06/15/01
Agency Contact:
Francine T. Kammeyer (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Quarantine of Animal and Animal Products

This Certification of Compliance adopts the standards and procedures for the quarantine of animals and animal products. (Previous OAL file ##01-1023-03E, 01-0607-05E)

Title 3
California Code of Regulations
ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4,
1301.5, 1301.6, 1301.7, 1301.8, 1301.9
Filed 12/05/01
Effective 12/05/01
Agency Contact:
Susan R. Ichiho (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Quarantine of Animals and Animal Products
This emergency regulatory action adopts the standards and procedures for the quarantine of animals and animal products.
Title 3
California Code of Regulations
ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4,
1301.5, 1301.6, 1301.7, 1301.8, 1301.9
Filed 10/24/01
Effective 10/24/01
Agency Contact:
Susan R. Ichiho (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Vendor Contract Regulations
This regulatory action establishes guidelines for District Agricultural Associations concerning fairtime concession and commercial exhibit contracts that exceed one year in duration.
Title 3
California Code of Regulations
ADOPT: 7010
Filed 12/20/01
Effective 01/19/02
Agency Contact: Sue Fick (916) 263-2958

DEPARTMENT OF FOOD AND AGRICULTURE
State-Federal Meat and Poultry Inspection
This action implements Food and Agricultural Code section 18963 by adopting standards for the treatment, transportation, and marking of fallow deer headed for slaughter.
Title 3
California Code of Regulations
ADOPT: 950, 951, 952, 953, 954, 955 AMEND:
900.1, 901, 927, 930, 931
Filed 12/26/01
Effective 01/25/02
Agency Contact: Douglas Hepper (916) 654-0504

DEPARTMENT OF FOOD AND AGRICULTURE
Developmental Engine Fuels
The emergency regulation deals with developmental engine fuels.
Title 4
California Code of Regulations
ADOPT: 4144

Filed 10/12/01
Effective 10/12/01
Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE
Inspection and Permitting of Bulk Milk Tankers
The proposed regulatory action would establish the requirements for the inspection and permitting of bulk milk tankers including permit reform act timelines.

Title 3
California Code of Regulations
ADOPT: 480.9 AMEND: 300(c)(1)
Filed 10/25/01
Effective 10/25/01
Agency Contact: Kristen Dahl (916) 654-1981

DEPARTMENT OF FOOD AND AGRICULTURE
Lettuce
The proposed regulatory action would repeal the lettuce salad products inspection program including the reporting, record keeping, and fee provisions.

Title 3
California Code of Regulations REPEAL:
1438.23.1, 1438.25.1, 1438.25.2, 1438.25.3,
1438.24.4
Filed 03/13/01
Effective 04/12/01
Agency Contact:
Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Oranges
This certificate of compliance filing, for an emergency effective 9/28/00, amends the inspection standards for navel oranges to prevent a large volume of immature fruit from entering the market, to protect both the industry and the consumer.

Title 3
California Code of Regulations
AMEND: 1430.37, 1430.38
Filed 01/22/01
Effective 01/22/01
Agency Contact:
Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Fruit and Vegetable Container Markings
The proposed regulatory action revises packaging and labeling requirements for fresh fruits, nuts, and vegetables including nonconsumer containers of table grapes.

Title 3
California Code of Regulations
AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1,
1360, 1361, 1362, 1363

Filed 11/28/01
 Effective 12/28/01
 Agency Contact:
 Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Celery Container

This regulatory action standardizes the sizes of celery containers.

Title 3
 California Code of Regulations
 AMEND: 1380.19
 Filed 11/26/01
 Effective 12/26/01
 Agency Contact:
 Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Fruit and Vegetable Container Marketing

The proposed emergency regulatory action revises packaging and labeling requirements for fresh fruits, nuts, and vegetables.

Title 3
 California Code of Regulations
 AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363
 Filed 05/04/01
 Effective 05/04/01
 Agency Contact:
 Robert A. Cummings (916) 654-0919

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

The proposed emergency amendment would establish a quarantine for the Oriental fruit fly in the San Diego area.

Title 3
 California Code of Regulations
 AMEND: 3423(b)
 Filed 10/04/01
 Effective 10/04/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area

This Certificate of Compliance establishes the counties of Marin and San Diego as eradication areas for the gypsy moth.

Title 3
 California Code of Regulations
 AMEND: 3591.6(a)
 Filed 01/23/01
 Effective 01/23/01
 Agency Contact: Steve Cook (916) 229-3043

DEPARTMENT OF FOOD AND AGRICULTURE
Revision of Fertilizing Materials Regulations

This regulatory action establishes standards for the non-nutrient metals arsenic, cadmium and lead in inorganic commercial fertilizers and agricultural mineral products. It also requires informational statements on labels providing results of laboratory analysis for specified metals and testing methodology utilized in testing the fertilizing material. It will have an effective date of January 1, 2002, and a two-year phase-in period.

Title 3
 California Code of Regulations
 ADOPT: 2302 AMEND: 2303
 Filed 10/19/01
 Effective 01/01/02
 Agency Contact:
 Maryam Khosravifard (916) 654-0574

DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease Interior Quarantine

This Certificate of Compliance removes the quarantine on the portion of Imperial County (Bard-Winterhaven) for Karnal bunt disease.

Title 3
 California Code of Regulations
 AMEND: 3430(b)
 Filed 11/28/01
 Effective 11/28/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Standard Containers For Apples

This rulemaking adopts a new apple standard container, AP 15, which would be standard only for apples placed in two layers of trays, pads, or molded forms.

Title 3
 California Code of Regulations
 AMEND: 1380.19
 Filed 01/18/01
 Effective 02/17/01
 Agency Contact: Johnnie Beer (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Amendment to CDFA Conflict of Interest Code

The Department of Food and Agriculture is amending its conflict of interest code found in title 3, division 1, chapter 1.1, section 2. The Fair Political Practices Commission approved the changes for filing on December 24, 2001.

Title 3
 California Code of Regulations
 AMEND: 2

Filed 12/27/01
Effective 01/26/02
Agency Contact:

Michael P. Krug (916) 654-1393

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program, Citrus Standards

This emergency readoption furthers the implementation of the Statewide Program and Rapid Response Plan to arrest the spread of the glassy-winged sharpshooter. (Previous OAL # 00-1103-04E)

Title 3

California Code of Regulations

ADOPT: 3661, 3662, 3663 AMEND: 3652

Filed 03/08/01

Effective 03/08/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Peach Fruit Fly Eradication Area

This emergency rulemaking adds the county of Santa Clara for the eradication of the peach fruit fly.

Title 3

California Code of Regulations

AMEND: 3591.12(a)

Filed 09/06/01

Effective 09/06/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

The emergency regulatory action establishes a Mediterranean fruit fly quarantine area in a specified portion of the Hyde Park area of Los Angeles County. (Department of Food and Agriculture File PH0113.)

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 09/07/01

Effective 09/07/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program

This emergency readoption establishes the requirements for the Pierce's Disease Control Plan.

Title 3

California Code of Regulations

ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660

Filed 03/19/01

Effective 03/19/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Eradication Area

The emergency regulatory action adds all of the County of Contra Costa to the Oriental Fruit Fly Eradication Area. (Department of Food and Agriculture File PH 0108.)

Title 3

California Code of Regulations

AMEND: 3591.2

Filed 07/24/01

Effective 07/24/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

The emergency regulatory action deals with the control of oak mortality disease.

Title 3

California Code of Regulations

ADOPT: 3700

Filed 05/22/01

Effective 05/22/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

The emergency regulatory action establishes an Oriental Fruit Fly Quarantine Area in a specified portion of San Bernardino County. (Department of Food and Agriculture File Number PH 0109.)

Title 3

California Code of Regulations

AMEND: 3423(b)

Filed 08/07/01

Effective 08/07/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Interior Quarantine

This rulemaking action makes permanent the emergency action adding the counties of Los Angeles and Orange to the guava fruit fly eradication area.

Title 3

California Code of Regulations

AMEND: 3591.13(a)

Filed 01/25/01

Effective 01/25/01

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Eradication Area

The regulatory action is the Certificate of Compliance for the emergency addition of the entire County of Contra Costa to the Oriental Fruit Fly Eradication Area. (Prior OAL file 01-0723-03E; Department of Food and Agriculture file #PH0125.)

Title 3
 California Code of Regulations
 AMEND: 3591.2(a)
 Filed 12/12/01
 Effective 12/12/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease Interior Quarantine

This emergency rulemaking removes the quarantine on the portion of Imperial County (Bard-Winterhaven) for Karnal bunt disease.

Title 2
 California Code of Regulations
 AMEND: 3430(b)
 Filed 07/02/01
 Effective 07/02/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

The regulatory action is the Certificate of Compliance for the emergency regulation that dealt with the control of Oak Mortality Disease. (Prior OAL File 01-0515-06E; Department of Food and Agriculture File PH 0114.)

Title 3
 California Code of Regulations
 ADOPT: 3700
 Filed 10/04/01
 Effective 10/04/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Red Imported Fire Ant Eradication Area

The emergency regulatory action adds Sacramento County to the red imported fire ant eradication area. (Department of Food and Agriculture # PH0118.)

Title 3
 California Code of Regulations
 AMEND: 3591.16
 Filed 10/15/01
 Effective 10/15/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program

This emergency readoption establishes the requirements for the Pierce's Disease Control Plan.

Title 3
 California Code of Regulations
 ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660
 Filed 07/11/01
 Effective 07/11/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Eradication Area

This emergency rulemaking adds the county of San Diego as an eradication area for the guava fruit fly.

Title 3
 California Code of Regulations
 AMEND: 3591.13(a)
 Filed 08/29/01
 Effective 08/29/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Peach Fruit Fly Eradication Area

This emergency rulemaking adds the county of Riverside as an eradication area for the Peach fruit fly.

Title 3
 California Code of Regulations
 AMEND: 3591.12(a)
 Filed 12/04/01
 Effective 12/04/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program, Citrus Standards

This emergency readoption furthers the implementation of the Statewide Program and Rapid Response Plan to arrest the spread of the glassy-winged sharpshooter. (Previous OAL Files 00-1103-04E and 01-0305-04EE; Department of Food and Agriculture Number PH0105.)

Title 3
 California Code of Regulations
 ADOPT: 3661, 3662, 3663 AMEND: 3652
 Filed 07/06/01
 Effective 07/06/01
 Agency Contact:
 Barbara J. Hass (916) 654-1017

**DEPARTMENT OF FORESTRY AND FIRE
PROTECTION
Conflict of Interest**

Health and Safety Code section 13100(b) vests with the Department of Forestry and Fire Protection all the powers, duties, responsibilities, and jurisdiction of the former Office of the State Fire Marshal. The instant filing is repealing the conflict of interest code as filed by the Office of the State Fire Marshal, and is amending its conflict of interest code section to include those duties, etc. The Fair Political Practices Commission approved the captioned changes for filing on December 1, 2000. The subject conflict of interest codes are exempt from review by the Office of Administrative Law.

Title 14
California Code of Regulations
AMEND: 890 REPEAL: Title 19, California Code of Regulations, sections 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, and 2208.
Filed 02/07/01
Effective 03/09/01
Agency Contact: Wanda Wellerstin

**DEPARTMENT OF FORESTRY AND FIRE
PROTECTION****Exemption from Timber Harvesting Plan/removal of
slash and debris**

This readopted emergency rulemaking provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14
California Code of Regulations
ADOPT: None AMEND: 14ccr 1038 by adopting subsection(g) REPEAL: None
Filed 06/18/01
Effective 06/18/01
Agency Contact: Andrea Tuttle

**DEPARTMENT OF GENERAL SERVICES
Conflict of Interest**

Pursuant to the Political Reform Act of 1976, the Department of General Services is substantively amending the "list of designated positions" and "assigned disclosure category" portions of its conflict of interest code. These amendments have been approved by the Fair Political Practices Commission.

Title 2
California Code of Regulations
AMEND: 1194
Filed 01/11/01
Effective 02/10/01
Agency Contact: Lynn Catania (916) 323-7472

**DEPARTMENT OF GENERAL SERVICES
Implementation of Government Code Section 19134**

This readopted emergency regulatory action establishes the requirements and procedures for state agencies entering into personal services contracts that would include provisions for employee benefits that are valued at 85% or more of the state employer cost of providing comparable benefits to state employees performing similar duties. (Previous OAL file ## 00-1219-04E, 01-0420-02E, 01-0815-02EE)

Title 2
California Code of Regulations
ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
Filed 12/12/01
Effective 12/15/01
Agency Contact:
Laurie Giberson (916) 322-5953

**DEPARTMENT OF GENERAL SERVICES
Definitions**

This emergency readopt with amendments establishes the requirements and procedures for state agencies entering into personal services contracts that would include provisions for employee benefits that are valued at 85% or more of the state employer cost of providing comparable benefits to state employees performing similar duties.

Title 2
California Code of Regulations
AMEND: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
Filed 04/30/01
Effective 04/30/01
Agency Contact:
Laurie Giberson (916) 322-5953

**DEPARTMENT OF GENERAL SERVICES
Implementation of Government Code Section 19134**

This readopted emergency regulatory action establishes the requirements and procedures for state agencies entering into personal services contracts that would include provisions for employee benefits that are valued at 85% or more of the state employer cost of providing comparable benefits to state employees performing similar duties.

Title 2
California Code of Regulations
ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
Filed 08/16/01
Effective 08/16/01
Agency Contact:
Laurie Giberson (916) 322-5953

DEPARTMENT OF HEALTH SERVICES
Consumer Confidence Report on Water Quality

This rulemaking action specifies the information that a community water system or a nontransient-noncommunity water systems must provide in an annual Consumer Confidence Report to its customers on the quality of the water delivered by the system. The revisions conform existing state public notification requirements to new federal public notification requirements for community water systems. The rulemaking action also requires nontransient-noncommunity water systems, which are not covered by the federal regulation, to provide the same public notification.

Title 22
 California Code of Regulations
 ADOPT: 64400.42, 64400.44, 64480, 64481, 64482, 64483 REPEAL: 64463.1
 Filed 04/26/01
 Effective 05/26/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Childhood Lead Poisoning Prevention Fees

This emergency action (R-49-99E) concerns childhood lead poisoning prevention fees. It is exempt from OAL review pursuant to Health and Safety Code section 105310(h).

Title 17
 California Code of Regulations
 ADOPT: 33001, 33002, 33003, 33004, 30005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010
 Filed 07/19/01
 Effective 07/19/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Screening for Childhood Lead Poisoning

This filing is a certificate of compliance for an emergency regulatory action which established standards for the screening of children for lead poisoning and medically necessary actions.

Title 17
 California Code of Regulations
 ADOPT: 37000, 37020, 37025, 37100
 Filed 11/19/01
 Effective 11/19/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Radiologic Technology Continuing Education Requirements

This rulemaking action (R-9-94) prescribes continuing education requirements for persons who hold permits and certificates in radiologic technology, including radiologic technologists, X-ray technicians, and licentiates of the healing arts. It also requires that radiologic technologists authorized to perform mammography complete a specific number of mammographic examinations in order to renew certification.

Title 17
 California Code of Regulations
 ADOPT: 30400.5, 30400.60, 30403.5, 30403.8, 30406
 Filed 10/29/01
 Effective 11/28/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Drinking Water System Classification & Operator Certification

This emergency readoption (R-40-00E) repeals old drinking water treatment plant and operator certification system regulations. It adopts new treatment plant and distribution system classifications and expanded operator certification, consistent with the California Clean Water Safety Act, and federal guidelines.

Title 17, 22
 California Code of Regulations
 ADOPT: 63750.10, 63750.15, 63750.20, 63750.25, 63750.30, 63750.35, 63750.40, 63750.45, 63750.50, 63750.55, 63750.60, 63750.65, 63750.70, 63750.75, 63750.85, 63765, 63770, 63775, 63780, 63785, 63790, 63795, 63800, 63805, 63810, 63815, 63820, 63825, 63830,
 Filed 04/25/01
 Effective 05/02/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Screening For Childhood Lead Poisoning

This regulatory action is a readoption of emergency regulations which established procedures for screening for childhood lead poisoning.

Title 17
 California Code of Regulations
 ADOPT: 37000, 37005, 37010, 37015, 37020, 37025, 37100
 Filed 02/08/01
 Effective 02/08/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Standards For Protection Against Radiation

This action updates state standards concerning radioactive contamination, licenses, and security in order to conform with changes in federal regulations of the Nuclear Regulatory Commission and other state laws.

Title 17
California Code of Regulations
AMEND: 30225, 30253, 30350
Filed 10/15/01
Effective 11/14/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Screening for Childhood Lead Poisoning

This emergency regulatory action establishes procedures for screening and medically necessary followup services for childhood lead poisoning and goes into effect on June 9, 2001. It replaces existing emergency regulations establishing different procedures for screening for childhood lead poisoning which expire by operation of law on June 8, 2001.

Title 17
California Code of Regulations
ADOPT: 37000,37020,37025,37100
Filed 06/04/01
Effective 06/09/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Clinical Laboratories Personnel Licensing Standards

This certificate of compliance for emergency actions (R-2-99E) sets standards for education, training or experience, and examination leading to licensure of new categories of clinical laboratory personnel, including clinical cytogeneticist, clinical genetic molecular biologist, and oral pathologist as laboratory directors, and clinical hematologist scientist and clinical histocompatibility scientist as testing personnel. It also adds a new category of laboratory supervisor for waived laboratories, and defines a number of terms from federal law (CLIA).

Title 17
California Code of Regulations
ADOPT: 1029.7, 1029.31, 1029.32, 1029.33, 1029.81, 1029.82, 1029.83, 1029.86, 1029.118, 1029.119, 1029.126, 1029.127, 1029.153, 1029.169, 1029.171, 1029.196, 1029.197, 1030.6, 1030.7, 1030.8, 1031.1, 1031.4, 1031.5, 1036, 1036.1, 1036.2, 1036.3, 1036.4 A

Filed 04/03/01
Effective 04/03/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Monitoring Requirements for Unregulated Chemicals in Drinking Water

This emergency rulemaking requires all drinking water sources determined by the Department to be vulnerable to hexavalent chromium monitor for that chemical to enable the Department to determine both the occurrence of chromium VI and the contribution of chromium VI to the "total chromium" level.

Title 22
California Code of Regulations
AMEND: 64450 REPEAL: 64450.1
Filed 01/03/01
Effective 01/03/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Childhood Lead Poisoning Prevention Fees

This emergency readoption (R-49-99E) concerns childhood lead poisoning prevention fees. It is exempt from OAL review pursuant to Health and Safety Code section 105310(h).

Title 17
California Code of Regulations
ADOPT: 33001, 33002, 33003, 33004, 3005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010
Filed 11/14/01
Effective 11/17/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Definition of Terms Regarding Clinical Laboratory Regulations

This action rennumbers sections of the regulations providing definitions of terms for clinical laboratory regulations, in order to place the definitions in proper alphabetical order.

Title 17, 22
California Code of Regulations
AMEND: 1029.6, 1029.170, 51529(g)
Filed 05/14/01
Effective 05/14/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Radiologic Technology Student Achievement
Requirements

This rulemaking action establishes time limits for completion of courses of study and supervised clinical education for various limited permit X-ray technician schools, adds ten hours of instruction in computers and image formation to the requirements for limited permit X-ray technician schools teaching the dental laboratory category, establishes standards for suspension or revocation of approval (including a minimum requirement of 75% pass rate on the State examination over a five year period), requires issuance of a certificate or diploma, specifies recordkeeping requirements, and revises scope of practice exclusions for x-ray Bone Densitometry and Dental Laboratory Radiography limited permit holders.

Title 17
 California Code of Regulations
 ADOPT: 30437 AMEND: 30424, 30425, 30427,
 30427.2, 30436, 30447
 Filed 10/29/01
 Effective 11/28/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
CPLTC Elimination Period

This emergency rulemaking amends provisions concerning long-term care services to comply with changes to the Insurance Code, and allows the certification of affordable policies with improved benefits, making them more attractive to consumers and sales agents. This emergency rulemaking is exempt from review by the Office of Administrative Law pursuant to section 22009(d) of the Welfare and Institutions Code.

Title 22
 California Code of Regulations
 AMEND: 58010, 58050, 58059, 58065
 Filed 05/30/01
 Effective 05/30/01
 Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Monitoring Requirements for Unregulated Chemicals
in Drinking Water

This Certificate of Compliance requires all drinking water sources determined by the Department to be vulnerable to hexavalent chromium to monitor for that chemical to enable the Department to determine both occurrence of chromium VI and the contribution of chromium VI to the "total chromium" level.

Title 22
 California Code of Regulations
 AMEND: 64450 REPEAL: 64450.1

Filed 04/30/01
 Effective 04/30/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Reporting Drinking Water Sample Analysis Results

Currently the provisions in Title 22, CCR, Sections 64551 and 64819(a)(4) specify that analytical results shall be reported to the Department electronically, in an electronic text file compatible with the ASCII (American Standard Code for Information Interchange) text file format. However, this provision is in conflict with California Water Code Section 13198(b) that prohibits other state agencies from specifying the reporting of analytical results in an electronic format other than the electronic format specified by the State Water Resources Control Board. To correct the inconsistency, this action will delete the references to the specified ASCII electronic report format.

Title 22
 California Code of Regulations
 AMEND: 64451(c), 64819(a)(4)
 Filed 08/24/01
 Effective 09/23/01
 Agency Contact:
 Jasmin Delacruz (916) 657-0501

DEPARTMENT OF HEALTH SERVICES
Reporting of Drinking Water Sample Analysis Results

This rulemaking action clarifies and strengthens reporting requirements for drinking water testing laboratories when coliform or nitrate levels exceed Maximum Contaminant Levels (MCLs), requiring reporting directly to the Department if the contact person of the drinking water supplier is unreachable, requiring electronic reporting in ASCII for certain reports (no new reports are required), and revising the reporting deadline for mandated periodic water sample analyses.

Title 22
 California Code of Regulations
 AMEND: 64423.1, 64432.1, 64451, 64819
 Filed 05/15/01
 Effective 06/14/01
 Agency Contact:
 Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Osteogenesis Stimulator Devices

This Certificate of Compliance filing completes the Department's emergency action, following litigation, by which the Department updated the Manual of Medi-Cal criteria which it uses for prior authorization of medical procedures, medical equipment purchases,

etc., by adding Osteogenesis Stimulator Devices to the Manual which is incorporated by reference, and updated the edition date in the reference.

Title 22

California Code of Regulations

AMEND: 51003, 51321

Filed 03/16/01

Effective 03/16/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Drinking Water System Classification & Operator Certification

This certificate of compliance action (R-40-00E) repeals old drinking water treatment plant and operator certification system regulations. It adopts new treatment plant and distribution system classifications and expanded operator certification, consistent with the California Clean Water Safety Act and federal guidelines.

Title 17, 22

California Code of Regulations

ADOPT: 63750.10, 63750.15, 63750.20, 63750.25, 63750.30, 63750.35, 63750.40, 63750.45, 63750.50, 63750.55, 63750.60, 63750.65, 63750.70, 63750.75, 63750.80, 63765, 63770, 63775, 63780, 63785, 63790, 63795, 63800, 63805, 63810, 63815, 63820, 63825, 63830,

Filed 08/13/01

Effective 08/13/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES

Annual Healthcare Common Procedure Coding System (HCPCS) Update

Title 22

California Code of Regulations

AMEND: 5151(c), 5151(e), 51518(b), 51521(i), 51527(b)

Filed 12/19/01

Effective 12/19/01

Agency Contact:

Jasmin Delacruz (916) 657-0501

DEPARTMENT OF HEALTH SERVICES

Antidecubitus Care Support Surfaces

This Certificate of Compliance amends the Manual of Criteria for Medi-Cal Authorization for coverage of Durable Medical Equipment and antidecubitus care.

Title 22

California Code of Regulations

AMEND: 51003, 51160, 51321, 51521

Filed 02/05/01

Effective 02/05/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Annual HCPCS Update

This Certificate of Compliance amends regulations to conform to the United States Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). Previous OAL file #00-1027-03E

Title 22

California Code of Regulations

AMEND: 51515, 51521

Filed 04/04/01

Effective 04/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Sign Language Interpreter Services

This Certificate of Compliance adopts the criteria for Medi-Cal reimbursement for sign language interpreters. (Previous OAL file #00-0815-01E)

Title 22

California Code of Regulations

ADOPT: 51098.5, 51202.5, 51309.5, 51503.3

Filed 02/02/01

Effective 02/02/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Drug Medi-Cal Rates. FY 2000-01

This Certificate of Compliance updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for FY 2000-2001.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 08/15/01

Effective 08/15/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Drug Medi-Cal Rates, FY 2000-01

This emergency rulemaking updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for FY 2000-2001.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 03/21/01

Effective 03/21/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Durable Medical Equipment/Medical Supply Provider Participation Standards

This readopted emergency rulemaking sets forth participation standards for durable medical equipment and medical supply providers. This emergency is deemed to be an emergency, and is exempt from review by the Office of Administrative Law.

Title 22
California Code of Regulations
ADOPT: 51224.5 AMEND: 51051, 51200, 51104,
51502
Filed 04/04/01
Effective 04/04/01
Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Long Term Care Rates (FY 2000–2001)

This filing is a certificate of compliance for an emergency regulatory action which increased the Medi-Cal payments for specified long term care and home care services (Department of Health Services #R-25-00E).

Title 22
California Code of Regulations
AMEND: 51510, 51510.1, 51510.2, 51510.3,
51511, 51511.3, 51511.5, 51511.6, 51523, 51532.1,
51535, 51535.1, 51544, 54501
Filed 04/19/01
Effective 04/19/01
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES
Durable Medical Equipment/Medical Supply Provider Participation Standards

This Certificate of Compliance sets forth participation standards for durable medical equipment and medical supply providers.

Title 22
California Code of Regulations
ADOPT: 51224.5 AMEND: 51051, 51200, 51104
Filed 09/05/01
Effective 09/05/01
Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Two-Plan Model Enrollment/Disenrollment

The proposed print only regulatory action makes revisions to enrollment/disenrollment requirements governing the Department's Medi-Cal Two-Plan Model Managed Care Program. The proposed regulatory action was submitted to OAL for printing only pursuant to section 147 of S.B. 485 (Chap. 722, Stats. 1992).

Title 22
California Code of Regulations
AMEND: 53845, 53881, 53886, 53887, 53888,
53889, 53891, 53892, 53895
Filed 02/02/01
Effective 03/04/01
Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Medi-Cal Provider Enrollment Application Process

This Certificate of Compliance adopts the Medi-Cal provider enrollment application process. (Previous OAL file ## 00-0817-02EE, 00-0504-01EE, 99-1124-04EP, 99-0927-01EP)

Title 22
California Code of Regulations
ADOPT: 51000, 51000.1, 51000.101, 51000.2,
51000.3, 51000.4, 51000.5, 51000.6, 51000.7,
51000.8, 51000.9, 51000.10, 51000.11, 51000.12,
51000.13, 51000.14, 51000.15, 51000.16,
51000.17, 51000.18, 51000.19, 51000.20,
51000.21, 51000.22, 51000.23, 51000.24
Filed 02/08/01
Effective 02/08/01
Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Osteogenesis Stimulator Devices

By emergency regulation, following litigation which requires the Department to update its "Manual of Criteria for Medi-Cal Authorization" which is incorporated by reference into the Department's regulations, the Department added criteria for Osteogenesis Stimulator Devices to Accelerate the Healing of Selected Bone Fractures to the Manual. The Department is readopting these regulations on an emergency basis.

Title 22
California Code of Regulations
AMEND: 51003, 51321
Filed 01/23/01
Effective 01/23/01
Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES
Increase in Newborn Screening Fees

This emergency action increases the fee paid to the Department for laboratory screening of specimens collected from newborn infants for the detection of preventable heritable or congenital disorders.

Title 17
California Code of Regulations
AMEND: 6508
Filed 12/28/01
Effective 12/28/01
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES
Disease Reporting to Assess Potential Bioterrorism Events

Beginning with a series of Presidential Decision Directives in 1995, all 50 states are now engaged in the development of programs to detect biological attacks and effectively counter an attack. The CDC

and bioterrorism experts have focused on 7 disease agents/conditions for intensive surveillance and rapid reporting. These are the agents of anthrax, botulism, brucellosis, plague, smallpox, tularemia, and viral hemorrhagic fevers. These emergency regulations make these agents immediately reportable by health care providers, directors of medical laboratories, and local health officers. In addition, health care providers and local health officers are required to immediately report varicella (deaths only), occurrences of any unusual disease, or outbreaks of any disease.

Title 17

California Code of Regulations

ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626

Filed 11/05/01

Effective 11/05/01

Agency Contact:

Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES

Provider Rate Increases (FY 1999–2000)

This Certificate of Compliance amends reimbursement rates for health care services reimbursed by the Medi-Cal Program.

Title 22

California Code of Regulations

AMEND: 51503, 51505.1, 51505.2, 51518, 51527

Filed 04/04/01

Effective 04/04/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

National Environmental Laboratory Accreditation Program Fees

This emergency regulatory action adopts the fees for accreditation in the National Environmental Laboratory Accreditation Program (NELAP).

Title 22

California Code of Regulations

ADOPT: 64860

Filed 11/13/01

Effective 11/13/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Fire Sprinkler Systems

This rulemaking action establishes standards that preempt local standards for the design and installation of a fire sprinkler system in a new or used manufactured home, but does not require the installation of a fire sprinkler system.

Title 25

California Code of Regulations

ADOPT: 4300, 4302, 4304, 4306, 4308, 4310,

4312, 4314, 4316, 4318, 4320, 4322, 4324
AMEND: 4004

Filed 01/17/01

Effective 01/17/01

Agency Contact: Robert Keefe (916) 445-9471

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Mobile Park Resident Ownership Program

The Mobilehome Park Resident Ownership Program provides funding to facilitate the conversion of mobilehome parks to resident ownership. Following a 15 day availability period, the Department resubmitted this regulatory action revising the existing regulations on this program to implement numerous statutory changes that have occurred since their adoption.

Title 25

California Code of Regulations

AMEND: 8000, 8002, 8004, 8006, 8008, 8010, 8012, 8014, 8020, 8022, 8024, 8026, 8028, 8030, 8032 REPEAL: 8018

Filed 05/11/01

Effective 05/11/01

Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Child Care Facilities Financing Program

This regulatory action implements Chapter 270, Statutes of 1997, the Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997 which, among other things, established both a loan guarantee and a direct loan program for child care and development facilities to help preserve and increase the amount of child care spaces available.

Title 25

California Code of Regulations

ADOPT: 8250, 8251, 8252, 8253, 8254, 8255, 8256, 8257, 8258, 8259, 8260, 8261, 8262, 8263, 8264, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273

Filed 02/02/01

Effective 02/02/01

Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Home Investment Partnership Program

This action updates the regulations governing certification of Community Housing Development Organizations by the Department of Housing and Community Development and allocation of funds under the Home Investment Partnership Act Program.

Title 25

California Code of Regulations

ADOPT: 8204.1, 8212.1 AMEND: 8204, 8214, 8216, 8217

Filed 01/22/01
Effective 01/22/01
Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Home Investment Partnership Program (HOME)

This non-substantive action updates the years listed on the Home Investment Partnership Program Application form to include 2000 & 2001 and updates the form revision date in the regulation to 6/2001.

Title 25
California Code of Regulations
AMEND: 8211
Filed 07/17/01
Effective 07/17/01
Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HOME Investment Partnership Program

This regulatory action amends the Home Investment Partnerships (HOME) Program.

Title 25
California Code of Regulations
AMEND: 8202, 8203, 8212, 8212.1
Filed 12/19/01
Effective 12/19/01
Agency Contact: Moira Monahan (916) 327-3618

DEPARTMENT OF INDUSTRIAL RELATIONS
Self Insurers Annual Report

This regulatory action makes changes in the annual report submitted by self-insurers.

Title 8
California Code of Regulations
ADOPT: 15251(b)(1)(B) AMEND: 15251(b)(2), 15251(c)(2)(A), 15251(b)(6)
Filed 05/07/01
Effective 06/06/01
Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS
Permanent Disability and Life pension Commutations

This rulemaking adopts the most recent US Life Tables to be used when commuting future permanent disability and life pension benefits to a lump sum.

Title 8
California Code of Regulations
ADOPT: 10169, 10169.1 REPEAL: 9885
Filed 01/17/01
Effective 01/17/01
Agency Contact:
Leslie W. Michael (415) 972-8580

DEPARTMENT OF INDUSTRIAL RELATIONS
Permanent Amusement Rides

This rulemaking implements AB 850 (Torlakson, Chapter 585, Statutes of 1999) which, after a number of tragic accidents in California amusement parks, directs the Division of Occupational Safety and Health (DOSH) within the Department of Industrial Relations to regulate permanent amusement rides presently exempt from DOSH coverage of amusement rides. The statutory state inspection system includes Certificates of Compliance based on annual inspections by qualified safety inspectors, qualifications for safety inspectors, requirements for approved training course providers, revocation and suspension procedures, appeals, insurance requirements, fees and penalties.

Title 8
California Code of Regulations
ADOPT: 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, 344.17 AMEND: Re-number 344.10 to 344.18
Filed 10/30/01
Effective 10/30/01
Agency Contact:
A. Lennox Welsh (415) 703-5100

DEPARTMENT OF INDUSTRIAL RELATIONS
Self Insurer's Annual Report

The Labor Code requires employers to provide for payment of workers compensation claims either (1) by purchasing insurance or (2) by obtaining permission to self-insure from the Department of Industrial Relations, either individually or in employer groups. Each approved self-insurer is then required to submit an annual report to the Department, verifying that it can in fact pay claims. In May 2001, the Department, pursuant to the Administrative Procedure Act, revised its "self-insurer's annual report" regulation and one of the forms therein incorporated by reference, i.e., the annual report required of "individual private self insurers." In this rulemaking action, the Department proposes to make nonsubstantive changes to this form to correct errors and make organizational improvements.

Title 8
California Code of Regulations
AMEND: 15251(a)1
Filed 08/01/01
Effective 08/01/01
Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS
Self Insurer's Interim Annual Report

The proposed regulatory action would delete the requirement that a self insurer submit an interim annual report when leaving self insurance and purchasing workers compensation coverage through a carrier.

Title 8
California Code of Regulations REPEAL:
15402.1(4)
Filed 05/10/01
Effective 06/09/01
Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS**Surety Bond Ratings**

The regulatory action deals with surety bond ratings.

Title 8
California Code of Regulations
AMEND: 15212
Filed 11/02/01
Effective 12/02/01
Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INDUSTRIAL RELATIONS**Annual License Fee Assessments**

This rulemaking increases the annual license fee paid by private self insured employers and requires a former self insurer whose certificate was revoked to pay the annual license fee for an additional two years.

Title 8
California Code of Regulations
AMEND: 15230
Filed 04/19/01
Effective 05/19/01
Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INSURANCE**Public Inspection and Publication of Examinations**

This emergency action readopts standards for the presentation and length of comments that an insurance company may submit for publication concerning the insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10
California Code of Regulations
ADOPT: 2695.30 AMEND: None REPEAL: None
Filed 06/01/01
Effective 06/13/01
Agency Contact:
Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE**Premium Rates for Credit Life and Credit Disability Insurance**

The Department of Insurance is amending premium rates for credit life and credit disability insurance.

Title 10
California Code of Regulations
AMEND: 2248.30, 2248.31, 2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48

Filed 10/02/01
Effective 11/01/01
Agency Contact:
Brian G. Soublet (916) 492-3521

DEPARTMENT OF INSURANCE**Personal Lines Examination Exemption Request**

The proposed emergency regulatory action adopts procedures for obtaining an exemption from the licensing examination required to obtain a personal lines license. This action implements the provisions of A.B. 393 (Stats. 2000, Chap. 321).

Title 10
California Code of Regulations
ADOPT: 2182.1, 2182.2, 2182.3, 2182.4, 2182.5
Filed 09/04/01
Effective 09/04/01
Agency Contact:
James Stanton Bair (415) 538-4116

DEPARTMENT OF INSURANCE**Personal Lines Broker-Agent Prelicensing and Continuing Education Regs**

This emergency rulemaking action establishes prelicensing education curriculum standards for the new personal lines broker-agent license which may be issued as of January 1, 2002. A personal lines licensee will be authorized to transact automobile insurance, residential property insurance, personal watercraft insurance, and umbrella or excess liability insurance when written over one or more underlying automobile or residential property insurance policies. The original emergency submission also included non-emergency revisions to sections 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, and 2188.9, which the Department withdrew.

Title 10
California Code of Regulations
ADOPT: 2187.3 AMEND: 2186.1, 2187.1, 2187.2, 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, and 2188.9 REPEAL: None
Filed 06/13/01
Effective 01/01/02
Agency Contact:
Elaine LaFrance (415) 492-3568

DEPARTMENT OF INSURANCE**Credit Insurance Agents**

This emergency rulemaking establishes the regulatory scheme for licensing and regulating credit insurance agents.

Title 10
California Code of Regulations
ADOPT: Chapter 5 Subchapter 1, Article 19, section 2192.1 ET SEQ.

Filed 09/17/01
 Effective 09/18/01
 Agency Contact: Jon Tomashoff (415) 538-4119

DEPARTMENT OF INSURANCE

Holocaust Victim Insurance Relief Act of 1999

This readopted emergency rulemaking adopts procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
 California Code of Regulations
 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
 Filed 12/26/01
 Effective 01/02/02
 Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE

Organized Automobile Insurance Interdiction Program

This emergency rulemaking specifies the criteria for the calculation and payment of the annual assessment for the purposes of prosecuting organized automobile fraud cases.

Title 10
 California Code of Regulations
 AMEND: 2698.70, 2698.71
 Filed 12/26/01
 Effective 12/26/01
 Agency Contact: Wesley E. Kennedy (916) 854-5766

DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Program

The regulatory action is the emergency readoption of section 2498.6 of Title 10 of the California Code of Regulations which incorporates by reference the "California Automobile Insurance Low-Cost Program Plan of Operations". This readopted emergency text is identical to the text which became effective March 27, 2000. (Prior OAL Files: 00-1121-0C which was disapproved January 8, 2000, 00-0724-01EE, 00-0317-02EE and 00-0218-06E. Department of Insurance File Numbers ER37/RH391.)

Title 10
 California Code of Regulations
 ADOPT: 2498.6
 Filed 01/08/01
 Effective 01/08/01
 Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF INSURANCE

Rental Car Agent Licensing

This emergency readoption (ER-39) establishes the requirements of licensure for the sale of insurance by rental car companies after January 1, 2001.

Title 10
 California Code of Regulations
 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 Filed 09/25/01
 Effective 09/25/01
 Agency Contact: Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

Public Inspection and Publication of Examinations

This action adopts standards for the presentation and length of comments that an insurance company may submit for publication concerning the Insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10
 California Code of Regulations
 ADOPT: 2695.30
 Filed 02/13/01
 Effective 02/13/01
 Agency Contact: Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

Holocaust Victim Insurance Relief Act of 1999

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
 California Code of Regulations
 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 Filed 09/04/01
 Effective 09/04/01
 Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE

**Holocaust Victim Insurance Relief Act of 1999—
 Holocaust Insurance Registry**

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
 California Code of Regulations
 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 Filed 05/11/01
 Effective 05/11/01
 Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE

Slavery Era Insurance Policies Registry

California Insurance Code sections 13810 through 13813 regarding slavery era insurance policies became effective on January 1, 2001. This law provides that every insurer licensed and doing business in California

shall research and report to the Insurance Commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued by any predecessor corporation during the slavery era to slaveholders that provided coverage for damage to or death of their slaves. The Insurance Commissioner is required to obtain the names of slaves and slaveholders contained in these records and make the information available to the public and the Legislature. This is the resubmission of a regulatory action which defines terms used in the statute and these implementing regulations, establishes standards for reporting under the statute, and provides for a Slavery Era Insurance Policy Registry composed of the information collected which shall be accessible to the public and the Legislature.

Title 10
California Code of Regulations
ADOPT: 2393, 2394, 2395, 2396, 2397, 2398
Filed 09/13/01
Effective 10/13/01
Agency Contact: Natasha R. Ray (916) 492-3559

DEPARTMENT OF INSURANCE
Rental Car Agent Licensing

This emergency readoption (ER-39) establishes the requirements of licensure for the sale of insurance by rental car companies after January 1, 2001.

Title 10
California Code of Regulations
ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
Filed 04/30/01
Effective 04/30/01
Agency Contact:
Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE
Public Inspection and Publication of Examinations

This is the certification of compliance for standards affecting the presentation and length of comments that an insurance company may submit for publication concerning the insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10
California Code of Regulations
ADOPT: 2695.30
Filed 12/31/01
Effective 12/31/01
Agency Contact:
Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

Investigation and Prosecution of Automobile Insurance Fraud

The regulatory action deals with the investigation and prosecution of automobile insurance fraud. (Department of Insurance RH-394.)

Title 10
California Code of Regulations
AMEND: 2698.61, 2698.62, 2698.65, 2698.66, 2698.67
Filed 10/12/01
Effective 11/11/01
Agency Contact:
Wesley E. Kennedy (916) 854-5766

DEPARTMENT OF INSURANCE

Public Inspection and Publication of Examinations

This emergency action is the second readoption of standards for the presentation and length of comments that an insurance company may submit for publication concerning the Insurance Commissioner's report on his examination of alleged unfair or deceptive practices of the company.

Title 10
California Code of Regulations
ADOPT: 2695.30
Filed 10/11/01
Effective 10/11/01
Agency Contact:
Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE

**Holocaust Victim Insurance Relief Act of 1999—
Holocaust Ins. Registry**

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
California Code of Regulations
ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
Filed 01/16/01
Effective 01/16/01
Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE

CA Low Cost Automobile Insurance Pilot Project Plan of Operations

The regulatory action is the Certificate of Compliance for the emergency adoption of section 2498.6 of Title 10 of the California Code of Regulations which incorporates by reference the "California Automobile Insurance Low-Cost Program Plan of Operations". (Prior OAL Files 00-0218-06E, 00-0317-02EE, 00-0724-01EE, 00-1121-01C and 01-0105-01EE; Department of Insurance File Numbers ER37/RH391.)

Title 10
California Code of Regulations
ADOPT: 2498.6
Filed 06/19/01
Effective 06/19/01
Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF JUSTICE
Non-Profit Raffle regulations

The proposed regulatory action is the emergency readoption of regulations establishing registration and reporting requirements for eligible organizations conducting non-profit raffles for beneficial or charitable purposes. This action implements Penal Code section 320.5. This action is the first readoption of emergency regulations adopted in OAL file number 01-0522-05E.

Title 11
California Code of Regulations
ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426,
Filed 10/29/01
Effective 10/29/01
Agency Contact:
Barbara D. Moore (916) 323-6665

DEPARTMENT OF JUSTICE
Health Facility Transactions

This Certificate of Compliance completing an emergency action implements Assembly Bill 254 (c. 850, Statutes of 1999) which extends the Attorney General's authority over health facility transfers between nonprofit corporations and other nonprofit corporations as well as between nonprofits and for-profit corporations as in previously existing law. The Attorney General must consent, consent conditionally, or deny consent to the proposed transfer after notice to the public, evaluation of numerous factors including potential ethical conflicts, effect on availability and accessibility to health care, and whether the transfer is in the public interest, and holding public hearings. Earlier related files include OAL files numbered 01-0129-05 EE, 00-0121-03E, 00-0310-02E, 00-0526-02 EE, and 00-0921-02EE.

Title 11
California Code of Regulations
ADOPT: 999.5 AMEND: 999.2(f) REPEAL:
999.2(e), 999.5
Filed 04/20/01
Effective 05/21/01
Agency Contact: Mark J. Urban (916) 324-5347

DEPARTMENT OF JUSTICE
Non Profit Raffle Program

The proposed emergency regulatory action adopts registration and reporting requirements for eligible organizations conducting non-profit raffles for beneficial or charitable purposes. This action implements Penal Code section 320.5.

Title 11
California Code of Regulations
ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
Filed 06/01/01
Effective 07/01/01
Agency Contact:
Barbara D. Moore (916) 323-6665

DEPARTMENT OF JUSTICE
Laboratory Certification, Firearms Safety Devices, Gun Safe Standards

This emergency rulemaking action implements the laboratory certification and firearms safety device testing programs mandated by California Penal Code sections 12087—12088.9, establishes procedures to create and maintain a roster of certified laboratories and a roster of certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11
California Code of Regulations
ADOPT: 977.10, 977.15, 977.20, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.60, 977.70, 977.71, 977.80,
Filed 02/01/01
Effective 02/01/01
Agency Contact: Bill Statti (916) 263-0850

DEPARTMENT OF JUSTICE
Conflict of Interest Code

This is a Conflict of Interest Code filing approved by Fair Political Practices Commission on January 18, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 11
California Code of Regulations
AMEND: 20
Filed 01/30/01
Effective 03/01/01
Agency Contact: Ted Prim (916) 324-5481

DEPARTMENT OF JUSTICE
Proposition 65 Private Enforcement

This regulatory action sets forth requirements for reporting to the Attorney General concerning civil actions brought by private persons in the public interest pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, as amended by Chapter 599, Statutes of 1999 (Proposition 65).

Title 11
California Code of Regulations
ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008

Filed 06/01/01

Effective 07/01/01

Agency Contact: Edward G. Weil (510) 622-2149

DEPARTMENT OF JUSTICE

Proposition 65 Private Enforcement

This emergency rulemaking action provides that a notice of motion (and supporting materials) by a private enforcer for judicial approval of a settlement of a Proposition 65 lawsuit that must be served on the Attorney General must be served no later than 45 days prior to the date of the hearing of the motion, or for the maximum time permitted by the court if court rules or other applicable orders do not permit a forty-five day period. The action repeals an existing provision which allowed the Attorney General thirty days after actual receipt to review a settlement. The action also conforms existing regulations to changes made by chapter 678, statutes of 2001.

Title 11

California Code of Regulations

AMEND: 3000, 3001, 3003, 3007

Filed 12/31/01

Effective 01/01/02

Agency Contact: Edward G. Weil (510) 622-2149

DEPARTMENT OF JUSTICE

Laboratory Certification, Firearms Safety Devices, Gun Safe Standards

This certificate of compliance filing makes permanent the emergency regulations which establish the laboratory certification and firearms safety device testing programs mandated by California Penal Code Sections 12087—12088.9, establish procedures to create and maintain a roster of certified laboratories and a roster of certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11

California Code of Regulations

ADOPT: 977.10, 977.15, 977.20, 977.30, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.85, 977.90, AMEND:

Filed 09/26/01

Effective 09/26/01

Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF JUSTICE

Laboratory Certificate, Firearms Safety Devices, Gun Safe Standards

This emergency rulemaking action implements the laboratory certification and firearms safety device testing programs mandated by California Penal Code sections 12087—12088.9, establishes procedures to

create and maintain a roster of certified laboratories and certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11

California Code of Regulations

ADOPT: 977.10, 977.15, 977.20, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.90

Filed 05/18/01

Effective 05/18/01

Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF JUSTICE

Health Facility Transactions

This readoption of an emergency action implements Assembly Bill 254 (chapter 850, Statutes of 1999) which extends the Attorney General's authority over health facility transfers between nonprofit public benefit corporations and between nonprofit public benefit corporations and other corporations. This readoption follows OAL files 00-0121-03E, 00-0310-02E, 00-0526-02 EE, and 00-0921-02EE.

Title 11

California Code of Regulations

ADOPT: 999.5 AMEND: 999.2, 99.5(a)(3)
REPEAL: 999.5

Filed 01/30/01

Effective 01/30/01

Agency Contact: Mark J. Urban (916) 324-5347

DEPARTMENT OF MANAGED HEALTH CARE

Hospice Regulations

This action implements legislation that requires all group health care service plans other than specialized plans to offer hospice care as a basic health care service.

Title 28

California Code of Regulations

ADOPT: 1300.68.2 AMEND: 1300.67

Filed 06/26/01

Effective 07/26/01

Agency Contact: Christina Hooke (916) 322-7550

DEPARTMENT OF MANAGED HEALTH CARE

Outpatient Prescription Drug Benefits

This action is the certification of compliance for the formal adoption of a regulation that requires every health care service plan that provides prescription drug benefits to provide coverage for all medically necessary outpatient prescription drugs.

Title 28

California Code of Regulations

ADOPT: 1300.67.24

Filed 04/16/01

Effective 04/16/01

Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE
Electronic Filing

This emergency regulation requires plans to submit statutorily mandated documents electronically to assist the Department in speedy and accurate data retrieval and delivery of service.

Title 28

California Code of Regulations

ADOPT: 1300.41.8

Filed 12/27/01

Effective 12/27/01

Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE
Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the Dept. of Managed Care effective August 14, 2000 which replaced the emergency regulations of the Dept. of Corporations and was intended to more accurately reflect the statutory intent.

Title 10

California Code of Regulations

ADOPT: 1300.68.01 AMEND: 1300.68

Filed 01/10/01

Effective 01/10/01

Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE
Financial Solvency—Risk Bearing Organizations

This emergency action requires certain disclosures and reports to and from risk-bearing medical organizations, which receive payments from health plans through capitation, fixed periodic payments, or other forms of risk arrangement. The regulations also require health plans to file certain reports with the Department of Managed Health Care (DMHC) relating to the risks assumed by such risk-bearing organizations.

Title 28

California Code of Regulations

ADOPT: 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.3, 1300.75.4.4, 1300.75.4.5, and 1300.75.4.6

Filed 03/22/01

Effective 03/22/01

Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE
Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the Dept. of Managed Care effective August 14, 2000 which repealed the emergency regulations of the Dept. of Corporations to make way for replacement emergency regulations adopted by the Dept. of Managed Care.

Title 10

California Code of Regulations

AMEND: 1300.68 REPEAL: 1300.68.01

Filed 01/10/01

Effective 01/10/01

Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED HEALTH CARE
Conflict of Interest Code

The Department of Managed Care is adopting its conflict of interest code found at title 28, California Code of Regulations, section 1000. The conflict of interest code was approved for filing by the Fair Political Practices Commission on October 3, 2001.

Title 28

California Code of Regulations

ADOPT: 1000

Filed 12/12/01

Effective 01/11/02

Agency Contact: Christina Hooke (916) 322-7550

DEPARTMENT OF MANAGED HEALTH CARE
Risk-Bearing Organizations—Financial Solvency

This Certificate of Compliance filing concludes the emergency action which required disclosures and reports between health service plans (“plans”) and risk-bearing organizations such as medical groups, medical foundations, independent practice associations, and so on (“organizations”) which receive payments from the plans through capitation, fixed periodic payments, or other forms of risk arrangement. The regulations also require plans to report to the Department of Managed Health Care on the risks they assume. The regulations implement SB 260 (Chapter 529, Statutes of 1999) which sets out general disclosure and reporting requirements designed to

reveal or avoid the potential financial insolvency of these plans and organizations.

Title 28
California Code of Regulations
ADOPT: 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.3, 1300.75.4.4, 1300.75.4.5, 1300.75.4.6
Filed 08/31/01
Effective 08/31/01
Agency Contact: Christina Hooke (916) 322-7550

DEPARTMENT OF MENTAL HEALTH Conflict of Interest Code

The Department of Mental Health is repealing and adopting its conflict of interest code found at the captioned cite. The Fair Political Practices Commission approved this change on January 26, 2001.

Title 9
California Code of Regulations
ADOPT: 400 REPEAL: 400
Filed 03/12/01
Effective 04/11/01
Agency Contact: Steven Appel (916) 654-4027

DEPARTMENT OF MOTOR VEHICLES True Full Name

This Certification of Compliance amends the information necessary to change one's name on a driver license or identification card. (Previous OAL file #01-0516-01E)

Title 13
California Code of Regulations
AMEND: 20.04
Filed 10/17/01
Effective 10/17/01
Agency Contact: Maria Grijalva (916) 657-9001

DEPARTMENT OF MOTOR VEHICLES Driver Education Pilot Program

This rulemaking action would set out the participation, recordkeeping, audit, and other requirements for driving schools to participate in the driver education pilot program created by Statutes 1999, chapter 206 (S. B. 946) as well as applicant participation and waiver requirements. The pilot program is to evaluate the effectiveness of classroom-based versus non-classroom programs of driver education for persons under 18 years of age by assigning students to one of four alternative types of driver education.

Title 13
California Code of Regulations
ADOPT: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06
Filed 05/22/01
Effective 05/22/01
Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES True Full Time

This emergency regulatory action amends the information necessary to change one's name on a driver license or identification card.

Title 13
California Code of Regulations
AMEND: 20.04
Filed 05/24/01
Effective 05/24/01
Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES Requesting Information From The Department

This regulatory action amends the requirements for requesting personal information from the Department.

Title 13
California Code of Regulations
AMEND: 350.02, 350.03, 350.04, 350.06, 350.16, 350.20, 350.22, 350.24, 350.28, 350.34, 350.36, 350.38, 350.40, 350.44, 350.46, 350.48, 350.50
Filed 06/13/01
Effective 07/13/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES Negligent Operator Treatment System

The regulatory action amends the incorporated by reference "Guidelines for Actions Against the Driving Privilege Based on the Negligent Operator Treatment System" and revises which regulatory sections are applicable to specified hearings.

Title 13
California Code of Regulations
AMEND: 110.04, 115.01
Filed 07/25/01
Effective 08/24/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES Delegated Testing Pilot Program

This action repeals regulations pertaining to the Delegated Testing Pilot Program. The statutory authority for the program was repealed effective January 1, 1999 (S.B. 1329, Stats. 1997, c.760).

Title 13
California Code of Regulations REPEAL: 343.00, 343.02, 343.03, 343.04, 343.05, 343.06
Filed 03/05/01
Effective 03/05/01
Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES California Ignition Interlock Device Program

The regulatory action deals with the California Ignition Interlock Device Program.

Title 13
 California Code of Regulations
 ADOPT: 125.00, 125.06, 125.12, 125.16, 125.18,
 125.20, 125.22, AMEND: 100.91, 100.93, 100.92,
 100.94, 100.95, REPEAL: NONE
 Filed 06/22/01
 Effective 07/22/01
 Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF MOTOR VEHICLES
Certificate of Self-Insurance

This rulemaking action defines terms used in the self-certification of financial responsibility regulations, specifies the requirements for qualifying as a self-insurer, identifies and incorporates initial and renewal application forms, clarifies support documentation required, and increases the minimum net worth required to the minimum statutory level currently required by the Insurance Code to qualify as an insurance company transacting automobile liability business.

Title 13
 California Code of Regulations
 ADOPT: 80.00, 80.25 AMEND: 80.50, 80.55,
 80.60, 80.65, 80.70, 80.75, 80.90
 Filed 06/26/01
 Effective 07/26/01
 Agency Contact:
 Christie Patrick (916) 657-5567

DEPARTMENT OF MOTOR VEHICLES
Dealer Examinations and Administrative Remedies

The proposed regulatory action would repeal a provision which requires the examination for vehicle dealers to be in English only and in written form.

Title 13
 California Code of Regulations
 AMEND: 268.04, 314.00
 Filed 05/14/01
 Effective 06/13/01
 Agency Contact: Deborah Baity (916) 657-5690

DEPARTMENT OF MOTOR VEHICLES
Driver License Penalty Fee

Section 146.00 set a penalty fee for failure to surrender a driver license. This non-substantive action repeals section 146.00 because the statutory authority and reference citations for this regulation, Vehicle Code sections 13551.1 and 14908, were repealed effective January 1, 2000.

Title 13
 California Code of Regulations REPEAL: 146.00
 Filed 01/09/01
 Effective 01/09/01
 Agency Contact: Deanna Brown (916) 657-9001

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Substance Abuse Testing

This regulatory action would conform the requirements for mandatory random drug testing of excluded and exempt state correctional employees in sensitive positions to those in the 1998 collective bargaining agreement for represented correctional state employees, instead of the existing reasonable suspicion based process.

Title 2
 California Code of Regulations
 AMEND: 599.960, 599.961, 599.963, 599.964,
 599.965
 Filed 01/25/01
 Effective 01/25/01
 Agency Contact: Bob Painter (916) 324-9351

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Work and Family Leave

This regulatory action concerns Work and Family Leave. The filing is submitted to the Office of Administrative Law for printing only.

Title 2
 California Code of Regulations
 AMEND: 599.911, 599.912, 599.913
 Filed 10/31/01
 Effective 11/30/01
 Agency Contact: Sydney Perry (916) 324-2763

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Work & Family Leave

The Department of Personnel Administration is adopting the captioned sections pertaining to family crisis leave, family activity leave, and the transfer of leave credits as they apply to excluded employees. These changes are exempt from review by the Office of Administrative Law pursuant to Government Code section 3539.5. These changes were filed with the Secretary of State's Office on October 15, 2001. Further changes have been made adding authority and reference citations to these three captioned sections and the language "Sick leave credits may be used consistent with sick leave policies" as the last sentence of 599.911(a). The amendments to the adopted sections are also exempt from review by the Office of Administrative Law pursuant to Government Code section 3539.5.

Title 2
 California Code of Regulations
 ADOPT: 599.911, 599.912, 599.913
 Filed 11/27/01
 Effective 12/27/01
 Agency Contact: Sydney Perry (916) 324-2763

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Transit and Vanpool Incentives—Excluded
Employees

This amendment allows for reimbursement to excluded employees using public transit or vanpools. It also defines vanpool, and includes excluded employees headquartered out-of-state. This action is exempt from OAL review under Government Code section 3539.5. It was filed with the Secretary of State and effective on October 31, 2001.

Title 2
California Code of Regulations
AMEND: 599.936
Filed 10/31/01
Effective 10/31/01
Agency Contact:
Charlotte Gehringer (916) 323-6938

DEPARTMENT OF PERSONNEL
ADMINISTRATION
Travel and Relocation

These regulations concern travel and relocation expenses for excluded employees. The regulations are exempt from OAL review pursuant to Government Code section 3539.5.

Title 2
California Code of Regulations
AMEND: 599.616.1, 599.619, 599.631, 599.723.1
Filed 10/01/01
Effective 10/01/01
Agency Contact: Terrie Jordan (916) 324-9377

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field Fumigation—Public Roadways

This emergency action amends the standards for the boundaries of the inner buffer zone associated with methyl bromide fumigation of fields in order to allow fumigation to be performed closer to roads.

Title 3
California Code of Regulations
AMEND: 6450.2, 6450.3
Filed 06/27/01
Effective 06/27/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Methyl Bromide Field fumigation—Public Roadways

This is the first readoption of an emergency amendment to the standards for the boundaries of the inner buffer zone associated with methyl bromide fumigation of fields in order to allow fumigation to be performed closer to roads.

Title 3
California Code of Regulations
AMEND: 6450.2, 6450.3

Filed 10/15/01
Effective 10/25/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Dazomet and Potassium N-methyldithiocarbamate

This Certificate of Compliance adds two chemicals to those “restricted materials” for which users must obtain use permits from County Agricultural Commissioners. The permits may contain protective requirements, as appropriate to the particular circumstances, for use on agricultural ornamentals or food and fiber crops to control soil-borne pests. This listing follows several studies and a risk assessment showing inadequate protection from unacceptable human exposure (which causes severe eye irritation and other problems) to the toxic substances into which the two materials break down.

Title 3
California Code of Regulations
AMEND: 6400
Filed 07/24/01
Effective 07/24/01
Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
Purpose

The California Department of Pesticide Regulation is amending the captioned sections changing mainly authority citations based on the Governor’s Reorganization Plan No. 1, Stats. 1991.

Title 3
California Code of Regulations
AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153, 6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 624
Filed 06/20/01
Effective 07/20/01
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF PESTICIDE REGULATION
Protection of Bees

The proposed regulatory action amends provisions governing the protection of bees from the use of pesticides. Subsection 6656(g)(5) was withdrawn from review and may be resubmitted to OAL for review on or before February 11, 2002, the date the notice of proposed rulemaking on this rulemaking action expires.

Title 3
California Code of Regulations
AMEND: 6650, 6654, 6656

Filed 12/26/01
 Effective 01/25/02
 Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
 Dazomet and Potassium N-methyldithiocarbamate
 (metam-potassium)

This readoption of an emergency action adds two chemicals to those restricted materials for which users must apply to County Agricultural Commissioners for permits which may contain protective use requirements.

Title 3
 California Code of Regulations
 AMEND: 6400
 Filed 03/15/01
 Effective 03/15/01
 Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
 Restructuring of DPR's Advisory Committees

This rulemaking action changes the makeup of the Pesticide Registration and Evaluation Committee and the Pest Management Advisory Committee and disbands the Pesticide Advisory Committee. The action also changes the meeting schedule of the Pesticide Registration and Evaluation committee, and deletes the requirement for concurrence of the vice chair of the Pest Management and Advisory Committee for appointments to the committee.

Title 3
 California Code of Regulations
 AMEND: 6252, 6256
 Filed 11/27/01
 Effective 12/27/01
 Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
 Groundwater Protect List, Pest Mgt. Zones/Use
 Requirements for Norflurazon

This rulemaking action adds norflurazon to the Groundwater Protection List, establishes use requirements for norflurazon, and designates pesticide management zones within Fresno and Tulare counties in which the use of norflurazon is restricted for the purpose of protecting ground water.

Title 3
 California Code of Regulations
 ADOPT: 6486.8 AMEND: 6800, 6802
 Filed 02/21/01
 Effective 03/23/01
 Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF PESTICIDE REGULATION
 Healthy Schools Act of 2000/Pesticide Use Reporting
 and Recordkeeping

The proposed regulatory action implements the Healthy Schools Act of 2000 (Chapter 718, AB 2260). It requires licensed pest control businesses to include specific public school site pesticide application information as part of their record keeping requirements and would add an additional annual reporting requirement specific to public school.

Title 3
 California Code of Regulations
 ADOPT: 6625 AMEND: 6624
 Filed 10/11/01
 Effective 11/10/01
 Agency Contact:
 Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF REAL ESTATE
 Out of State Time-Share Projects

The regulatory action states that the Commissioner of Real Estate will apply Business and Professions Code section 10250.2, subdivision (b) to only the regulations for time-share projects situated outside of California that are listed in section 2813.14.

Title 10
 California Code of Regulations
 ADOPT: 2813.14
 Filed 01/10/01
 Effective 02/09/01
 Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF REAL ESTATE
 Fees

This action raises the Department's fees for broker and salesperson licenses, and land subdivision related filing fees.

Title 10
 California Code of Regulations
 AMEND: 2716, 2790.1, 2805.1
 Filed 05/16/01
 Effective 06/15/01
 Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF REHABILITATION
 Level of Significance of Disability

This action is the certification of compliance for a new procedure for determining the order of selection of individuals eligible for vocational rehabilitation services so that the Department may utilize a more efficient, reliable and valid method.

Title 9
 California Code of Regulations
 AMEND: 7050, 7051, 7053, 7054, 7056, 7057
 Filed 12/10/01
 Effective 12/10/01
 Agency Contact: Juanita Loyola (916) 263-8972

DEPARTMENT OF REHABILITATION
Mediation Procedures

This Certification of Compliance adopts provisions for mediation of appeals of a departmental action. (Previous OAL file # 00-0920-03E)

Title 9
California Code of Regulations
ADOPT: 7353.6 AMEND: 7350, 7351, 7353
Filed 02/20/01
Effective 02/20/01
Agency Contact: Keltie Jones (916) 263-8973

DEPARTMENT OF REHABILITATION
Grants, Auditing, and Habilitation Ratesetting

The regulatory action deals with the requirements for applicant appeals and the composition of the Grant Review Committee and the Audit Review Committee.

This regulatory action is effective January 9, 2001 pursuant to Government Code section 11343.4, subdivision (c).

Title 9
California Code of Regulations
AMEND: 7334, 7335, 7337
Filed 01/09/01
Effective 01/09/01
Agency Contact: Keltie Jones (916) 263-8973

DEPARTMENT OF REHABILITATION
Loan Guarantee Programs

This regulatory action amends the eligibility requirements for specified loan guarantee programs.

Title 9
California Code of Regulations
AMEND: 7263, 7264.2, 7264.6
Filed 05/17/01
Effective 05/17/01
Agency Contact: Juanita Loyola (916) 263-8972

DEPARTMENT OF REHABILITATION
Level of Significance of Disability

This emergency action introduces a new procedure for determining the order of selection of individuals eligible for vocational rehabilitation services so that the Department may utilize a more efficient, reliable and valid method.

Title 9
California Code of Regulations
AMEND: 7050, 7051, 7053, 7054, 7056, 7057
Filed 06/28/01
Effective 07/01/01
Agency Contact: Joseph O. Egan (916) 263-8977

DEPARTMENT OF SOCIAL SERVICES
Administration to an ARF/CFE by APS

This emergency action establishes standards for the emergency placement of elder and dependent adults in residential facilities by an Adult Protective Services Agency.

Title 22, MPP
California Code of Regulations
ADOPT: 85081, 87593 AMEND: 85001, 87101
Filed 10/25/01
Effective 10/25/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
AB 1753 RCFE: Alzheimer's Disease, Specified Training Requirements

This emergency readoption implements recent legislation requiring administrators for residential care facilities to complete at least eight hours of continuing education in subjects related to serving residents with Alzheimer's Disease and other dementias.

Title 22, MPP
California Code of Regulations
AMEND: 87564.3, 87730
Filed 09/19/01
Effective 09/19/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Increase of Purchase of Service Threshold

This regulatory action raises the minimum amount of a contract for which a county must conduct a public hearing.

Title MPP
California Code of Regulations
AMEND: 23-625.2
Filed 01/04/01
Effective 01/04/01
Agency Contact:
DeAnna J. Setzer (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
***Tyler v. Anderson* Retroactive Benefits Lawsuit**

The proposed regulatory action implements the provisions of the settlement agreement in *Tyler v. Anderson* providing for retroactive payments for range of motion paramedical services in the In-Home Supportive Services Program. The proposed regulations provide a method of determining eligible claimants, providing notification to potential claimants, establishing both claimant, departmental and county responsibilities, defines retroactive eligibility periods, establishes the claiming process, sets forth the method for calculation of benefits and interest, and establishes the requirements for these benefits.

Title MPP
California Code of Regulations
ADOPT: 50-025 AMEND: 80-310
Filed 01/17/01
Effective 01/17/01
Agency Contact:
DeAnna J. Setzer (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Pregnancy Special Needs

This emergency regulatory action conforms the CalWORKs regulations to the legal requirement that a CalWORKs-eligible pregnant woman is eligible for the pregnancy special needs allowance (\$47 a month) not only during the third trimester of her pregnancy but also at any time during the pregnancy as long as the pregnancy is verified, the woman is otherwise eligible for CalWORKs, and federal law does not require pregnancy special needs allowances to be counted as income in the first five months of pregnancy. In 1996, the federal law changed and no longer required this allowance to be counted as income against the grant.

Title MPP
California Code of Regulations
AMEND: 44-211.63, 44-211.64
Filed 05/31/01
Effective 05/31/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Adoption Assistance Program Emergency Regulations

As directed by the stipulated judgment in a federal civil rights lawsuit, this rulemaking action conforms state adoption assistance program regulations to federal and state legislative changes.

Title 22, MPP
California Code of Regulations
ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351, 11-401, 45-803
REPEAL: 35333
Filed 09/06/01
Effective 09/06/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
AB 1753; RCFE; Alzheimer's Disease; Specified Training Requirements

This emergency rulemaking implements recent legislation requiring administrators for residential care facilities to complete at least eight hours of continuing education in subjects related to serving residents with Alzheimer's Disease and other dementias.

Title 22, MPP
California Code of Regulations
AMEND: 87564.3, 87730
Filed 05/23/01
Effective 05/23/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Maximum Family Grant (MFG) Amendments

This emergency action (#0401-09) amends the California Work Opportunity and Responsibility to Kids (CalWORKs) program's Maximum Family Grant (MFG) regulations, consistent with court settlement orders in *Nickols v. Saenz* and *Kehrer v. Saenz*.

Title MPP
California Code of Regulations
AMEND: 44-314, 82-518
Filed 06/25/01
Effective 07/01/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Adoption Assistance Program Emergency Regulations

As directed by the stipulated judgment in a federal civil rights lawsuit, this emergency rulemaking action conforms state adoption assistance program regulations to federal and state legislative changes.

Title 22, MPP
California Code of Regulations
ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351
REPEAL: 35333
Filed 03/30/01
Effective 03/31/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
CalWORKs Sponsored Noncitizens

This emergency regulatory action amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs. (Previous OAL file 00-1228-05E)

Title MPP
California Code of Regulations
AMEND: 42-205, 43-119, 44-133 REPEAL: 44-353
Filed 05/07/01
Effective 05/07/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Repeal of IHSS**

The Department of Social Services is amending the captioned sections of its Manual of Policies and Procedure to bring it into conformity with Chapter 206, section 23, Statutes of 1996.

Title MPP

California Code of Regulations

AMEND: 23-601, 604, 610, 613, 616, 620, 621, 622, 624, 625, 630, 640, 650

Filed 04/17/01

Effective 04/17/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Maximum Family Grant (MFG) Amendments**

This certificate of compliance filing, for an emergency (#0401-09) effective July 1, 2001, amends the California Work Opportunity and Responsibility to Kids (CalWORKs) program's Maximum Family Grant (MFG) regulations, consistent with court settlement orders in *Nickols v. Saenz* and *Kehrer v. Saenz*.

Title MPP

California Code of Regulations

AMEND: 44-314, 82-518

Filed 12/11/01

Effective 12/11/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Forms Revisions for ARF and RCFE regulations**

The Department of Social Services is amending the captioned sections pertaining to definitions—forms. Changes to the revision date for section 87102(d) "Core of Knowledge Guidelines" is being withdrawn due to the fact that these substantive changes were noticed in File No. 01-0919-04EE with the certificate of compliance forthcoming.

Title 22, MPP

California Code of Regulations

AMEND: 84110, 85002, 87102

Filed 11/08/01

Effective 11/08/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES***Tyler v. Anderson* Retroactive Lawsuit**

The proposed regulatory action implements the provisions of the settlement agreement in *Tyler v. Anderson* providing for retroactive payments for range of motion paramedical services in the In-home Supportive Services Program. The proposed regulations provide a method of determining eligible claimants, providing notification to potential claim-

ants, establishing both claimant, departmental and county responsibilities, defines retroactive eligibility periods, establishes the claiming process, sets forth the method for calculation of benefits and interest, and establishes the requirements for these benefits.

Title MPP

California Code of Regulations

ADOPT: 50-025 AMEND: 80-310

Filed 03/22/01

Effective 03/22/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Direct Deposit**

The emergency regulatory action deals with the delivery of public assistance benefits by direct deposit in each county that offers a program of direct deposit to some or all of their employees.

Title MPP

California Code of Regulations

ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310

Filed 11/29/01

Effective 12/01/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**CalWORKs Sponsored Noncitizens**

This emergency regulatory action amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs.

Title MPP

California Code of Regulations

AMEND: 42-205, 43-119, 44-133 REPEAL: 44-353

Filed 01/08/01

Effective 01/08/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**Noncitizen Eligibility Certificate Provisions**

The proposed emergency regulatory action implements federal regulations known as the Noncitizen Eligibility and Certification Provisions. The changes include new vehicle valuation rules that impact both the California Work Opportunity and Responsibility to Kids and the Food Stamp Programs; revising sponsored noncitizen programs, the addition of a 40 percent standard deduction from self-employment income for costs of producing that income; and extending certification periods and proration of benefits after a break in certification.

Title MPP

California Code of Regulations

AMEND: 63-102, 63-300, 63-301, 63-402, 63-405,
63-501, 63-502, 63-503, 63-504, 63-507

Filed 05/24/01

Effective 05/24/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Pregnancy Special Needs

This Certificate of Compliance completes the emergency rulemaking action which conformed CalWORKs regulations to the legal requirement that a CalWORKs (formerly AFDC)-eligible pregnant woman is eligible for the pregnancy special needs allowance (\$47 a month) not only during the third trimester of her pregnancy but also at any time during the pregnancy as long as the pregnancy is verified, the woman is otherwise eligible for CalWORKs, and federal law does not require pregnancy special needs allowances to be counted as income in the first five months of pregnancy which it has not since 1996.

Title MPP

California Code of Regulations

AMEND: 44-211.63, 44-211.64

Filed 10/15/01

Effective 10/15/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

California Veterans Cash Benefit (CVCB) Program

This emergency rulemaking provides for cash benefits for WW II veterans of the Republic of the Philippines' military service who were receiving SSI/SSP benefits in California, but who move to the Philippines to live.

Title MPP

California Code of Regulations

ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120,
49-125

Filed 04/26/01

Effective 04/26/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Group Home Child Care and Administrators Training

This non-substantive action rennumbers this section of the Department of Social Services regulations regarding group homes.

Title 22, MPP

California Code of Regulations

AMEND: 84001

Filed 04/30/01

Effective 04/30/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

California Veterans Cash Benefit (CVCB) Program

This Certificate of Compliance provides for cash benefits for WW II veterans of the Republic of the Philippines' military service who were receiving SSI/SSP benefits in California, but who move to the Philippines to live.

Title MPP

California Code of Regulations

ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120,
49-125

Filed 09/17/01

Effective 09/17/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Civil Penalty Clarification

This action updates the regulations that specify the civil penalties that will be assessed when licensees are cited for violations of the Department's rules.

Title 22, MPP

California Code of Regulations

ADOPT: 80055.1, 87054, 87055.1, 87855.1, 88046,
101198.1, 102395, 102402.1 AMEND: 80054,
87454, 87854, 101195

Filed 07/27/01

Effective 08/26/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Residential Care Facilities for the Elderly Administrator Certification

This action sets standards and procedures for Departmental approval of courses providing training necessary for certification of RCFE facility administrators and for their continuing education

Title 22, MPP

California Code of Regulations

ADOPT: 87102, 87564.2, 87564.3, 87564.4,
87564.5, 87730.1, 87730.2, 87731, 87731.1,
87731.2, 87731.3, 87731.4 AMEND: 87100, 87101,
87218, 87561, 84563, 87564, 87566, 87730

Filed 03/12/01

Effective 03/12/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Noncitizen Eligibility Certification Provisions

The proposed emergency readopt implements federal regulations known as the Noncitizen Eligibility and Certification Provisions. The changes include new

vehicle valuation rules that impact both the California Work Opportunity and Responsibility to Kids and the Food Stamp Programs; revising sponsored noncitizen programs, the addition of a 40 percent standard deduction from self-employment income for costs of producing that income; and extending certification periods and proration of benefits after a break in certification.

Title MPP

California Code of Regulations

AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

Filed 10/01/01

Effective 10/01/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Hospice and Medical Conditions and Services

This rulemaking revises provisions regarding hospice and medical care in residential care facilities for the elderly (RCFE's) to conform to recent bills and experience and to clarify some provisions.

Title 22, MPP

California Code of Regulations

ADOPT: 87701.1, 87716.1 AMEND: 87101, 87102, 87570, 87575, 87575.1, 87701, 87701.1, 87702, 87716, 87124.1, 87721

Filed 09/24/01

Effective 09/24/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

CalWORKs Sponsored Noncitizens

This Certification of Compliance amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs.

Title MPP

California Code of Regulations

AMEND: 42-205, 43-119, 44-133

Filed 10/10/01

Effective 10/10/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Simplified Food Stamp Program (SFSP)

This Certification of Compliance adopts a Simplified Food Stamp Program (SFSP) which clarifies the applicability of the Fair Labor Standards Act (FLSA) to unpaid community service and work experience in the California Work Opportunity and Responsibility to Kids (CalWORKs). (Previous OAL file #01-0320-02E)

Title MPP

California Code of Regulations

AMEND: 42-710.1, 42-710.2, 42-710.3, 42-711.9, 42-716.11, 63-407.2, 63-407.5

Filed 09/10/01

Effective 09/10/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

CCL Fees and Renewals

The Department of Social Services is amending the captioned sections pertaining to title 22, California Code of Regulations, and their Manual of Policy and Procedures in order to remove language pertaining to the renewal of an application for licensure.

Title 22, MPP

California Code of Regulations

AMEND: 80018, 80027, 80029, 80034, 80036, 83017, 87001, 87017, 87027, 87029, 87034, 87036, 87044, 87045, 87101, 87218, 87224, 87230, 87235, 87340, 87834, 89019, 89043 REPEAL: 80032, 80033, 80041, 83032, 87032, 87033, 87041, 87233, 87234

Filed 06/29/01

Effective 06/29/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Grant-Based On-the-Job Training (OJT)

This emergency regulatory action revises the existing regulations governing grant-based on-the-job training (OJT) in the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) Program to address recent statutory changes.

Title MPP

California Code of Regulations

AMEND: 42-701, 42-716, 44-111

Filed 03/29/01

Effective 04/01/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Recipient Claim Establishment and Collections

This emergency regulatory action implements changes made by the USDA to the Food Stamp Program that are required to be in place by August 1, 2001.

Title MPP

California Code of Regulations

ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804

Filed 08/10/01
 Effective 08/10/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Simplified Food Stamp Program (SFSP)

This emergency rulemaking action adopts a Simplified Food Stamp Program (SFSP) which clarifies the applicability of the Fair Labor Standards Act (FLSA) to unpaid community service and work experience in the California Work Opportunity and Responsibility to Kids (CalWORKs).

Title MPP
 California Code of Regulations
 AMEND: 42-710.1, 41-710.2, 42-11.9, 42-716.111, 63-407.2, 63-407.5
 Filed 03/26/01
 Effective 04/01/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Grant-Based On-Job Training

This filing is a certificate of compliance for the emergency regulatory action which revised the existing regulations governing grant-based on-the-job training (OJT) in the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work (WTW) Program to address recent statutory changes.

Title MPP
 California Code of Regulations
 ADOPT: none AMEND: 42-702, 42-716, 44-111 RE-PEAL: none
 Filed 08/30/01
 Effective 08/30/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF THE YOUTH AUTHORITY
Mental Health System

This emergency rulemaking action adopts the standards for the administration of psychotropic drugs to minors when the Department is unable to obtain informed consent.

Title 15
 California Code of Regulations
 ADOPT: 4746.5
 Filed 11/29/01
 Effective 11/29/01
 Agency Contact:
 Catherine Sorenson (916) 262-1437

DEPARTMENT OF THE YOUTH AUTHORITY
Restitution Deductions from Trust Account Deposits

This rulemaking clarifies that court ordered victim restitution and restitution fine deductions from trust account deposits applies to all wards or inmates committed to, or housed in, a Youth Authority facility.

Title 15
 California Code of Regulations
 AMEND: 4720.1
 Filed 10/04/01
 Effective 11/03/01
 Agency Contact: Karen Thomas (916) 262-1437

DEPARTMENT OF THE YOUTH AUTHORITY
Ward Correspondence

The proposed regulatory action modifies provisions governing correspondence to and from wards in Department of Youth Authority facilities.

Title 15
 California Code of Regulations
 AMEND: 4695
 Filed 09/20/01
 Effective 10/20/01
 Agency Contact: Karen Thomas (916) 262-1437

DEPARTMENT OF THE YOUTH AUTHORITY
Annual Review

The proposed regulatory action would establish that a ward shall be provided with a copy of the Annual Review Report no later than five days prior to the scheduled Board hearing date.

Title 15
 California Code of Regulations
 AMEND: 4622
 Filed 06/19/01
 Effective 07/19/01
 Agency Contact: Karen Thomas (916) 262-1437

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Cathode Ray tubes

This rulemaking action readopts the emergency regulations that conditionally exempt cathode ray tube material from its current classification as hazardous waste provided the material is managed in compliance with the streamlined management requirements established by this rulemaking action, which correspond to federal management requirements for "universal waste." The department certifies that good faith progress is being made to formally adopt permanent regulations. It anticipates that the notice of proposed rulemaking will be published by March 2002. Addi-

tional time is needed to prepare the economic impact analysis due to the large number of generators potentially affected.

Title 22

California Code of Regulations

ADOPT: 66273.6, 66273.80–66273.90 AMEND: 66261.9, 66273.1, 66273.8, 66273.9

Filed 11/30/01

Effective 11/30/01

Agency Contact:

Charles Corcoran (916) 327-4499

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Groundwater Remediation Loan Program

This readopted emergency rulemaking establishes the Groundwater Remediation Loan Program, that provides loans to local agencies to address groundwater contamination problems.

Title 22

California Code of Regulations

ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

Filed 10/02/01

Effective 10/24/01

Agency Contact: Bonnie Amoruso (916) 322-2833

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Clean Loan Program

This is the readoption of emergency regulations containing standards and procedures for a new loan program designed to facilitate the assessment and cleanup of contaminated urban sites that are underutilized by lending the landowners money for these purposes.

Title 22

California Code of Regulations

ADOPT: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213

Filed 07/06/01

Effective 07/18/01

Agency Contact: Bonnie Amoruso (916) 322-2833

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt “universal waste” batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment,

tracking, and export. The rule also authorizes certain “households” and “conditionally exempt small quantity generators” to manage and dispose of specified universal waste as non-hazardous waste.

Title 22

California Code of Regulations

ADOPT: 66261.9, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33, 66273.

Filed 11/02/01

Effective 11/03/01

Agency Contact: Andre Algazi (916) 324-3114

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Financial Requirements

This non-substantive action amends regulations regarding financial requirements for owners and operators of hazardous waste treatment, storage, and disposal facilities.

Title 22

California Code of Regulations

AMEND: 66264.140, 66264.143, 66264.145, 66264.147, 66265.140, 66265.143, 66265.145, 66265.147

Filed 11/06/01

Effective 11/06/01

Agency Contact: Betty Engle (916) 255-3604

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Consistency with Senate Bill 271

This is a nonsubstantive action which conforms regulations to Statutes of 2001, Chapter 319 (SB 271) which concerns transporting hazardous wastes. These regulations deal with consolidated manifests, consolidated transporters, and generators.

Title 22

California Code of Regulations

AMEND: 66260.10, 66262.12, 66263.40, 66268.7
REPEAL: 66263.42

Filed 12/31/01

Effective 12/31/01

Agency Contact: Joan Ferber (916) 322-6409

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

CLEAN Loan Program

This action institutes standards and procedures for a new loan program designed to facilitate the assessment and cleanup of contaminated urban sites that are underutilized by lending the landowners money for these purposes.

Title 22
California Code of Regulations
ADOPT: 68200, 68201, 68202, 68203, 68204,
68205, 68206, 68207, 68208, 68209, 68210, 68211,
68212, 68213
Filed 01/18/01
Effective 01/18/01
Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Application for a Permit

This non-substantive action amends this regulation to conform to the amendment of Health and Safety Code section 25199.6 (SB 2035, Stats 2000, c. 343, § 10) which now requires the Department of Toxic Substances Control to review for completeness each application for a hazardous waste facilities permit and notify the applicant in writing whether the application is complete within 30 days from the date of receipt.

Title 22
California Code of Regulations
AMEND: 66271.2
Filed 03/15/01
Effective 03/15/01
Agency Contact: Joan Ferber (916) 322-6409

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt "universal waste" batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment, tracking, and export. The rule also authorizes certain "households" and "conditionally exempt small quantity generators" to manage and dispose of specified universal waste as non-hazardous waste.

Title 22
California Code of Regulations
ADOPT: 66261.9, 66273.1, 66273.2, 66273.3,
66273.4, 66273.5, 66273.6, 66273.7, 66273.8,
66273.9, 66273.10, 66273.11, 66273.12, 66273.13,
66273.14, 66273.15, 66273.16, 66273.17,
66273.18, 66273.19, 66273.20, 66273.30,
66273.31, 66273.33, 66273.34, 66273.3
Filed 03/06/01
Effective 03/06/01
Agency Contact: Mike Horner (916) 322-7889

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Architectural and Engineering

The emergency regulatory action contains criteria and procedures for procurement of architectural and engineering services related to response actions at hazardous substance sites and corrective actions at hazardous waste facilities. (Prior OAL File 01-1016-01E.)

Title 22
California Code of Regulations
ADOPT: 67900.1, 67900.2, 67900.3, 67900.4,
67900.5, 67900.6, 67900.7, 67900.8, 67900.9,
67900.10, 67900.11, 67900.12
Filed 11/08/01
Effective 11/08/01
Agency Contact: Laurie Grouard (916) 323-3394

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Universal Waste Rule

This rulemaking action readopts emergency regulations to conditionally exempt "universal waste" batteries, thermostats, and lamps (including fluorescent tubes) from management as hazardous waste until it arrives at a destination facility, provided the universal waste is managed in compliance with specified, streamlined requirements regarding notification, management, labeling, accumulation, employee training, response to release, offsite shipment, tracking, and export. The rule also authorizes certain "households" and "conditionally exempt small quantity generators" to manage and dispose of specified universal waste as non-hazardous waste.

Title 22
California Code of Regulations
ADOPT: 66261.9, 66273.1, 66273.2, 66273.4,
66273.5, 66273.8, 66273.9, 66273.10, 66273.11,
66273.12, 66273.13, 66273.14, 66273.15,
66273.16, 66273.17, 66273.18, 66273.19,
66273.20, 66273.30, 66273.31, 66273.32,
66273.33, 66273.34, 66273.35, 66273.36, 6627
Filed 06/26/01
Effective 07/05/01
Agency Contact: Mike Horner (916) 322-7889

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Cathode Ray Tubes

This emergency rulemaking action conditionally exempts cathode ray materials from their current classification as hazardous waste provided they are managed in compliance with the streamlined management requirements established by this rulemaking action, which correspond to federal management requirements for "universal waste."

Title 22
California Code of Regulations
ADOPT: 66273.6, 66273.80, 66273.81, 66273.82,
66273.83, 66273.84, 66273.85, 66273.86,
66273.87, 66273.88, 66273.89, 66273.90 AMEND:
66261.9, 66273.1, 66273.8, 66273.9
Filed 08/03/01
Effective 08/03/01
Agency Contact:
Charles Corcoran (916) 327-4499

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Transportable Treatment Unit Standardized Permit

A "Transportable Treatment Unit" is a piece of mobile equipment which is not permanently stationed at a single facility but which is transported onto a facility to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics. This filing is the resubmittal following a 15 day availability period of a previously disapproved regulatory action which would have established operating standards and requirements for Transportable Treatment Units that are not eligible for operation under a lower permitting tier.

Title 22
California Code of Regulations
ADOPT: 66270.67
Filed 05/14/01
Effective 06/13/01
Agency Contact: Joan Ferber (916) 322-6409

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

CUPA Oversight and Program Management Costs

This emergency readoption conforms the Departments regulation to recent statutory changes concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPA's).

Title 27
California Code of Regulations
AMEND: 15240
Filed 03/08/01
Effective 03/08/01
Agency Contact: Joan Ferber (916) 322-6409

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Conflict of interest

The Department of Toxic Substances Control is amending the captioned section pertaining to its conflict of interest code. The Fair Political Practices Commission approved the changes for filing on October 2, 2001.

Title 22
California Code of Regulations
ADOPT: 66250, 66250.1, 66250.2
Filed 11/08/01
Effective 12/08/01
Agency Contact: Bonnie Amoruso (916) 322-2833

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Assessment of Administrative Penalties

This emergency rulemaking action adds regulations on assessment of administrative penalties in administrative enforcement orders issued pursuant to Health and Safety Code Section 25187. It includes provisions on applicability, penalty calculation, initial penalty, adjustment factors, multiple violations, multiday violations, minor violations subject to a penalty, base penalty, adjustments to base penalty, and final penalty.

Title 22
California Code of Regulations
ADOPT: 66272.60, 66272.61, 66272.62, 66272.63,
66272.64, 66272.65, 66272.66, 66272.67,
66272.68, 66272.69
Filed 03/30/01
Effective 04/13/01
Agency Contact: George Rose (916) 445-1664

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Groundwater Remediation Loan Program

This emergency rulemaking establishes the Groundwater Remediation Loan Program, that provides loans to local agencies to address groundwater contamination problems.

Title 22
California Code of Regulations
ADOPT: 68300, 68301, 68302, 68303, 68304,
68305, 68306, 68307, 68308, 68309
Filed 06/25/01
Effective 06/25/01
Agency Contact: Laurie Grouard (916) 323-3394

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Assessment of Administrative Penalties

This rulemaking action makes permanent an amended version of the emergency regulations now in effect which govern the assessment of administrative penalties pursuant to Health and Safety Code Section 25187. The action includes provisions on applicability, penalty calculation, determining the initial penalty for each violation, multiple violations, multiday violations, minor violations subject to a penalty, base penalty, adjustments to the total base penalty, and final penalty.

Title 22
California Code of Regulations
ADOPT: 66272.60, 66272.61, 66272.62, 66272.63,
66272.64, 66272.65, 66272.66, 66272.67,
66272.68, 66272.69
Filed 08/27/01
Effective 08/27/01
Agency Contact: Nikole Pearson (916) 324-2858

DEPARTMENT OF VETERANS AFFAIRS
CAL-VET Loan Processing/Mortgage Brokers

This filing is a certificate of compliance for an emergency regulatory action intended to implement Assembly Bill No. 2933. This bill requires the Department of Veterans Affairs (DVA) to take specified actions to efficiently process and approve Cal-Vet loans and to include participation by the private sector real estate mortgage associations in the loan origination process.

Title 12
California Code of Regulations
ADOPT: 302.1, 302.2, 302.3 AMEND: 302, 309.2
Filed 04/06/01
Effective 04/06/01
Agency Contact: Terri Daves (916) 503-8011

DEPARTMENT OF WATER RESOURCES
Yuba Feather Flood Protection Program Feasibility Studies

This Certification of Compliance adopts the requirements for funding of feasibility studies for flood protection plans on the Yuba and Feather Rivers and the Colusa Drain pursuant to the Yuba Feather Flood Protection Program of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000. (Previous OAL file # 00-0919-01E)

Title 23
California Code of Regulations
AMEND: 499.1, 499.2, 499.3, 499.4, 499.5, 499.6,
499.7, 499.8
Filed 03/06/01
Effective 03/06/01
Agency Contact:
Claire Priestly LeFlore (916) 653-8826

DEPARTMENT OF WATER RESOURCES
Grant Program Under the Creek Restoration and Flood Control Act

This resubmittal, which completes the Department of Water Resources' rulemaking action to amend the existing regulations governing the grant program under the Urban Creek Restoration and Flood Control Act of 1985, defines "stream clearance" and "flood mitigation measures," provides for periodic grant application cycles, and revises the criterion on enhancement of aesthetic, recreational, and economic

values. OAL previously approved part of the initial submission of this rulemaking action on May 21, 2001.

Title 23
California Code of Regulations
AMEND: 451.1, 451.4, 451.5
Filed 12/28/01
Effective 01/27/02
Agency Contact:
Claire Priestly LeFlore (916) 653-8826

DIVISION OF THE STATE ARCHITECT
Excess Flow Automatic Gas Shutoff Valves

This is the resubmission of an action that specifies the standards and procedure for obtaining State Architect certification of valves designed to shut off the supply of natural gas to a residence upon the occurrence of an excessive flow of gas through the valve.

Title 21
California Code of Regulations
ADOPT: 1386, 1387, 1388, 1389, 1390, 1391,
1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399,
1400
Filed 05/16/01
Effective 06/15/01
Agency Contact: Richard Conrad (916) 324-7180

DIVISION OF WORKERS COMPENSATION
Vocational Rehabilitation

The proposed regulatory action establishes reporting procedures and provides guidance to Qualified Rehabilitation Representatives regarding steps they may pursue in order to determine if the injured employee is vocationally feasible.

Title 8
California Code of Regulations
ADOPT: 10124.1
Filed 05/30/01
Effective 06/29/01
Agency Contact: Guia Carreon (415) 703-4600

DIVISION OF WORKERS COMPENSATION
ALJ 90 Day Salary Affidavit

This regulatory action changes the standard required on the salary affidavits completed by Administrative Law Judges from "personal knowledge" to "information and belief."

Title 8
California Code of Regulations
AMEND: 9714, 9714.5
Filed 05/23/01
Effective 06/22/01
Agency Contact: Guia Carreon (415) 703-4600

**DIVISION OF WORKERS COMPENSATION
Workers' Comp.-Inpatient Hospital Fee Schedule**

The Division of Workers' Compensation, Department of Industrial Relations, is amending the captioned sections. Appendices A and B are being repealed and adopted pertaining to the Inpatient Hospital Fee Schedule. These changes are exempt from review by the Office of Administrative Law pursuant to Government Code section 11343(a)(1).

Title 8

California Code of Regulations

AMEND: 9790.1, 9792.1

Filed 05/30/01

Effective 06/29/01

Agency Contact: James Robbins (415) 703-4600

**DIVISION OF WORKERS COMPENSATION
Inpatient Hospital Fee Schedule**

The Division proposes to increase the allowable fee for several back surgery procedures by allowing providers to bill separately for "implantable hardware and/or instrumentation."

Title 8

California Code of Regulations

AMEND: 9792.1

Filed 03/14/01

Effective 04/13/01

Agency Contact: James Robbins (415) 703-4600

**DIVISION OF WORKERS COMPENSATION
Inpatient Hospital Fee Schedule**

Provisions allowing health care providers to contract for payment other than that allowed by the maximum reimbursement formula for specified implantable hardware and instrumentation for certain back surgery and cost outliers were to sunset on January 1, 2002, but AB 1177, Statutes of 2001, chapter 252, effective January 1, 2002, removed the regulation's sunset. This non-substantive filing clarifies that the sunset has been legislatively extended by the enactment of Labor Code section 5813, until the next biennial review of the fee schedules.

Title 8

California Code of Regulations

AMEND: 9792.1

Filed 12/31/01

Effective 12/31/01

Agency Contact: James Robbins (415) 703-4600

**DIVISION OF WORKERS COMPENSATION
Permanent Disability & Life Pension Commutations**

The Department of Industrial Relations, Division of Workers' Compensation is amending the captioned section in order to provide the January 2001 revision date for Table 1 entitled "Present Value of Permanent Disability at 3% Interest", and the revision date of July 2001 for Tables 2 and 3 entitled "Present Value of

Life Pension at 3% Interest for a Male" and "Present Value of Life Pension at 3% Interest for a Female", respectively. The July revision date was necessitated due to the fact that the January 2001 revision for Tables 2 and 3 contained typographical errors.

Title 8

California Code of Regulations

AMEND: 10169

Filed 07/18/01

Effective 08/17/01

Agency Contact:

Richard P. Rosa

(415) 703-4667

**EMERGENCY MEDICAL SERVICES AUTHORITY
Emergency Medical Technician-I Optional Skills**

The existing regulations provide that a local EMS agency may establish policies and procedures for certifying an EMT-1 to perform a list of optional skills including the use of medications. This action would expand the list of approved procedures and medications and would include training requirements. It would also delete endotracheal intubation from the list of approved optional skills.

Title 22

California Code of Regulations

ADOPT: 100059.2 AMEND: 100059.1, 100064

Filed 04/16/01

Effective 04/16/01

Agency Contact: Sean Trask

(916) 322-4336

**EMPLOYMENT DEVELOPMENT DEPARTMENT
Conflict of Interest Code**

The Employment Development Department is amending its conflict of interest code found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on June 22, 2001.

Title 22

California Code of Regulations

AMEND: 311-1

Filed 08/09/01

Effective 09/08/01

Agency Contact: Laura Colozzi

(916) 654-7712

**EMPLOYMENT DEVELOPMENT DEPARTMENT
Barber and Cosmetologist**

Existing law at section 621(b) of the Unemployment Insurance Code adopts the common law rules to determine the employer-employee relationship. The common law rules are set forth in court decisions, the most significant of which are the decisions of the California Supreme Court in *Empire Star Mines Co., Ltd. v. California Employment Commission* (1946) 28 Cal. 2d 33, 168 P. 2d 686, and *Tieberg v. CUIAB* (1970) 2 Cal. 3d 949, 471 P. 2d 975, 88 Cal. Rptr. 175. The common law test used to determine if an employer-employee relationship exists is summarized

at section 4304-1 of title 22 of the California Code of Regulations. This proposed regulatory action will apply the general common law factors to the specific facts which normally occur when individuals are working as barbers or cosmetologists.

Title 22
California Code of Regulations
ADOPT: 4304-12
Filed 01/22/01
Effective 02/21/01
Agency Contact: Laura Colozzi (916) 654-7712

EMPLOYMENT DEVELOPMENT DEPARTMENT
Meals and Lodging

This rulemaking increases the taxable value of meals and lodging furnished to employees by employers during calendar year 2001. These increases are due to inflation.

Title 22
California Code of Regulations
AMEND: 926-3, 926-4, 926-5
Filed 04/10/01
Effective 04/10/01
Agency Contact: Laura Colozzi (916) 654-7712

EMPLOYMENT TRAINING PANEL
Frontline Worker

This emergency regulatory action amends provisions concerning funding of special Employment Training (SET) projects; the replacement of Private Industry Councils with Workforce Investment Boards in delegations of the Panel's authority; and clarifies the Panel's mandate to permit special allowances for the training of workers in high unemployment areas.

Title 22
California Code of Regulations
ADOPT: 4400 (hh), 4400 (ii) AMEND: 4400 (ee), 4407, 4409, 4420
Filed 01/08/01
Effective 01/08/01
Agency Contact: Deanna Fong (650) 655-6938

EMPLOYMENT TRAINING PANEL
California Career Ladders

This emergency rulemaking moves the California Career Ladders to the 21st Century program from the Special Employment Training (SET) provisions to the Panel's regular funding category.

Title 22
California Code of Regulations
AMEND: 4408, 4409, 4414
Filed 11/06/01
Effective 11/06/01
Agency Contact: Susan Bobrow (916) 327-5264

EMPLOYMENT TRAINING PANEL
Frontline Workers

This emergency regulatory action amends provisions concerning funding of Special Employment Training (SET) projects and clarifies the Panel's mandate to permit special allowances for the training of workers in high unemployment areas. (Previous OAL file # 01-0103-03EE)

Title 22
California Code of Regulations
ADOPT: 4400(hh), 4400(ii) AMEND: 4400(ee), 4409, 4420
Filed 06/20/01
Effective 06/20/01
Agency Contact: Deanna Fong (650) 655-6938

ENVIRONMENTAL PROTECTION AGENCY
CUPA Oversight & Program Management Costs

This readopted emergency rulemaking conforms the Department's regulation to recent statutory changes concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPAs).

Title 27
California Code of Regulations
AMEND: 15240
Filed 10/24/01
Effective 10/24/01
Agency Contact:
Bonnie Amoruso (916) 322-2833

ENVIRONMENTAL PROTECTION AGENCY
CUPA Surcharge Revenues and Reports

This non-substantive action changes the department and address within the California Environmental Protection Agency that CUPAs are to remit collected state surcharge revenues and reports.

Title 27
California Code of Regulations
AMEND: 15250, 15290
Filed 07/11/01
Effective 07/11/01
Agency Contact: Sonia Low (916) 323-9757

ENVIRONMENTAL PROTECTION AGENCY
CUPA Oversight and Program Management Costs

This readopted emergency rulemaking conforms the Department's regulation to recent statutory changes concerning the collection of the surcharge for the Certified Unified Program Agencies (CUPAs).

Title 27
California Code of Regulations
AMEND: 15240
Filed 06/25/01
Effective 06/25/01
Agency Contact:
Bonnie Amoruso (916) 322-2833

**FAIR EMPLOYMENT AND HOUSING
COMMISSION**
Conflict of Interest Code

The proposed regulatory action amends the Fair Employment and Housing Commission's Conflict of Interest Code.

Title 2
California Code of Regulations
AMEND: 7286.0
Filed 08/29/01
Effective 09/28/01
Agency Contact: Denise Choye (415) 557-2828

FAIR POLITICAL PRACTICES COMMISSION
Termination of Pre-2001 Committees of Non-Officeholding Candidates

The Fair Political Practices Commission is adopting section 18404.2, title 2, California Code of Regulations, pertaining to Proposition 34-Termination of Pre-2001 Committees of Non-Officeholding Candidates. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
ADOPT: 18404.2
Filed 10/18/01
Effective 10/18/01
Agency Contact: Amy Holloway (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Materiality Standards: Business Entities

Commission regulations prescribe materiality standards to be used in deciding whether the reasonably foreseeable financial effect of a governmental decision will be of a sufficiently large financial magnitude to trigger a conflict of interest. This action revises the regulation applying when business entities are directly or indirectly involved in a governmental decision.

Title 2
California Code of Regulations
ADOPT: 18705.1 REPEAL: 18705.1
Filed 01/18/01
Effective 02/01/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Conflict of Interest—Materiality Standards, Real Property

This action deals with determining whether a public official's interest in real property is directly or indirectly involved in a governmental decision.

Title 2
California Code of Regulations
AMEND: 18704.2, 18705.2
Filed 01/16/01
Effective 02/01/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Conflict of Interest—Doing Business in the Jurisdiction

The Fair Political Practices Commission is adopting the captioned section pertaining to "Doing Business in the Jurisdiction". The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2
California Code of Regulations
ADOPT: 18230
Filed 01/10/01
Effective 02/01/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Reporting Payments

The proposed regulatory action is the Certificate of Compliance filing making permanent the prior emergency adoption of provisions governing the online reporting of Government Code section 85310 payments. The prior emergency file was OAL file number 01-0613-02E.

Title 2
California Code of Regulations
ADOPT: 18539.2
Filed 11/16/01
Effective 12/16/01
Agency Contact: Scott Tocher (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Proposition 34 Provisions Applicable to Local Jurisdictions

In November 2000, voters approved Proposition 34, which made major changes to the Political Reform Act. In this emergency regulation, the Commission makes clear that these newly amended and enacted provisions apply to local jurisdictions.

Title 2
California Code of Regulations
ADOPT: 18573
Filed 01/22/01
Effective 01/22/01
Agency Contact: Scott Tocher (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Prop 34—Voluntary Expenditure Limits

This action adopts an emergency regulation in which a candidate for an elective state office can contribute personal funds to his or her own campaign in excess of the set limit.

Title 2

California Code of Regulations

ADOPT: 18543

Filed 10/29/01

Effective 10/29/01

Agency Contact: Scott Tocher (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Proposition 34—Campaign Disclosure

The Fair Political Practices Commission is adopting three new regulations as emergency regulations which pertain to campaign disclosure. This emergency action is based on voter approval of Proposition 34 on November 7, 2000.

Title 2

California Code of Regulations

ADOPT: 18539, 18550

Filed 06/25/01

Effective 06/25/01

Agency Contact:

Margaret Figueroid (916) 327-5525

FAIR POLITICAL PRACTICES COMMISSION

Cleanup Prop. 208 and Prop. 73 Regulations

The Fair Political Practices Commission is amending sections 18523, 18523.1, 18531, 18533, and 18537, and repealing sections 18519.4, 18530.1, 18530.7, 18531.1, 18531.3, 18531.4, 18531.5, 18532, 18535, 18539, 18541, 18550 and 18626 of title 2, California Code of Regulations pertaining to campaign contributions. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18523, 18523.1, 18531, 18533, 18537

REPEAL: 18519.4, 18530.1, 18530.7, 18531.1,

18531.3, 18531.4, 18531.5, 18532, 18535, 18539,

18541, 18550, 18626

Filed 05/04/01

Effective 06/03/01

Agency Contact: Luisa Menchaca (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Transfer and Attribution of Contributions

The Fair Political Practices Commission is adopting and repealing the captioned section pertaining to transfer and attribution of contributions. The Office of

Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2

California Code of Regulations

ADOPT: 18536 REPEAL: 18536

Filed 11/06/01

Effective 12/06/01

Agency Contact: Carla Wardlow (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Public Officials

The proposed action would amend the provisions which define public official, member, consultant and the terms “public investments”, “public money”, and “management of public investments”.

Title 2

California Code of Regulations

AMEND: 18701

Filed 01/11/01

Effective 02/10/01

Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION

Transfer and Attribution of Contributions

This action adopts an emergency regulation in which a committee transferring funds must designate in its records whether it elects the “first in, first out” or “last in, first out” method of accounting for said transfers.

Title 2

California Code of Regulations

ADOPT: 18536

Filed 07/17/01

Effective 07/17/01

Agency Contact: Mark Krausse (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Notification of Personal Contributions in Excess of the VE Limit

The Fair Political Practices Commission is adopting the captioned section pertaining to notification of personal contributions in excess of the voluntary expenditure limits as a certificate of compliance filing. The prior filing File No. 01-0613-01 FPPC (the emergency filing) was approved by this office June 19, 2001. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
ADOPT: 18542
Filed 10/29/01
Effective 11/28/01
Agency Contact: Scott Tocher (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Basic Rule

The proposed regulatory action is a nonsubstantive technical cleanup of the Commission's regulations governing conflicts of interest.

Title 2
California Code of Regulations
AMEND: 18700, 18703.1, 18703.2, 18703.3, 18703.4, 18704.1, 18705.3, 18729, 18730
Filed 02/13/01
Effective
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Conflict of Interest: Public Generally Exception

This action amends regulations which deal with a public official not having a disqualifying conflict of interest in a governmental decision if that decision affects the public official's economic interest in a manner indistinguishable from how it would affect the public generally.

Title 2
California Code of Regulations
ADOPT: 18707.9 AMEND: 18707, 18707.1, 18707.2, 18707.3, 18707.7
Filed 01/16/01
Effective 02/01/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Legally Required Participation

The Fair Political Practices Commission is amending the captioned sections pertaining to "Determining When a Public Official is Making a Governmental Decision," "Legally Required Participation," and "Provisions of Conflict of Interest Codes." The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2
California Code of Regulations
AMEND: 18702.1, 18708, 18730
Filed 01/10/01
Effective 02/01/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Government Salary Exception, Personal Financial Effect

The proposed action would adopt and amend definitions contained in the conflict of interest provisions known as the "Government Salary Exception".

Title 2
California Code of Regulations
ADOPT: 18232 AMEND: 18703.5, 18704.5, 18705, 18705.3, 18705.5
Filed 01/17/01
Effective 02/16/01
Agency Contact: John Wallace (916) 445-4812

FAIR POLITICAL PRACTICES COMMISSION
Small Contributor Committees

The Fair Political Practices Commission is adopting section 18503, and repealing sections 18502 and 18502.1 of title 2, California Code of Regulations pertaining to small contributor committees and broad based political committees. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

The Office of Administrative Law approves this regulatory action following a review limited to those provisions of the Administrative Procedure Act in effect on June 4, 1974 (former Government Code sections 11370, et seq.), pursuant to a decision of the Court of Appeal, Third District (April 27, 1992), Case No. CO10924 [unpublished opinion].

Title 2
California Code of Regulations
ADOPT: 18503 REPEAL: 18502, 18502.1
Filed 01/16/01
Effective 01/16/01
Agency Contact: Julia Bilaver (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Small Contributor Committees

The Fair Political Practices Commission is adopting section 18503, and repealing sections 18502 and 18502.1, of title 2, California Code of Regulations pertaining to small contributor committees and broad based political committees. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

The Office of Administrative Law approves this regulatory action following a review limited to those provisions of the Administrative Procedure Act in

effect on June 4, 1974 (former Government Code sections 11370, et seq.), pursuant to a decision of the Court of Appeal, Third District (April 27, 1992), Case No. CO10924 [unpublished opinion].

Title 2
California Code of Regulations
ADOPT: 18503 REPEAL: 18502, 18502.1
Filed 05/01/01
Effective 05/01/01
Agency Contact: Julia Bilaver (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Technical Cleanup

This non-substantive regulatory action amends sections 18406, 18427.1, 18723, and 18960 pertaining to campaign contributions, statements, reports, and filing of annual statements of economic interest. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO10924, dated April 27, 1992.

Title 2
California Code of Regulations
AMEND: 18406, 18427.1, 18723, 18960
Filed 06/26/01
Effective 07/26/01
Agency Contact: Kelly Winsor (916) 327-0268

FAIR POLITICAL PRACTICES COMMISSION
Proposition 34—Campaign Disclosure

The Fair Political Practices Commission is adopting the captioned sections pertaining to reporting cumulative amounts for state candidates and state recipient committees and notification of personal contributions in excess of the voluntary expenditure limits. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
ADOPT: 18421.4, 18542
Filed 06/19/01
Effective 07/19/01
Agency Contact: Carla Wardlow (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Monetary Contributions, When Accepted

The Fair Political Practices Commission is repealing the captioned section. This section pertains to when receiving monetary contributions constitutes acceptance. The Office of Administrative Law has filed the above regulatory action with the Secretary of

State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations REPEAL: 18215.2
Filed 07/10/01
Effective 12/26/97
Agency Contact: Kelly Winsor (916) 327-0268

FAIR POLITICAL PRACTICES COMMISSION
Treatment of Debts Outstanding after an Election

The Fair Political Practices Commission is adopting the captioned section pertaining to treatment of debts outstanding after an election. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
ADOPT: 18531.6
Filed 10/04/01
Effective 11/03/01
Agency Contact:
Holly Armstrong (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Legal Defense Funds and Return of Contributions

This regulatory action adopts two new regulations pertaining to Legal Defense Funds and Return of Contributions with Insufficient Donor Information.

Title 2
California Code of Regulations
ADOPT: 18530.4, 18570
Filed 10/09/01
Effective 11/08/01
Agency Contact:
Holly Armstrong (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Allocation of Campaign Expenditures

This regulatory action concerns allocation of campaign expenditures. This action is exempt from the Office of Administrative Law's review and is being submitted for print only.

Title 2
California Code of Regulations
ADOPT: 18540
Filed 11/26/01
Effective 12/26/01
Agency Contact:
Lawrence T. Woodlock (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Annual Loan Reports

This action repeals the section titled annual loan reports.

Title 2
California Code of Regulations REPEAL: 18416
Filed 07/12/01
Effective 08/11/01
Agency Contact: Kelly Winsor (916) 327-0268

FAIR POLITICAL PRACTICES COMMISSION
Reporting by Affiliated Entities

The Fair Political Practices Commission is amending the captioned section pertaining to reporting by affiliated entities on an emergency basis. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
AMEND: 18428
Filed 12/27/01
Effective 12/27/01
Agency Contact:
Lawrence T. Woodlock (916) 322-5660

FISH AND GAME COMMISSION
herring Fishery and Herring Eggs on Kelp

This regulatory action increases the allowed take and makes further changes for the 2001–2002 commercial herring and herring eggs on kelp season.

Title 14
California Code of Regulations
AMEND: 163, 163.5, 164
Filed 10/31/01
Effective 11/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Finfish Trap Construction

This regulatory action requires that entrance funnels of finfish traps used in waters between Point Arguello, Santa Barbara County, and Point Montara, San Mateo County, have a rigid inside entrance diameter not greater than 5 inches to prevent sea otter entrapment.

Title 14
California Code of Regulations
ADOPT: 180.4
Filed 12/19/01
Effective 01/18/02
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Incidental Take of Coho Salmon

This emergency regulatory action would permit under specified conditions the incidental take of coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 04/26/01
Effective 04/26/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Special Order Relating to Incidental Take of Coho Salmon During Candidacy Period

This filing is the second readoption of an emergency filing which permits under specified conditions the incidental take of coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 12/31/01
Effective 12/31/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Fishery Closures for Bocaccio and Canary Rockfish

This emergency regulatory action closes all fisheries off California south of Cape Mendocino to the take of bocaccio and canary rockfish, and associated species.

Title 14
California Code of Regulations
AMEND: 27.82, 28.54, 28.55
Filed 10/17/01
Effective 10/17/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Two Rods in Colorado River District

AB 1673 amends Section 7149.4 and adds Section 7149.45 of the Fish and Game Code to allow two rod fishing in the Colorado River District. The proposed nonregulatory action would amend the regulation restricting fishing to one rod to include an exception for the Colorado River District.

Title 14
California Code of Regulations
AMEND: 2.00
Filed 12/20/01
Effective 01/01/02
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Commercial Cabezon Fishery Closure

This emergency rulemaking closes the commercial take of cabezon off the coast of California through December 31, 2001.

Title 14
 California Code of Regulations
 AMEND: 150.16
 Filed 09/18/01
 Effective 09/18/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
California Sheephead Commercial fishery Closure

The proposed emergency regulatory action would close the commercial sheephead fishery off California through December 31, 2001.

Title 14
 California Code of Regulations
 AMEND: 150.16
 Filed 11/08/01
 Effective 11/08/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Ocean Salmon Sport Fishing

This regulatory action revises the salmon ocean sport fishing regulations to conform to recent changes made by the Pacific Fishery Management Council.

Title 14
 California Code of Regulations
 AMEND: 27.80
 Filed 04/23/01
 Effective 05/01/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Klamath-Trinity River Sport Salmon Regulations

The proposed regulatory action is the 2001 amendments to the Klamath-Trinity River sport salmon fishing regulations.

Title 14
 California Code of Regulations
 AMEND: 2.02, 7.50
 Filed 04/30/01
 Effective 05/01/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Kelp Harvesting Regulations

This regulatory action amends existing provisions regulating the commercial harvesting of kelp.

Title 14
 California Code of Regulations
 AMEND: 165, 165.5

Filed 10/25/01
 Effective 11/24/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Waterfowl

This regulatory action amends the regulations pertaining to the hunting of migratory waterfowl; prohibits the use of electronic or mechanically-operated spinning blade devices or spinning wing decoys; and amends the list of nontoxic shot.

Title 14
 California Code of Regulations
 AMEND: 502,507(c) and 507.1
 Filed 10/03/01
 Effective 10/06/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Groundfish & Nearshore Fishery Management

This regulatory action revises the ocean sport and commercial fishing regulations affecting nearshore and shelf species of finfishes. For the nearshore fishery, these regulatory changes are intended to stabilize fish stocks and are interim measures to the extent they may be replaced by regulations adopted in conjunction with California's Nearshore Fishery Management Plan on or before January 1, 2002. For the shelf groundfish fishery, these regulatory changes are intended to keep harvest levels in line with levels needed to achieve rebuilding goals for overfished stocks of lingcod, bocaccio, canary rockfish, and cowcod.

Title 14
 California Code of Regulations
 ADOPT: 1.90, 27.67, 27.82, 28.26, 28.58, 150.01, 150.06, 150.16, 150.17 AMEND: 27.60, 28.27, 28.28, 28.29, 28.54, 28.55, 28.65, 120, 120.3, 195
 Filed 03/05/01
 Effective 03/05/01
 Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Sport Fishing

This regulatory action amends the sport fishing regulations to (1) prohibit the use of waterdogs as bait and adds them to the list of restricted species, (2) make clarifying changes regarding abalone, (3) prohibit fishing in Sespe Creek below Alder Creek and change to catch and release limited to artificials only above Alder Creek, and (4) open Berryessa Lake tributaries in Lake County to fishing.

Title 14
 California Code of Regulations
 AMEND: 4.00, 4.10, 4.15, 4.20, 4.25, 4.30, 7.50(b)(174.5), 29.15, 671, 7.50(b)(19)

Filed 02/27/01
Effective 02/27/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Upland Game Hunting

This non-substantive action amends cross-references within these two sections which pertain to upland game bird hunting.

Title 14
California Code of Regulations
AMEND: 311, 354
Filed 07/24/01
Effective 07/24/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Resident and Upland Game Birds

This action sets the number of permits that can be issued for hunting sage grouse in portions of the Lassen, Mono, and Inyo hunting zones.

Title 14
California Code of Regulations
AMEND: 300(a)
Filed 10/31/01
Effective 11/30/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Hunting on State and Federal Areas

The regulatory action deals with hunting on state and federal lands. It is effective on filing with the Secretary of State pursuant to Fish and Game Code sections 202 and 215.

Title 14
California Code of Regulations
AMEND: 550, 551, 552
Filed 10/23/01
Effective 11/22/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Prawn or Shrimp Trawling

This rulemaking mandates the use of an approved Bycatch Reduction Device (BRD) on all trawl nets used in the pink shrimp trawl fishery, and provides for the testing and use of experimental BRDs under permit issued by the Department's Marine Region Manager.

Title 14
California Code of Regulations
AMEND: 120
Filed 12/17/01
Effective 01/16/02
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Nearshore Fishery Control Date for Gear Endorsement Program

The proposed regulatory action establishes October 20, 2000 as the control date for implementation of a nearshore fishery gear endorsement program.

Title 14
California Code of Regulations
ADOPT: 150.03
Filed 06/18/01
Effective 07/18/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Ceremonial Indian Fishing

This regulatory action adopts a new section 8.20 which authorizes the Department of Fish and Game to issue 3 day permits to members of the Maidu Indian Tribe allowing the limited take of fish in the Feather River for religious or cultural purposes using traditional tribal fishing equipment and methods. This regulatory action also proposed to amend obsolete provisions in existing section 5.86 restricting the handling and disposition of Hoopa and Yurok caught fish outside the boundaries of the Hoopa Valley Reservation, however, this part of the regulatory action was withdrawn to make further changes.

Title 14
California Code of Regulations
ADOPT: 8.20 AMEND: 5.86
Filed 06/18/01
Effective 07/18/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Mohave Ground Squirrel

The California State Fish and Game Commission is amending section 670.5 of title 14, California Code of Regulations, adding "mohave ground squirrel" to the list of threatened species. This was ordered by the California Supreme Court in *Mountain Lion Foundation, et al., v. Fish and Game Commission, et al.* (1997) Case No. SO53508.

Title 22
California Code of Regulations
AMEND: 670.5
Filed 12/13/01
Effective 01/12/02
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Pink Shrimp Trawling

This regulatory action establishes a restricted commercial fishery for pink shrimp trawling north of Point Conception.

Title 14
California Code of Regulations
ADOPT: 120.01 AMEND: 120
Filed 03/28/01
Effective 03/28/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Striped Bass

This regulatory action prohibits the snagging of striped bass in ocean waters.

Title 14
California Code of Regulations
AMEND: 27.85
Filed 08/01/01
Effective 08/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Incidental Take of Coho Salmon

This filing is a readoption of an emergency filing which permits under specified conditions the incidental take of coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 08/23/01
Effective 08/25/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Pink Shrimp Trawling

This rulemaking makes changes to the pink shrimp trawling program. Among other things, it converts a two permit system, both vessel and individual permits, into a vessel-based permit system over the next two years.

Title 14
California Code of Regulations
AMEND: 120.01
Filed 08/28/01
Effective 09/27/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Mammal Hunting Applications

Fish and Game Code section 713 authorizes the fees for licenses, stamps, permits, and tags issued by the Department of Fish and Game to be adjusted annually based upon the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services as published by the United States Department of Commerce. Fish and Game Code section 1055 provides for an annual 5% increase in handling fees collected by license agents. This filing is

submitted by the Fish and Game Commission as a change without regulatory effect to adjust the fees as provided by statute.

Title 14
California Code of Regulations
AMEND: 362, 363, 364, 367, 371
Filed 03/07/01
Effective 03/07/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Commercial Greenling Fishery Closure

This emergency rulemaking closes the commercial take of kelp greenling and rock greenling from September 1, 2001 through December 31, 2001.

Title 14
California Code of Regulations
AMEND: 150.16
Filed 08/23/01
Effective 09/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Mammal Hunting and Trapping Regulations

This regulatory action made some revisions to the number of tags to be issued for deer, Nelson bighorn sheep, pronghorn antelope, and elk for 2001 and made the requirements for the take of wild pig under a special depredation permit less burdensome.

Title 14
California Code of Regulations
AMEND: 360, 361, 362, 363, 364, 401
Filed 05/21/01
Effective 06/01/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Permits to Kill Mountain Lions Causing Damage

This rulemaking deletes a provision authorizing the Department of Fish & Game to prepare plans for the taking of mountain lions for specific areas with a history of mountain lion damage.

Title 14
California Code of Regulations
AMEND: 402
Filed 03/05/01
Effective 04/04/01
Agency Contact: John M. Duffy (916) 653-4899

FRANCHISE TAX BOARD

Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 18
California Code of Regulations
AMEND: 17000.30
Filed 12/24/01
Effective 01/23/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Nonresident Income From a Business, Income from a Covenant not to Compete**

The amendments to section 17951-4 specify the formula to be used in determining the California source income of a nonresident sole proprietor, a nonresident partner of a partnership, a nonresident shareholder of an S corporation or a nonresident member of a limited liability company which conducts business within California. New section 17951-6 specifies the formula to be used by nonresidents to determine California source income from a covenant not to compete executed in connection with the sale of a business conducted in whole or in part within California.

Title 18
California Code of Regulations
ADOPT: 17951-6 AMEND: 17951-4
Filed 12/24/01
Effective 01/23/02
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Recapture of Deduction For Qualified Property**

The regulatory action deals with the recapture of deduction for qualified property previously used in an enterprise zone. (Prior OAL file 00-1011-01S.)

Title 17
California Code of Regulations
ADOPT: 17267.2-1, 24356.7-1
Filed 02/26/01
Effective 03/28/01
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Doing Business in California-Corporation Tax**

The Board proposes to revise regulations concerning the Bank and Corporation Franchise Tax and the Corporation Income Tax to reflect (1) the overruling of a U.S. Supreme Court case which had limited application of the taxes in certain cases and (2) legislative changes.

Title 18
California Code of Regulations
AMEND: 23101, 23040(a), 23501 REPEAL:
23040(b)
Filed 04/02/01

Effective 05/02/01
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Estate distributable to Nonresident Beneficiaries**

Currently, a Tax Clearance Certificate is required for estates where the fair market value of the assets of the estate at the death of the decedent exceeds four hundred thousand dollars, and the fair market value of the assets distributable to one or more nonresident beneficiaries exceeds one hundred thousand dollars. This rulemaking substitutes one hundred thousand for four hundred thousand, and two hundred fifty thousand for one hundred thousand which decreases the number of estates required to obtain a Tax Clearance Certificate.

Title 18
California Code of Regulations
AMEND: 19513
Filed 11/20/01
Effective 12/20/01
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Apportionment Methods**

This regulatory action applies the existing regulation's exclusion from the sales factor of substantial gross receipts derived from an occasional sale of a fixed asset to the sales of intangible property.

Title 18
California Code of Regulations
AMEND: 25137(c)(1)(A)
Filed 01/30/01
Effective 01/01/01
Agency Contact:
Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD**Exclusion of Certain Activities From Taxing Jurisdiction**

Section 23101.5 creates exclusions for corporations outside California who meet certain criteria to be exempt from California corporation franchise tax. This action makes nonsubstantive amendments to the regulation to conform it to the amended statute, clarify citations to the Revenue and Taxation Code or to this regulation, divide subdivision (d) into two parts for clarity, update the mailing address for submitting applications, correct the tense of a sentence, update citations to renumbered Revenue and Taxation Code sections, and clarify the meaning of references to Chapters 2 and 3.

Title 18
California Code of Regulations
AMEND: 23101.5

Filed 09/17/01
 Effective 09/17/01
 Agency Contact:
 Colleen Berwick (916) 845-3306

FRANCHISE TAX BOARD

Extension of Time for Filing Returns

The regulatory action deals with the automatic extension of time for filing returns by individuals, fiduciaries and partnerships. (Prior OAL file 01-0814-02S.)

Title 18
 California Code of Regulations
 ADOPT: 18567
 Filed 10/12/01
 Effective 10/12/01
 Agency Contact:
 Colleen Berwick (916) 845-3306

HASTINGS COLLEGE OF THE LAW

Conflict of interest

The University of California, Hastings College of the Law, is amending its conflict of interest code found at the captioned section. The Fair Political Practices Commission approved the changes for filing on July 13, 2001.

Title 2
 California Code of Regulations
 AMEND: Ch. 52, Sec. 54100
 Filed 08/21/01
 Effective 09/20/01
 Agency Contact: Pat Tashima (415) 565-4851

INDUSTRIAL MEDICAL COUNCIL

Sanction Guidelines for Qualified Medical Evaluators

The Industrial Medical Council is amending the captioned section entitled sanction guidelines which are the guidelines for determining appropriate sanctions for physicians acting as Qualified Medical Evaluators in order to fully set out the sanctions in the regulations rather than incorporate them by reference. The instant filing is setting out those regulations approved by the Industrial Medical Council on October 21, 1999, and approved for incorporation by reference in File No. 00-0303-02S.

Title 8
 California Code of Regulations
 AMEND: 65
 Filed 10/29/01
 Effective 10/29/01
 Agency Contact: David A. Kizer (650) 737-2003

INDUSTRIAL MEDICAL COUNCIL

Guidelines for Evaluation and Treatment of Industrial Injuries

The Council proposes in this filing that fourteen sets of treatment guidelines adopted pursuant to the

Administrative Procedure Act that had previously been incorporated by reference into the California Code of Regulations instead be printed in full in the California Code of Regulations.

Title 8
 California Code of Regulations
 AMEND: 43, 44, 45, 46, 47, 70, 71, 72, 73, 74, 75, 76, 76.5, 77
 Filed 07/12/01
 Effective 07/12/01
 Agency Contact: David A. Kizer (650) 737-2003

INDUSTRIAL MEDICAL COUNCIL

QME Continuing Education Requirements

This regulatory action amends the requirements for recertification as a Qualified Medical Evaluator (QME), and programs that can be approved as continuing education providers. The Form 104 for QME Reappointment is also amended. This is consistent with statutory changes, and for clarity and updating.

Title 8
 California Code of Regulations
 AMEND: 50, 55, 104
 Filed 09/06/01
 Effective 10/06/01
 Agency Contact:
 James D. Fisher (650) 737-2049

INDUSTRIAL MEDICAL COUNCIL

QME Eligibility Requirements

The proposed regulatory action amends the requirements for appointment as a Qualified Medical Evaluator under the California Workers' Compensation system. This action implements the statutory mandates contained in A.B. 776 (Stats. 2000, Chap. 54).

Title 8
 California Code of Regulations
 ADOPT: 11, 13, 14, 100
 Filed 08/23/01
 Effective 08/23/01
 Agency Contact:
 James D. Fisher (650) 737-2049

INDUSTRIAL MEDICAL COUNCIL

Disability Evaluation Report Writing Course

This is the readoption of an emergency action implementing Chapter 54, Statutes of 2000, which requires a physician seeking appointment as a qualified medical examiner under the workers compensation law to complete a course in disability evaluation report writing prior to appointment.

Title 8
 California Code of Regulations
 ADOPT: 11.5, 118, 119 AMEND: 1
 Filed 05/02/01

Effective 05/02/01

Agency Contact:

James D. Fisher (650) 737-2049

INDUSTRIAL MEDICAL COUNCIL

QME Educational Requirements

This is the certification of compliance for emergency regulations that add definitions relevant to continuing education, and particularly courses in disability evaluation report writing; specify standards for disability evaluation report writing courses; and specify the forms to be used for securing the Council's accreditation as a course provider and for disclosing commercial interests to course attendees.

Title 8

California Code of Regulations

ADOPT: 11.5, 118, 119 AMEND: 1

Filed 08/23/01

Effective 08/23/01

Agency Contact:

James D. Fisher (650) 737-2049

INDUSTRIAL WELFARE COMMISSION

Industrial Welfare Commission Minimum Wage Order

Effective January 1, 2001, Minimum Wage Order 2001 increases the minimum wage to \$6.25 per hour, and to \$6.75 as of January 1, 2002. This action is exempt from the Administrative Procedure Act pursuant to Labor Code section 517.

Title 8

California Code of Regulations

ADOPT: 11000 REPEAL: 11000

Filed 02/14/01

Effective 01/01/01

Agency Contact: Nikki Verrett (916) 322-4098

INDUSTRIAL WELFARE COMMISSION

Industrial Welfare Commission Wage Order

The Industrial Welfare Commission is adopting Industrial Welfare Commission Wage Order No. 16 entitled "wages, hours and working conditions for certain on-site occupations in the construction, drilling, logging and mining industries," effective as amended January 1, 2001.

Title 8

California Code of Regulations

ADOPT: IWC Order No. 16

Filed 02/08/01

Effective 01/01/01

Agency Contact: Bridget Bain

MANAGED RISK MEDICAL INSURANCE BOARD

HFP Family Value Package

The proposed regulatory action readopt would amend the healthy families program—family value package provisions including a reduction in the

calculation figure from 10% to 7.5% requiring participating health care providers to lower their rates.

Title 10

California Code of Regulations

AMEND: 2699.6500, 2699.6805, 2699.6809

Filed 02/20/01

Effective 03/22/01

Agency Contact: Kelli L. Alten (916) 327-6554

MANAGED RISK MEDICAL INSURANCE BOARD

HFP Application Assistance and Subscriber Transfer Regulations

The regulatory action deals with application assistance and subscriber transfers for the Healthy Families Program.

Title 10

California Code of Regulations

AMEND: 2699.6619, 2699.6629

Filed 10/23/01

Effective 11/22/01

Agency Contact: Dennis Gilliam (916) 322-1250

MANAGED RISK MEDICAL INSURANCE BOARD

AIM Federal Poverty Level Reference Change

The Managed Risk Medical Insurance Board is amending the captioned section in order to provide an update to the definition of the "Federal poverty level," as well as quotations in subdivision (x) for conformity.

Title 10

California Code of Regulations

AMEND: 2699.100

Filed 05/23/01

Effective 06/22/01

Agency Contact: Dennis Gilliam (916) 322-1250

MEDICAL BOARD OF CALIFORNIA

Delegation of Function—Technical Clean-Up

The Medical Board of California is amending the captioned sections in order to provide technical cleanup necessitated by reorganization.

Title 16

California Code of Regulations

AMEND: 1301, 1302, 1356, 1364.10, 1364.13, Div 13.5 heading, 1399.204, 1399.274, 1399.275, 1399.276, 1399.277, 1399.278, 1399.279

Filed 02/26/01

Effective 03/28/01

Agency Contact: Nancy Grillo (916) 263-2347

MEDICAL BOARD OF CALIFORNIA

Physician Diversion Program

The regulatory action deals with the Physician Diversion Program. All proposed amendments were approved except for subsection (a) of section 1357.1 which is disapproved.

Title 16
California Code of Regulations
ADOPT: 1357.1, 1357.2, 1357.3, 1357.4, 1357.5,
1357.6
Filed 10/19/01
Effective 11/18/01
Agency Contact: Nancy Grillo (916) 263-2347

NEW MOTOR VEHICLE BOARD
ACP Fee 2000/2001 Billing

The New Motor Vehicle Board is amending the captioned section in order to accommodate the amount to be collected pursuant to Section 472.5(f) of the Business and Professions Code as set out in 13 CCR 553.70.

Title 13
California Code of Regulations
AMEND: 553.70
Filed 01/25/01
Effective 02/24/01
Agency Contact: Dawn K. Kindel (916) 445-1888

NEW MOTOR VEHICLE BOARD
Reduced Annual Board Fee

This regulatory action lowers the fees charged for a dealer license and charged to the manufacturer and distributor.

Title 13
California Code of Regulations
AMEND: 553
Filed 10/30/01
Effective 12/31/01
Agency Contact:
Michael Dingwell (916) 445-2080

OCCUPATIONAL SAFETY AND HEALTH
(CAL-OSHA) DIVISION

Fee Increase, Certification of Asbestos Consultants and Technicians

The emergency regulatory action increases fees for the certification and renewal of certification for asbestos consultants and site surveillance technicians.

Title 8
California Code of Regulations
AMEND: 341.15
Filed 11/19/01
Effective 11/19/01
Agency Contact: Rick Axe (916) 574-2995

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Confined Spaces

This regulatory action (1) would revise the General Industry Safety Orders on working in confined spaces to clarify that operations not covered by the general industry or maritime orders for confined spaces (covered by "permit confined space" regulations and

based directly on the federal standards), such as construction and electric utilities, would have to prepare for the hazard of oxygen enrichment as well as contaminated air and oxygen deprived environments; and (2) would also revise the orders covering all three categories to specify the duties of multiple employers with employees working in the same confined space to coordinate and communicate about the confined space hazards and the one confined space plan under which to work.

Title 8
California Code of Regulations
AMEND: 5157, 5158, 8355
Filed 04/25/01
Effective 05/25/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Securing of Loads Prior to Release from Cranes & Other Hoisting App.

The regulatory action deals with the securing of loads prior to release from cranes and other hoisting apparatus.

Title 8
California Code of Regulations
AMEND: 1710, 4999
Filed 07/25/01
Effective 08/24/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Special Access Elevators and Lifts

This action revises regulations on private residence type elevators with a rise of up to 50 feet, not otherwise exempt from Division jurisdiction, installed for use by persons with disabilities. These special access elevators and lifts orders also update outdated references to ANSI/ASME standards, incorporating by reference current national consensus standards.

Title 8, 24
California Code of Regulations
ADOPT: 3093.60 AMEND: 3000, 3001, 3009,
3093, 3093.1, 3093.2, 3093.3, 3093.4, 3093.5,
3093.6, 3093.7, 3093.8, 3093.9, 3093.10, 3093.11,
3093.12, 3093.13, 3093.14, 3093.15, 3093.16,
3093.17, 3093.18, 3093.19, 3093.20, 3093.21,
3093.22, 3093.23, 3093.24,
Filed 08/29/01
Effective 09/28/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Requirements for Trench Shoring Systems

This rulemaking pertains to the requirements to protect employees in excavations, and specifically

requires employers to install protective shoring in a manner that will protect employees from the hazards of loose or raveling soil.

Title 8
California Code of Regulations
AMEND: 1541.1
Filed 04/09/01
Effective 05/09/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Proposed Revisions to Bloodborne Pathogens

The regulatory action deals with bloodborne pathogens. It is exempt from OAL review pursuant to Labor Code section 142.3.

Title 8
California Code of Regulations
AMEND: 5193
Filed 08/03/01
Effective 09/02/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Process Safety Management for Acutely Hazardous Materials

The California Occupational Safety and Health Standards Board is amending the captioned section pertaining to emergency planning and response. The change provides clarification.

Title 8
California Code of Regulations
AMEND: 5189(n)
Filed 06/13/01
Effective 06/13/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Bulk Storage of Loose Material

This rulemaking provides consistency between existing Title 24 building standards and Title 8 with regard to the construction of bulk storage structures.

Title 8
California Code of Regulations
AMEND: 3482
Filed 02/08/01
Effective 03/10/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Fall Protection

The California Occupational Safety and Health Standards Board is amending the captioned section in order to provide a renumbering necessitated by a prior filing.

Title 8
California Code of Regulations
AMEND: 1670(b)
Filed 02/13/01
Effective 03/15/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Amendments to The Logging & Sawmill Safety Orders

The proposed regulatory action amends the logging and sawmill safety orders addressing outdated definitions and procedures and makes changes to conform to current industry practices.

Title 8
California Code of Regulations
AMEND: 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, Appendix A
Filed 10/24/01
Effective 11/23/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Confined Space Requirements for Manholes, Vaults, or Similar Structures

The proposed regulatory action requires compliance with the confined space requirements of Article 108 of the General Industry Safety Orders for any work on or near underground high voltage cables or equipment located in manholes, vaults, or similar confined spaces.

Title 8
California Code of Regulations
AMEND: 2943
Filed 09/26/01
Effective 10/26/01
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Precast Concrete Construction

The proposed regulatory action amends provisions governing precast, prefabricated concrete construction and tilt-up concrete panel construction.

Title 8
California Code of Regulations
AMEND: 1714, 1715
Filed 07/02/01
Effective 08/01/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Crane Inspection Records

The proposed regulatory action would amend the record keeping requirement for periodic inspections by replacing the wording "certification record" with "inspection record." This will avoid confusion with the requirement in Sections 5021 for annual crane certification

Title 8

California Code of Regulations

AMEND: 5031(c)(3)

Filed 11/29/01

Effective 12/29/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Mortar, Plaster or Fireproofing Mixer Grid Guards

This rulemaking changes the maximum grid guard opening of a horizontal plaster mixer from "4 inches square" to "16 square inches," and makes other nonsubstantive, grammatical revisions.

Title 8

California Code of Regulations

AMEND: 1698(e)(1)(2)

Filed 10/23/01

Effective 11/22/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

General Industry Safety Orders: Working From Or On Top Of An Elevating Work Platform Guardrail

This regulatory action prohibits workers from sitting, standing or climbing on the guardrails of an elevating work platform or use planks, ladders, or other devices to gain additional height or reach.

Title 8

California Code of Regulations

AMEND: 3646(e)

Filed 01/23/01

Effective 02/22/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Proposed State Standard

This rulemaking requires employers to notify the Division of lead-related work in advance of starting the job.

Title 8

California Code of Regulations

AMEND: 1532.1

Filed 12/26/01

Effective 01/25/02

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Permissible Exposure Limit for Carbon Monoxide

The California Occupational Safety and Health Standards Board is amending the captioned section, Appendix E, entitled "Sewer System Entry," in order to correct the 8-hour time weighted average PEL for carbon monoxide from the figure of 35 ppm to 25 ppm. This correction was necessary due to a change in the ceiling limit which took place in File No. 95-0224-03S which changed the same PEL.

Title 8

California Code of Regulations

AMEND: 5157

Filed 08/10/01

Effective 08/10/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Double Cleat Ladders

This rulemaking specifies that double cleat ladders shall not exceed 24 feet in length. This action corrects a conflict with another of the Board's regulations, and makes it consistent with the recommendations of the American National Standards Institute (ANSI).

Title 8

California Code of Regulations

AMEND: 1629

Filed 03/26/01

Effective 04/25/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Test of Firefighters' Service

This regulatory action deletes a requirement that elevator firefighters' service be tested in conjunction with a five-year load test. This action is a building standard which was approved by the Building Standards Commission on January 31, 2001, and filed with the Secretary of State on February 2, 2001.

Title 8, 24

California Code of Regulations

AMEND: 3071, 7-3071

Filed 02/02/01

Effective 03/04/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Accident Prevention Signs

This rulemaking addresses the design and use of warning signs as well as employee instruction in the meaning of warning signs.

Title 8
California Code of Regulations
AMEND: Section 3340(c) and (d)
Filed 11/08/01
Effective 12/08/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Airborne Contaminants

The California Occupational Safety and Health Standards Board is amending the captioned section pertaining to airborne contaminants of the General Industry Safety Orders. They are removing a ceiling for Chemical Abstract Registry No. 5124301 which was overlooked by the publisher. The removal of the ceiling actually took place in File No. 92-0228-04S.

Title
California Code of Regulations
AMEND: 5155
Filed 07/19/01
Effective 08/18/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Marine Terminals

This action amends the above-listed regulations regarding marine terminals to be substantially the same as the corresponding federal regulations. This action is exempt from the Administrative Procedure Act and OAL review pursuant to Labor Code section 142.3(a)(3) and is submitted for printing only and filing with the Secretary of State.

Title 8
California Code of Regulations
AMEND: 3465(a), 3472, 3475
Filed 03/06/01
Effective 03/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Boatswains' Chairs

The Occupational Safety and Health Standards Board is correcting the description in the drawing included in the captioned subsection to reflect the dimensions contained within the stated subsection (18 inches long is being changed to 24 inches long).

Title 8
California Code of Regulations
AMEND: 1662(j)
Filed 06/25/01
Effective 06/25/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Scaffolds Used in the Construction Industry

This regulatory action will revise scaffold safety standards consistent with revised federal regulations and prohibit (1) work during storms or high winds except as specified; (2) covering wood platforms with opaque finishes which might obscure damage; (3) using repaired wire rope as suspension rope; (4) locating gas-powered equipment on suspension scaffolds; and (5) using as platforms devices designed solely for emergency escape and rescue.

Title 8
California Code of Regulations
AMEND: 1637, 1658
Filed 04/06/01
Effective 05/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Electrical Worker Apparel/Ground-Based Observer

This regulatory action requires that: 1) specified employees wear apparel that does not increase the extent of injury sustained by an employee exposed to flames or electric arcs; and 2) in specified circumstances, a ground-based observer be present who is trained in first aid or CPR and other rescue procedures.

Title 8
California Code of Regulations
AMEND: 2320.2(a), 2941(f)
Filed 08/27/01
Effective 09/26/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Automatic Starting of Woodworking Machines &
Equipment After Power Failure

The regulatory action deals with the prevention of the automatic starting of woodworking machinery and equipment after power failures.

Title 8
California Code of Regulations
AMEND: 4296
Filed 09/05/01
Effective 10/05/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Specific Definitions for Power Operated Presses

This rulemaking provides for a definition of "slide," and makes other clarifying changes for the definitions for power operated presses.

Title 8
California Code of Regulations
AMEND: 4188(b)
Filed 05/07/01
Effective 06/06/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**
Hygiene Facilities and Practices

The Occupational Safety and Health Standards Board is removing a cross-reference which was repealed in Register 1976, No. 29, and correcting the cross-reference with the correct citation with those sections added in Article 9, Sanitation, in 1976, No. 29.

Title 8
California Code of Regulations
AMEND: 5209(d)(2)(B)(C)(D)
Filed 06/11/01
Effective 06/11/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Construction Safety Orders: Approval of Structural
Wood Framing System Erection Plans

Low-Voltage Electrical Safety Orders: The Use of
Barriers and Insulated Gloves

The proposed amendment would delete the requirement that a structural wood framing procedure be approved by a civil or structural engineer requiring instead that a site specific, written erection procedure shall be prepared by a qualified person and implemented under the direct supervision of a competent person.

Title 8
California Code of Regulations
AMEND: 1716.1(f)(1)
Filed 01/29/01
Effective 02/28/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

The Use of Barriers and Insulated Gloves

This rulemaking outlines the required conditions under which work on energized parts of equipment or systems can be performed.

Title 8
California Code of Regulations
AMEND: 2320.2
Filed 01/16/01
Effective 02/15/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Structural and Scaffold Planks

This rulemaking increases the allowable bending stress level of structural and scaffold planks, and references the latest editions of the two lumber grading documents.

Title 8
California Code of Regulations
AMEND: 1504, 3622
Filed 06/19/01
Effective 07/19/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Fall Protection

The Occupational Safety and Health Standards Board is renumbering paragraphs in the captioned section necessitated by the removal of language in a prior filing.

Title 8
California Code of Regulations
AMEND: 1670(c)
Filed 01/17/01
Effective 01/17/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Powered Industrial Truck Training for Marine
Terminal Operations

This regulatory action incorporates the Federal requirements for powered industrial truck training for marine terminal operations.

Title 8
California Code of Regulations
AMEND: 3469
Filed 09/27/01
Effective 10/27/01
Agency Contact: Marley Hart (916) 274-5721

OFFICE OF ADMINISTRATIVE LAW

Procedures for Regulatory Determinations

This regulatory action amends the procedures for requesting and reviewing a regulatory determination.

Title 1
California Code of Regulations
ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125,
126, 127, 128
Filed 06/20/01
Effective 06/20/01
Agency Contact: Herb Bolz (916) 323-6814

OFFICE OF CRIMINAL JUSTICE PLANNING
Conflict of Interest Code

The Office of Criminal Justice Planning is amending its conflict of interest code found at the captioned cite, and approved by the Fair Political Practices Commission on February 28, 2001.

Title 2
California Code of Regulations
AMEND: Ch. 9, sec. 30000
Filed 04/24/01
Effective 05/24/01
Agency Contact:
Sylvia A. Kempton (916) 323-7731

OFFICE OF EMERGENCY SERVICES
Disaster Assistance

This emergency action amends regulations for provision of financial assistance to local agencies for certain emergency activities undertaken to recover from and in response to a disaster event. These amendments are consistent with changes to the Natural Disaster Assistance Act and the federal Public Assistance program. The action also updates obsolete and outdated forms.

Title 19
California Code of Regulations
AMEND: 2900, 2910, 2915, 2940, 2945, 2955, 2970, 2980, 2990
Filed 08/30/01
Effective 08/30/01
Agency Contact: Patti Rapozo (916) 845-8256

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals as Known to the State to Cause Cancer or Reproductive Toxicity

In this filing, pursuant to Proposition 65, the Office adds 21 chemicals to the list of chemicals known to the state to cause cancer or reproductive toxicity.

Title 22
California Code of Regulations
AMEND: 12000
Filed 04/10/01
Effective 04/10/01
Agency Contact: Cynthia Oshita (916) 322-2068

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment is amending the captioned section pertaining to chemicals known to the state to cause cancer or reproductive toxicity. The amendments are exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 25249.8.

Title 22
California Code of Regulations
AMEND: 12000
Filed 06/11/01
Effective 04/24/01
Agency Contact: Cynthia Oshita (916) 322-2068

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This action updates the list of chemicals known to the State of California to cause cancer or reproductive toxicity and is effective as of June 22, 2001. This filing is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 22
California Code of Regulations
AMEND: 12000
Filed 10/24/01
Effective 06/22/01
Agency Contact: Cynthia Oshita (916) 322-2068

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Specific Regulatory Levels Posing No Significant Risk

This action removes allyl chloride and chlorodibromomethane from the regulation that lists chemicals posing no significant risk. This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 25249.8 and is submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 22
California Code of Regulations
AMEND: 12705
Filed 05/09/01
Effective 10/29/99
Agency Contact: Cynthia Oshita (916) 322-2068

OFFICE OF SPILL PREVENTION AND RESPONSE
Contingency Plans: On-Water Recovery Capability Increase

This print-only filing increases by 25% the number of barrels of oil for which sufficient containment and recovery equipment must be available within certain time periods, depending on the capacity and location of the vessel or facility. The originally adopted oil spill contingency planning provisions, which were exempt from OAL review pursuant to Government Code section 8670.28(e), provide for three 25% increases at four-year intervals based on the Administrator's

finding that the increase is "feasible and necessary" after a prescribed review, consideration of comments and a public hearing, which were completed.

Title 14
California Code of Regulations
AMEND: 817.02, 818.02
Filed 05/25/01
Effective 07/01/01
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF SPILL PREVENTION AND RESPONSE

Tug Escorts for Los Angeles/Long Beach Harbors

This rulemaking would refine and update the Los Angeles (L.A.)/Long Beach tank vessel escort regulations pursuant to the recommendations of the Harbor Safety Committee, as required by statute. Proposed changes include (1) separating the requirements for barges from those for tankers; (2) requiring the next review of the L.A./Long Beach Harbor tug escort regulations to occur in three rather than two years; and (3) clarifying that double-hulled tankers with redundant systems as specified are exempt from the escort requirements under certain circumstances.

Title 14
California Code of Regulations
ADOPT: 851.27.1 AMEND: 851.20, 851.21, 851.22, 851.24, 851.25, 851.26, 851.27
Filed 07/16/01
Effective 08/15/01
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF SPILL PREVENTION AND RESPONSE

Certificates of Financial Responsibility

This emergency readoption implements SB 221 (chapter 721, Statutes of 2000), an urgency bill, which lowered the proof of financial responsibility requirement for specified non-tank vessels, as re-defined, proportionate to the amount of oil actually being carried rather than the blanket \$300,000,000 minimum previously required of almost all oil-carrying vessels, whether tankers or not. Non-tank vessels cannot operate in state waters without the required proof of Certificate of Financial Responsibility.

Title 14
California Code of Regulations
AMEND: 791, 791.7, Form FG OSPR-1972 (12/00)
Filed 04/16/01
Effective 04/16/01
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF SPILL PREVENTION AND RESPONSE

Tank Vessel Escort Regulations for San Francisco

This rulemaking refines and updates the San Francisco, San Pablo and Suisun Bay region tank vessel escort regulations based on the recommendations of the S. F. Harbor Safety Committee, as required by statute. Revisions include (1) clarifying that certain double-hulled tankers with redundant systems are exempt from the escort requirements; (2) removing obsolete language; (3) clarifying when entering ships may send their filled out Checklists to the Clearing House; (4) incorporating by reference the procedures for testing tug braking force ("Rules for Bollard Pull Tests"); and (5) clarifying certain exemptions under specified circumstances.

Title 14
California Code of Regulations
AMEND: 851.1, 851.4, 851.5.1, 851.6, 851.7, 851.8, 851.9, 851.9.1
Filed 09/04/01
Effective 10/04/01
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Insurance Premiums

The proposed action establishes discounts on loan insurance premiums charged by the Office for health facility construction, improvement, and expansion loans. The action is filed for printing only pursuant to the exemption for regulations which establish or fix rates, prices, or tariffs (Government Code section 11340.9(g)).

Title 22
California Code of Regulations
AMEND: 91477
Filed 03/20/01
Effective 03/20/01
Agency Contact:
Merrilee Malcomb (916) 327-5860

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Fee For Performance of Feasibility Studies For Federal Loan Insurance Program

This rulemaking action establishes an administrative fee for the performance of feasibility studies for federal loan insurance programs for health care facilities, defines a "study," and sets out the procedure for payment and reimbursement of the fee and the entire cost of the study under various circumstances. The action implements 1999 amendments to Health and Safety Code sections 129048 and 129049.

Title 22
California Code of Regulations
ADOPT: 91550
Filed 03/19/01
Effective 04/18/01
Agency Contact:
Merrilee Malcomb (916) 327-5860

OFFICE OF THE STATE FIRE MARSHAL
Listing Fees

As mandated by statute, the State Fire Marshal publishes a biennial compilation of listings of specified approved fire safety material and equipment and so on, and charges application, renewal, and listing fees. This regulatory action increases the listing fee to cover the cost of posting and maintaining up-to-date listings on the Internet which will provide much greater, easier and more reliable access to the listing information for the affected public.

Title 19
California Code of Regulations
AMEND: 216
Filed 02/27/01
Effective 02/27/01
Agency Contact: Jeannie Smith (916) 445-8454

OFFICE OF THE STATE FIRE MARSHAL
Portable Fire Extinguishers

This regulatory action revises and updates the standards for the maintenance and servicing of portable fire extinguishers based on an updated version of the national guidelines and extensive input from an advisory committee and concerned parties, including fire fighters and licensed fire extinguisher service concerns.

Title 19
California Code of Regulations
ADOPT: 565.1, 567.1, 567.2, 567.3, 567.4, 567.5, 567.6, 567.7, 567.8, 573, 575 AMEND: 550, 550.2, 557.1, 557.3, 557.4, 557.5, 557.6, 557.8, 557.9, 557.12, 557.13, 557.14, 557.16, 557.18, 557.19, 557.20, 557.21, 557.22, 557.23, 560, 560.1, 560.2, 560.3,
Filed 12/27/01
Effective 01/01/02
Agency Contact:
Rodney Slaughter (916) 445-8454

OFFICE OF THE STATE FIRE MARSHAL
Fireworks License Fees

This regulatory action adopts a fee for the original registration and classification of specified pyrotechnics.

Title 19
California Code of Regulations
ADOPT: CCR, Title 19, Chapter 6, Article 3, Section 981.3 AMEND: CCR, Title 19, Chapter 6,

Article 3, Section 981.3
Filed 12/28/01
Effective 01/27/02
Agency Contact:
Rodney Slaughter (916) 445-8454

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
Medical Corporations

Responding to repeal of the statute mandating that it register medical corporations which include both D.O.'s and M.D.'s, the Board is deleting the regulations which implemented the registration statute.

Title 16
California Code of Regulations REPEAL: 1665, 1666, 1667, 1668, 1669, 1671, 1672, 1673
Filed 03/20/01
Effective 03/20/01
Agency Contact:
Linda J. Bergman (916) 263-3100

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
Credentials

This regulatory action makes various changes to the licensing requirements.

Title 16
California Code of Regulations
ADOPT: 1611(e) AMEND: 1611(c), 1611(d), 1613, 1620, 1621, 1678, 1690
Filed 03/20/01
Effective 04/19/01
Agency Contact:
Linda J. Bergman (916) 263-3100

PHYSICIAN ASSISTANT COMMITTEE
Notice of Change of Address/PA Training Program Fees

The proposed regulatory action requires a change of address notification be made to the committee within thirty (30) calendar days of the change and reduces the fees charged for a physician assistant training program application and initial approval.

Title 16
California Code of Regulations
AMEND: 1399.511, 1399.556
Filed 06/07/01
Effective 07/01/01
Agency Contact:
Glenn L. Mitchell (916) 263-2670 ext. 203

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
CalPERS Replacement Benefits Plan

The California Public Employees' Retirement System is adopting the captioned sections pertaining to the replacement benefits plan which is exempt from review by the Office of Administrative Law pursuant

to Government Code section 21760 found in Part 3.4 entitled Internal Revenue Code Compliance and Replacement Benefit Program.

Title 2

California Code of Regulations

ADOPT: 589, 589.1, 589.2, 589.3, 589.4, 589.5, 589.6, 589.7, 589.8, 589.9, 589.10

Filed 01/25/01

Effective 01/25/01

Agency Contact: Judy Daggao (916) 326-3007

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Health Plan Subscriber Eligibility

This emergency regulatory action permits employees to subscribe to a health plan which covers a restricted geographic area whether or not the employee lives in that area.

Title 2

California Code of Regulations

AMEND: 599.502, 599.508

Filed 10/04/01

Effective 10/04/01

Agency Contact: Judy Daggao (916) 326-3007

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Election of Board Members

The regulatory action deals with the election of board members. (Prior OAL files 00-1121-04E and 01-0607-01S.)

Title 2

California Code of Regulations

AMEND: 554, 554.3, 554.4, 554.6, 554.7, 554.8, 554.9, 554.10

Filed 08/02/01

Effective 09/01/01

Agency Contact: Judy Daggao (916) 326-3007

PUBLIC EMPLOYMENT RELATIONS BOARD

Authority and Reference citation changes conforming to legislative changes

In this action, the Board updates the authority and reference citations to its regulations to reflect recent statutory changes, and makes nonsubstantive changes to the text of sections 32005, 32055, and 32754.

Title 8

California Code of Regulations

AMEND: 31001, 32000, 32005, 32006, 32010, 32020, 32030, 32040, 32055, 32060, 32075, 32080, 32085, 32100, 32105, 32120, 32124, 32125, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32160, 32162, 32164, 32165, 32166, 32168, 32170, 32175,

Filed 02/15/01

Effective 03/17/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD

Definition of Terms Under EERA

This is the certification of compliance for an action that updates regulations describing the right of a labor organization that is the exclusive representative of public school employees to request the payment of organizational security, and specifying the procedures for rescinding and reinstating organizational security (fair share) fees.

Title 8

California Code of Regulations

ADOPT: 34050, 34055, 34060, 34065, 51720
AMEND: 32001, 32050, 32155, 32700, 32720, 32721, 32990, 32991, 34020, 34030, 34040, 40178, 40400, 40410, 40420, 51700, 51710, 51730
REPEAL: 34000, 34010

Filed 06/13/01

Effective 06/13/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD

Internal Procedures

This emergency action adopts 74 and amends an even greater number of regulations concerning a variety of subjects administered by PERB to coordinate with legislation effective 7/1/01 that requires PERB to process a complaint relating to a public agency as an unfair practice charge, and to enforce and apply rules adopted by a public agency concerning unit determinations, representation, recognition, and elections.

Title 8

California Code of Regulations

ADOPT: 32015, 32016, 32325, 32603, 32604, 60000, 60010, 60020, 60030, 60035, 60040, 60050, 60060, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61

Filed 06/11/01

Effective 07/01/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD

Conflict of Interest Code

This action updates the Public Employment Relations Board's conflict of interest code.

Title 8

California Code of Regulations

AMEND: 31100

Filed 12/24/01

Effective 12/24/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC EMPLOYMENT RELATIONS BOARD
Internal Procedures

This certification of compliance formally adopts 74 regulations and amends an even greater number of regulations concerning a variety of subjects administered by PERB to coordinate with legislation effective 7/1/01 that requires PERB to process a complaint relating to a public agency as an unfair practice charge, and to enforce and apply rules adopted by a public agency concerning unit determinations, representation, recognition, and elections. The proposed amendment to section 31100 was withdrawn from review.

Title 8

California Code of Regulations

ADOPT: 32015, 32016, 32325, 32603, 32604, 6000, 60010, 60020, 60030, 60035, 60040, 60050, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61130, 611

Filed 12/04/01

Effective 12/04/01

Agency Contact:

Bernard McMonigle (916) 327-8386

PUBLIC UTILITIES COMMISSION

Rules of Practice & Procedure: form nos. 2 and 6

This action corrects lettering errors and a typographical error found in two forms used in administrative proceedings of the Public Utilities Commission.

Title 20

California Code of Regulations

AMEND: 88

Filed 01/31/01

Effective 01/31/01

Agency Contact:

Judge Joseph DeUlloa (415) 703-3124

PUBLIC UTILITIES COMMISSION

Rules of Practice and Procedure

This action amends the number of copies of the environmental impact report required to be submitted. This filing is exempt from the Administrative Procedure Act and OAL review pursuant to Government Code section 11351 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 20

California Code of Regulations

AMEND: Rule 17.1(d)(2)

Filed 07/09/01

Effective 07/09/01

Agency Contact:

Judge Joseph DeUlloa (415) 703-3124

RESOURCES AGENCY

CEQA Guidelines

This action corrects cross references to conform with changes in related laws, deletes obsolete references, and adds a new mailing address for the State Clearinghouse.

Title 14

California Code of Regulations

AMEND: 15064, 15082, 15086, 15105, 15127, 15130, 15176, 15205, 15206, 15251, 15274, 15280, 15301, 15330, Appendix F, Appendix G

Filed 02/01/01

Effective 03/03/01

Agency Contact: Kristi Powers (916) 653-5481

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

San Francisco Bay Plan Amendments, Resolutions

This regulatory action amends the San Francisco Bay Plan to revise the public access findings and policies to provide for maximum feasible public access while protecting wildlife from adverse effects.

Title 14

California Code of Regulations

AMEND: 11900

Filed 05/14/01

Effective 06/13/01

Agency Contact:

Caitlin Sweeney (415) 557-8794

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

San Francisco Bay Plan Amendments

This action creates a new policy section in the San Francisco Bay Plan entitled Navigational Safety and Oil Spill Prevention and modifies certain findings and policies in the Dredging, Recreation, Transportation, and Safety of Fills policy sections regarding navigational safety and oil spill prevention. The policies address physical obstructions to safe navigation, oil spill contingency plan requirements, surveys of major shipping channels, turning basins, and berths used by deep draft vessels and oil barges, navigational safety as a purpose for dredging, education of recreational boaters on shipping lanes, use of the Bay for transportation, and inspections of marine petroleum terminal fills and structures. This action is effective upon approval by OAL pursuant to Government Code Section 11354.1(d)(5).

Title 14

California Code of Regulations

AMEND: 11900

Filed 10/03/01

Effective 10/03/01

Agency Contact:

Nicholas Salcedo (415) 352-3641

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Port Priority Use Designation Changes

This rulemaking action, revises future water oriented uses now designated in the San Francisco Bay Area Seaport Plan and the San Francisco Bay Plan. The action results in a deletion of approximately 123 acres of a port priority use designation, primarily in the closed Oakland Army Base, deletes the 110 acre Port of Oakland Bay Bridge container terminal site designation, and deletes the 30 acre Army Terminal marine terminal designation at the closed Oakland Army Base. These changes reduce the number of designated future marine terminals in the regional port system with a corresponding reduction in the amount of estimated future fill in the Bay. The resulting Port capacity, however, through a reconfiguration and expansion of facilities on additional acreage, is projected be more than enough to handle the cargo volume forecast for the year 2020. This amendment is necessary for the transfer of the closed Oakland Army Base to the City of Oakland and the Port of Oakland and its reuse in a manner that is consistent with the San Francisco Bay Conservation and Development Commission's federally-approved Coastal Management Program for San Francisco Bay.

Title 14

California Code of Regulations

AMEND: 11900, 11945

Filed 03/20/01

Effective 03/20/01

Agency Contact:

Jeffry Blanchfield (415) 352-3654

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

Dredged Material Disposal Allocations

This rulemaking action establishes a procedure for the Commission to use to determine whether it should implement a mandatory individual in-Bay dredged material allocation program once the decision making procedure has been triggered. The regulations specifically: (1) adopt a decreasing series of in-Bay dredged material disposal target volumes for three year periods beginning with 2001–2003; (2) provide that, starting with the triennial review in 2004 if the Executive Director determines that the average annual total of the amount of dredged material disposed of during the preceding three year period exceeds the disposal target volume, or if the Long Term Management Strategy Management Committee so requests, the Commission must commence a rulemaking action pursuant to the Administrative Procedure Act to determine whether to implement a mandatory individual in-Bay dredged material allocation program; (3) provide that the Commission shall implement a mandatory program

unless a majority of the voting Commissioners vote against implementing such a program; (4) provide that unused allocations can be carried over from one period to another; (5) define the term “small dredger” and provide that small dredgers are exempt from the allocation program; (6) provide for the termination of the program under specified circumstances; and (9) provide that an allocation program can be reimplemented after a previous allocation program has been terminated.

Title 14

California Code of Regulations

ADOPT: 10720, 10721, 10726, 10727, 10728, 10729

Filed 06/28/01

Effective 07/28/01

Agency Contact:

Jonathan T. Smith (415) 352-3655

SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MT. CONSERVANCY

Conflict of Interest Code For San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on April 3, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 14

California Code of Regulations

ADOPT: 14020

Filed 05/14/01

Effective 06/13/01

Agency Contact:

Clara L. Slifkin (213) 897-9442

SCHOLARSHARE INVESTMENT BOARD

Governor's Scholarshare Programs

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the Governor's Scholarship Programs. (Prior OAL File 00-1122-01E.)

Title 5

California Code of Regulations

ADOPT: 31000, 31001, 31002, 31003, 31004, 31005, 31006, 31007

Filed 12/21/01

Effective 12/21/01

Agency Contact:

Virginia Schoning (916) 651-8826

SCHOLARSHARE INVESTMENT BOARD

Governor's Scholarship Programs

This emergency regulatory action clarifies and streamlines administrative activities.

Title 5

California Code of Regulations

ADOPT: 31000, 31001, 31003, 31004, 31005,

31006, 31007
Filed 12/27/01
Effective 01/01/02
Agency Contact: Marian Cohen (916) 651-8376

SCHOLARSHARE INVESTMENT BOARD
Golden State Scholarshare

This emergency regulatory action amends the Golden State Scholarshare College Savings Program to conform to recent changes in the Internal Revenue Code. Pursuant to Education Code section 6999.3, this action is deemed to be an emergency, and is effective for no more than 180 days.

Title 5
California Code of Regulations
AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959,
Filed 12/18/01
Effective 12/18/01
Agency Contact: Sue Mapes (916) 651-6381

SCHOLARSHARE INVESTMENT BOARD
Golden state Scholarshare Trust Program

This is the certification of compliance for an action that updates the Scholarshare Trust Program to include rules for new categories of account ownership, including ownership by a trust, estate, partnership, association, company or corporation, custodian under the California Uniform Transfers to Minors Act, or a state or local government agency.

Title 5
California Code of Regulations
ADOPT: 30951.1, 30959 AMEND: 30950, 30951, 30952, 30953, 30954, 30955, 30956, 30958
Filed 07/05/01
Effective 07/05/01
Agency Contact: Sue Mapes (916) 651-6381

SECRETARY OF EDUCATION
Education Technology Grant Program

This Certificate of Compliance adopts the Education Technology Grant Program. (Previous OAL file # 00-1017-02 E)

Title 5
California Code of Regulations
ADOPT: 90000, 90001, 90002, 90003, 90004, 90005, 90006, 90007, 90008, 90009
Filed 03/29/01
Effective 03/29/01
Agency Contact: Chris Shultz (916) 323-0611

SECRETARY OF STATE
Conflict of Interest Code

The Secretary of State's Office is amending its conflict of interest code found at Title 2, Ch. 24, Sec. 45100, California Code of Regulations. These amend-

ments were approved for filing by the Fair Political Practices Commission on October 15, 2001.

Title 2
California Code of Regulations
AMEND: 45100
Filed 12/20/01
Effective 01/19/02
Agency Contact: Patty Hapgood (916) 653-6804

SECRETARY OF STATE
Notary Public Disciplinary Guidelines

The regulatory action deals with disciplinary actions under the Administrative Procedure Act (Government Code section 11400 et seq.) and incorporates by reference "Notary Public Disciplinary Guidelines 2001".

Title 2
California Code of Regulations
AMEND: 20802
Filed 03/01/01
Effective 03/31/01
Agency Contact: Lisa B. Niegel (916) 653-3345

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**
Application for Speech-Language Pathology Assist.

On April 10, 2001, the Office of Administrative Law (OAL) approved a regulatory action which established the qualifications for registration as a speech-language pathology assistant, the requirements for supervision of the assistant, the assistant's scope of responsibility, and the procedure for a speech-language pathology aid to make application to become as assistant. On April 10, 2001, the Speech-Language Pathology and Audiology Board (SLPAB) withdrew subsections (g) through (n) of section 1399.170.19 because these subsections were partially inconsistent with section 11522 of the Government Code. On April 10, 2001, the OAL disapproved section 1399.170.12 (Grandfathering of Speech-Language Pathology Aides) and the corresponding Part 9 of the "Application for Speech-Language Pathology Assistant" which were inconsistent with subsection (b) of Business and Professions Code section 2538.3. The present regulatory action resubmits Part 9 of the "Application for Speech-Language Pathology Assistant" and revises section 1399.170.13 to incorporate by reference this most recent version of this form which now includes the new Part 9. The SLPAB has asked for an expedited review of this file by OAL.

Title 16
California Code of Regulations
ADOPT: none AMEND: 1399.170.13 REPEAL:
none

Filed 09/07/01
Effective 09/07/01
Agency Contact:

Annemarie Del Mugnaio (916) 263-2666

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

Speech-Language Pathology Assistants

This regulatory action establishes the qualifications for registration as a speech-language pathology assistant, the requirements for supervision of the assistant, the assistant's scope of responsibility, and the procedure for a speech-language pathology aid to make application to become an assistant. On April 10, 2001, the Speech-Language Pathology and Audiology Board withdrew subsections (g) through (n) of section 1399.170.19 because these subsections were partially inconsistent with section 11522 of the Government Code. The Office of Administrative Law approves the remaining regulation sections submitted except for section 1399.170.12 (Grandfathering of Speech-Language Pathology Aides) and the corresponding Part 9 of the "Application for Speech-Language Pathology Assistant" which are inconsistent with subsection (b) of Business and Professions Code section 2538.3.

Title 16

California Code of Regulations

ADOPT: 1399.170, 1399.170.1, 1399.170.2, 1399.170.3, 1399.170.4, 1399.170.5, 1399.170.6, 1399.170.7, 1399.170.8, 1399.170.9, 1399.170.10, 1399.170.11, 1399.170.13, 1399.170.14, 1399.170.15, 1399.170.16, 1399.170.17, 1399.170.18, 1399.170.19 AMEND: 1399.

Filed 04/10/01

Effective 04/10/01

Agency Contact:

Annemarie Del Mugnaio (916) 263-2666

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

Renewal Fee Increase

This action increases the fee charged by the Board for renewal of a professional license [speech-language pathologist or audiologist] good for two years from the present fee of \$75. to a new fee of \$110, effective 1/1/2002.

Title 16

California Code of Regulations

AMEND: 1399.157(b)

Filed 09/27/01

Effective 09/27/01

Agency Contact:

Annemarie Del Mugnaio (916) 263-2666

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

The proposed regulatory action is the Certificate of Compliance filing making permanent the Board's prior emergency amendment of provisions governing priority points for apportionment of new school construction and modernization funding when insufficient funds are available. The prior emergency filing was OAL file number 00-1220-01E.

Title 2

California Code of Regulations

AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 18

Filed 06/13/01

Effective 06/13/01

Agency Contact: Lisa Jones

(916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

The proposed regulatory action amends the mechanism for school districts to obtain a financial hardship grant to fund all or a portion of the matching share requirements for school facility modernization or construction. This action is the resubmittal of previously withdrawn OAL file number 01-0927-01S.

Title 2

California Code of Regulations

AMEND: 1859.2, 1859.81

Filed 12/21/01

Effective 12/21/01

Agency Contact: Lisa Jones

(916) 322-1043

STATE ALLOCATION BOARD

Hardship Funding

The proposed regulatory action amends regulations implementing the Leroy F. Greene School Facilities Act of 1998 by permitting districts more flexibility in use of new construction grants for excess pupils or different grade levels, allowing districts to opt for partial project funding while maintaining priority for the unfunded project balance on the SAB's unfunded list, and revises Form SAB 50-04, "Application for Funding".

Title

California Code of Regulations

AMEND: 1859.77.2, 1859.94, 1859.95, 1859.2, 1859.21, 1859.50, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107, Form SAB 50-04

Filed 08/13/01
Effective 08/13/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

The proposed emergency regulatory action amends the Board's regulations governing priority points for funding of new school construction. The Board's action implements the provisions of A.B. 562 (Stats. 1999, Chap. 178).

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 185
Filed 01/02/01
Effective 01/02/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Conflict Of Interest Code For The State Allocation Board

The State Allocation Board is amending its conflict of interest code filing found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on February 15, 2001.

Title 2
California Code of Regulations
AMEND: Chapter 73, section 56200
Filed 04/04/01
Effective 05/04/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

This regulatory action revises the regulations adopted to implement the Leroy F. Greene School Facilities Act of 1998 by adding definitions, establishing criteria under which school districts can secure leased sites with governmental agencies, providing direction to school districts seeking to increase capacity on small sites, establishing criteria for school districts seeking to provide new facilities on leased sites that will require hazardous waste removal and revising the Form SAB 50-04, Application for Funding.

Title 2
California Code of Regulations
ADOPT: 1859.22, 1859.73.2, 1859.74.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.70, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107

Filed 07/25/01
Effective 07/25/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998

The proposed regulatory action amends provisions governing new school construction excessive cost hardship grants to add offset requirements for any additional grants.

Title 2
California Code of Regulations
AMEND: 1859.83
Filed 04/05/01
Effective 05/05/01
Agency Contact: Lisa Jones (916) 322-1043

STATE CONTROLLER'S OFFICE

Confidential Information

This rulemaking clarifies under what circumstances and conditions the Office of the State Controller may divulge confidential estate tax information.

Title 2
California Code of Regulations
ADOPT: 1139
Filed 06/12/01
Effective 07/12/01
Agency Contact:
Ronald V. Placet (916) 445-7217

STATE LANDS COMMISSION

Marine Terminal Operators Training and Certification

The proposed nonregulatory action would change the name of the Division from the Marine Facilities Inspection and Management Division to the Marine Facilities Division.

Title 2
California Code of Regulations
AMEND: 2541(c), 2541(d)
Filed 12/18/01
Effective 01/17/02
Agency Contact: John H. Kloman (562) 499-6312

STATE LANDS COMMISSION

Contractor Selection

This emergency action implements Government Code Section 4526 in providing criteria for the Commission's selection of contractors for architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. It also adopts definitions; notice, negotiation, contracting and contract amendment requirements; and prohibitions for conflict of interest.

Title 2
California Code of Regulations
ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4,

2980.5, 2980.6, 2980.7, 2980.8, 2980.9
 Filed 05/01/01
 Effective 05/01/01
 Agency Contact: Mark Meier (916) 574-1853

STATE LANDS COMMISSION

Adoption of Regulations Governing Contractor Selection

This certificate of compliance, for an emergency action effective May 1, 2001, implements Government Code Section 4526 in providing criteria for the Commission's selection of contractors for architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. It also adopts definitions; notice, negotiation, contracting and contract amendment requirements; and prohibitions for conflict of interest.

Title 2
 California Code of Regulations
 ADOPT: 2980, 2980.1, 2980.2, 2980.3, 2980.4, 2980.5, 2980.6, 2980.7, 2980.8, 2980.9
 Filed 05/29/01
 Effective 05/29/01
 Agency Contact: Mark Meier (916) 574-1853

STATE LANDS COMMISSION

Structural Regulations for Vapor Control Systems at Marine Terminals

This is a change without regulatory effect pursuant to Title 1, section 100 of the California Code of Regulations.

Title 2
 California Code of Regulations
 AMEND: 2554(b)(4), 2555(a)(1)
 Filed 12/26/01
 Effective 01/25/02
 Agency Contact: John H. Kloman (562) 499-6312

STATE LANDS COMMISSION

Safety of Oil Transfer Operations at Marine Terminals

The California State Lands Commission is amending the captioned section in order to provide the new address for the primary office of the Marine Facilities Division.

Title 2
 California Code of Regulations
 AMEND: 2300(b)
 Filed 12/20/01
 Effective 01/19/02
 Agency Contact: John H. Kloman (562) 499-6312

STATE PERSONNEL BOARD

DMV Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Motor Vehicles. In this demonstra-

tion project, examinations for certain manager and supervisor positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignments, rather than pursuant to the laws ordinarily applicable to such civil service examinations.

Title 2
 California Code of Regulations
 ADOPT: 549.80
 Filed 06/27/01
 Effective 06/27/01
 Agency Contact: Steve Unger (916) 654-0842

STATE PERSONNEL BOARD

CalTrans Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Transportation. In this demonstration project, examinations for certain managerial positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignment, rather than pursuant to the laws ordinarily applicable to such civil services examinations.

Title 2
 California Code of Regulations
 ADOPT: 549.90
 Filed 09/17/01
 Effective 10/17/01
 Agency Contact:
 Elizabeth Montoya (916) 654-0842

STATE TEACHERS RETIREMENT SYSTEM

Conflict of Interest Code

This rulemaking action amends the agency's conflict of interest code.

Title 5
 California Code of Regulations
 AMEND: 22000
 Filed 11/26/01
 Effective 12/26/01
 Agency Contact:
 Howard J. Schmidt (916) 229-3771

STATE WATER RESOURCES CONTROL BOARD

Amendment to Lahontan Basin Plan to Remove MUN

On July 12, 2000, the Lahontan Regional Water Quality Control Board adopted Resolution No. 6-00-67 amending the Water Quality Control Plan for the Lahontan Basin (Basin Plan). The amendment revises the Basin Plan by removing the Municipal and Domestic Supply (MUN) beneficial use designations from nine saline water bodies. The water bodies are Wendel Hot Springs, Amedee Hot Springs, Fales Hot Springs, Hot Creek, Little Hot Creek, Little Alkali Lake, Keough Hot Springs, Deep Springs Lake, and Amargosa River. The amendment also specifically

lists in the Basin Plan the beneficial uses for Amedee Hot Springs, Little Alkali Lake, and Little Hot Creek which were previously categorized as "Minor Surface Waters."

Title 23

California Code of Regulations

AMEND: 3952

Filed 11/27/01

Effective 11/27/01

Agency Contact: Greg Frantz (916) 341-5553

STATE WATER RESOURCES CONTROL BOARD
Amendment of the California Ocean Plan

The amendments: (1) replace the Acute Toxicity Effluent Limitation with an Acute Toxicity Water Quality Objective to protect marine aquatic life, establish a mixing zone for acute toxicity, and specify when toxicity testing must be conducted; (2) adopt revised water quality objectives for the protection of human health for 12 compounds; (3) require the use of Minimum Levels for reporting and compliance determinations regarding numeric effluent limitations, and establish a sample reporting protocol and compliance determination requirements; (4) establish Pollutant Minimization Program requirements; (5) add procedures for nomination and designation of areas of special biological significance and lists areas so designated; and, (6) make clarifying changes to, and revise the format of the plan.

Title 23

California Code of Regulations

ADOPT: 3004

Filed 07/09/01

Effective 06/13/01

Agency Contact: Frank Palmer (916) 341-5588

STATE WATER RESOURCES CONTROL BOARD
Compliance Schedules in NPDES Permits

This amendment would revise the Water Quality Control Plan for the Santa Ana region to permit the Santa Ana Regional Water Quality Control Board to include schedules for compliance within NPDES (National Pollutant Discharge Elimination System) permits for effluent limitations which implement water quality objectives adopted, revised or newly interpreted after the amendment's effective date, as long as the permit-seeker meets certain requirements and demonstrates that it is proceeding within the shortest time possible, and in no case for longer than ten years. OAL has reviewed the amendment pursuant to the requirements of Government Code section 11353.

Title 23

California Code of Regulations

AMEND: 3976

Filed 06/28/01

Effective 06/28/01

Agency Contact: Linda Rao (916) 341-5554

STATE WATER RESOURCES CONTROL BOARD
Procedures for Contracting for Private Professional Services

This emergency regulatory action readopts the requirements for contracting for private professional services. (Previous OAL file ##00-0608-01E, 00-1006-01E)

Title 23

California Code of Regulations

ADOPT: 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880

Filed 02/14/01

Effective 02/15/01

Agency Contact:

Therese Barakatt (916) 227-4555

STATE WATER RESOURCES CONTROL BOARD
Amendment to San Diego Basin Plan to add and remove COLD and SPWN beneficial use designations

Regional Board Resolution No. 97-04 adopted on March 12, 1997, by the San Diego Regional Water Quality Control Board, modifies the regulatory provisions of the Water Quality Control Plan for the San Diego Region by: (1) revising the beneficial use definition for "Spawning, Reproduction, and/or Early Development (SPWN)," (2) designating the SPWN beneficial use in 76 water body segments, (3) designating the "Cold Freshwater Habitat (COLD)" beneficial use in 55 water body segments, and (4) deleting the COLD beneficial use designation from 68 water body segments.

Title 23

California Code of Regulations

AMEND: 3988

Filed 10/09/01

Effective 10/09/01

Agency Contact: Greg Frantz (916) 341-5553

STATE WATER RESOURCES CONTROL BOARD
Water Quality Control Plan for the Los Angeles Region

This basin plan amendment prohibits any new septic systems in the Oxnard Forebay area of Ventura County and prohibits discharges from existing septic systems after January 1, 2008. The prohibition does not prevent repairs to existing septic systems, provided that the purpose of such repairs is not to increase capacity. Individual septic systems located on lots of five acres or more are not subject to the prohibition; however, the regional board may issue Waste Discharge Requirements for septic systems on such lots. An exemption from the prohibition or extension of time may be allowed in the best interest of water quality.

Title 23

California Code of Regulations

AMEND: 3934

Filed 05/14/01
Effective 05/11/01
Agency Contact: Greg Frantz (916) 341-5553

STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tanks

This action updates the underground storage tank regulations to implement statutory changes that require periodic testing of secondary containment systems, standards for under-dispenser containment and enhanced leak detection, and an appeal procedure.

Title 23
California Code of Regulations
ADOPT: 2636.1, 2636.2, 2636.3, 2636.4, 2637, 2644.1 AMEND: 2611, 2630, 2631, 2635, 2636, 2640, 2641, 2660, 2666
Filed 05/14/01
Effective 05/14/01
Agency Contact:
Charles NeSmith (916) 227-4377

STATE WATER RESOURCES CONTROL BOARD
Procedures for Contracting for Private Professional Services

This emergency regulatory action readopts the requirements for contracting for private professional services. (Previous OAL file ##00-0608-01E, 00-1006-01E and 01-0205-02E)

Title 23
California Code of Regulations
ADOPT: 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880
Filed 07/26/01
Effective 07/26/01
Agency Contact:
Timothy Stevens (916) 657-1022

STATE WATER RESOURCES CONTROL BOARD
Electronic Submission of Laboratory data for USP Reports

The emergency regulatory action deals with the electronic submission of laboratory data for underground storage tank reports. (Prior OAL File 01-0228-03E.)

Title 23
California Code of Regulations
ADOPT: 2729, 2729.1
Filed 05/30/01
Effective 09/01/01
Agency Contact:
Michael W. Gjerde (916) 341-5682

STRUCTURAL PEST CONTROL BOARD
Fumigation / Advertising

This rulemaking action requires the prime contractor for fumigation to inquire and inspect to determine whether any construction elements, conduits, drains,

or vacuum systems connect a structure to be fumigated to any adjacent or adjoining structure. When such conditions exist, the action requires the prime contractor for fumigation to notify the licensee in charge of the fumigation in writing that the conditions exist. The action also requires the licensee in charge of a fumigation to inspect for construction elements and conduits that could allow passage of fumigants and to document the inspection findings in the fumigation log. The action also clarifies that when it is necessary to vacate a connected, adjacent or adjoining structure that all applicable regulations and label instructions apply to the vacated structure. This rulemaking action also specifies guidelines for determining pursuant to Business and Professions Code Section 8525 what advertising by a licensee or licensee's employee is unfair, deceptive, false, or misleading.

Title 16
California Code of Regulations
ADOPT: 1999.5 AMEND: 1970, 1970.6
Filed 10/23/01
Effective 11/22/01
Agency Contact: Kelli Okuma (916) 263-2540

SUPERINTENDENT OF PUBLIC INSTRUCTION

Contractor's Responsibility After Notice of Termination or Notice of Decision to Make No Offer of Continued Funding

The emergency regulatory action requires contractors providing child care services to CALWORKS families to submit copies of specified records to the Child Development Division after the contractor has received notice of the Division's decision to make no offer of continued funding.

Title 5
California Code of Regulations
AMEND: 18302
Filed 06/05/01
Effective 06/05/01
Agency Contact: Peggy Peters (916) 657-4440

SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWORKS Child Care Programs

This emergency regulatory action adopts the requirements for participation in Stages 2 and 3 of CalWORKs child care services.

Title 5
California Code of Regulations
ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 19489, 18430, 18431, 18432, 18433, 18434
Filed 06/28/01
Effective 06/28/01
Agency Contact: Peggy Peters (916) 657-4440

**SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWorks Child Care Programs**

This emergency regulatory action readopts the requirements for participation in Stages 2 and 3 of CalWORKs child care services.

Title 5**California Code of Regulations**

ADOPT: Chapter 19.5—18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, 18434,

Filed 10/26/01

Effective 10/26/01

Agency Contact: Peggy Peters (916) 657-4440

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Defense Retention Grant Program**

The emergency regulatory action deals with the Defense Retention Grant Program.

Title 10**California Code of Regulations**

ADOPT: 4083, 4083.1, 4083.2, 4083.3, 4083.4, 4083.5,

Filed 02/07/01

Effective 02/07/01

Agency Contact: Kathryn Doi (916) 324-3836

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Tourism marketing Act—Hyperlink for Central Reservation Services**

This action adopts eligibility standards and procedures for a central lodging reservation service to obtain a hyperlink to the agency's Office of Tourism website.

Title 10**California Code of Regulations**

ADOPT: 5359, 5359.1, 5359.2, 5359.3, 5359.4, 5359.5, 5359.6, 5359.7,

Filed 07/20/01

Effective 08/19/01

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Rural E-Commerce Grant Program**

The proposed action would implement the Rural E-Commerce Grant Program including the adoption of criteria for submission and review of grant proposals.

Title 10**California Code of Regulations**

ADOPT: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8

Filed 06/11/01

Effective 06/11/01

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Remove Underground Storage Tank Grant Program**

This Certificate of Compliance adopts the requirements for applying for a Removal of Underground Storage Tank (RUST) grant. (Previous OAL file ##00-0823-01E and 01-0301-03EE)

Title 10**California Code of Regulations**

ADOPT: 5904.1, 5906 AMEND: 5900, 5901, 5903, 5904, 5905

Filed 09/17/01

Effective 09/17/01

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Defense Retention Grant Program**

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the Defense Retention Grant Program. (Prior OAL File 01-0129-03E.)

Title 10**California Code of Regulations**

ADOPT: 4083, 4083.1, 4083.2, 4083.3, 4083.4, 4083.5

Filed 08/17/01

Effective 08/17/01

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Tourism Referendum Procedures**

This action adopts regulations to govern the biannual referendum conducted for tourism related businesses that pay an assessment to the Department's Office of Tourism, and repeals obsolete regulations related to the commencement of the Tourism Assessment Program.

Title 10**California Code of Regulations**

ADOPT: 5354.1 AMEND: 5350, 5354, 5355, 5356

Filed 08/07/01

Effective 09/06/01

Agency Contact: Terri Toohey (916) 324-3787

**TECHNOLOGY, TRADE AND COMMERCE
AGENCY****Remove Underground Storage Tank (RUST) Grant Program**

This emergency regulatory action readopts the requirements for applying for a Removal of Underground Storage Tank (RUST) grant. (Previous OAL file #00-0823-01E)

Title 10
California Code of Regulations
ADOPT: 5404.1, 5906 AMEND: 5900, 5901, 5904, 5905
Filed 03/06/01
Effective 03/06/01
Agency Contact: Kathryn Doi (916) 324-3836

TECHNOLOGY, TRADE AND COMMERCE
AGENCY
Rural E Commerce Grant Program

The Technology, Trade and Commerce Agency is amending section 4081, title 10, California Code of Regulations, in order to correct the spelling of Tehama. Section 4081.5 was withdrawn by the Technology, Trade and Commerce Agency on October 31, 2001.

Title 10
California Code of Regulations
AMEND: 4081, 4081.5
Filed 10/31/01
Effective 11/30/01
Agency Contact: Terri Toohey (916) 324-3787

YOUTHFUL OFFENDER PAROLE BOARD
Rules of Construction and Definitions

The proposed emergency readoption would amend the definition of a Full Board Panel to make the inclusion of a member optional.

Title 15
California Code of Regulations
AMEND: 4900
Filed 05/09/01
Effective 05/09/01
Agency Contact: Connie Erlich (916) 322-9800

YOUTHFUL OFFENDER PAROLE BOARD
Rules of Construction and Definitions

The proposed regulatory action would amend the definition of a Full Board Panel to make the inclusion of a board member optional.

Title 15
California Code of Regulations
AMEND: 4900
Filed 08/16/01
Effective 08/16/01
Agency Contact: Connie Erlich (916) 322-9800

YOUTHFUL OFFENDER PAROLE BOARD
Hearing Rules and Procedures

This regulatory action revises existing hearing rules and procedures for Youth Authority institutional hearings to, among other changes, make the ward's attendance mandatory unless the ward is absent for medical reasons or the ward is housed outside a Youth Authority facility.

Title 15
California Code of Regulations
ADOPT: 4945.5 AMEND: 4927, 4963, 4978, 4995
Filed 07/25/01
Effective 08/24/01
Agency Contact: Connie Erlich (916) 322-9800

YOUTHFUL OFFENDER PAROLE BOARD
Board Hearing Procedures

This rulemaking amends the Board's rules of construction and definitions, rules for hearings, and offense categories and classifications.

Title 15
California Code of Regulations
AMEND: 4900, 4944(a)(b), 4952
Filed 08/15/01
Effective 09/14/01
Agency Contact: Connie Erlich (916) 322-9800

