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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 8. DIVISION OF
OCCUPATIONAL SAFETY
AND HEALTH**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Division of Occupational Safety and Health is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2211 Park Towne Circle, Suite 1, Sacramento, California at 10:00 a.m., on February 19, 2002. These facilities are accessible to persons with mobility impairments.

Written comments must be received by the Division at 2211 Park Towne Circle, Suite 1 not later than 5:00 p.m. on February 19, 2002, or must be received by the Division at the hearing. The official record of the rulemaking proceeding will be closed at 5:00 p.m. on February 19, 2002. Written comments received after that date and time will not be considered unless an extension of time in which to receive specific written comments is announced at the public hearing.

The Division may thereafter adopt the proposed regulations substantially as described below or may modify them if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY

Section 7180, Business and Professions Code; Sections 60.5, 6308, and 9021.5, Labor Code

REFERENCE

Sections 7184 and 7185, Business and Professions Code; Sections 9021.5, 9021.6, and 9021.8, Labor Code; and Section 1529, Title 8, California Code of Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Article 2.6 Certification of Asbestos Consultants and Site Surveillance Technicians.

Pursuant to Labor Code sections 9021.5 and 9021.8 and 8 CCR section 341.15, individuals performing services of an asbestos consultant or site surveillance technician must apply for and obtain certification from the Division of Occupational Safety and Health (the Division) to perform such services, and must renew their certification annually. Pursuant to the same provisions, the Division may charge a fee to those applying for certification and those who renew their certification, and the fees charged must be sufficient to cover the cost of administering the certification program.

Currently, the fees charged by the Division are as follows:

- (1) Fees for asbestos consultant.
Application and Examination Fee: \$375
Annual Renewal Fee: \$150
- (2) Fees for site surveillance technician.
Application and Examination Fee: \$275
Annual Renewal Fee: \$125

These fees were set when the program was initiated in 1992, and are now insufficient to cover the cost of administering the program. Therefore, the Division is proposing to increase the application/examination and renewal fees for consultants to \$500 and \$325 respectively, and the application/examination and renewal fees for site surveillance technicians to \$400 and \$270 respectively.

MORE INFORMATION

The full text of the Proposed Regulations, and all information upon which the Proposed Regulations are based, including an initial statement of the reasons for the Proposed Regulations, are available upon request. Inquiries concerning the Proposed Regulations, including questions regarding the substance of the Proposed Regulations, may be directed to:

Rick Axe or Steve Smith
Department of Industrial Relations
Division of Occupational Safety and Health
2211 Park Towne Circle Suite 1
Sacramento, CA 95825
(916) 574-2993

The Division's rulemaking file on the Proposed Regulations is open for public inspection Monday through Friday, from 8:00 a.m. to 5:00 p.m., at 2211 Park Towne Circle Suite 1, Sacramento, California. Interested parties may obtain copies of the initial statement of reasons, the actual text of the Proposed Regulations, this notice, and the final statement of reasons, (once it has been prepared pursuant to

Government Code section 11346.9(a,) from the Division representatives named above, or from the Division's web site (www.dir.ca.gov/DOSH).

COST OR SAVINGS OF THE PROPOSED REGULATIONS

Costs or Savings to State Agencies: No costs or savings to state agencies will result as a consequence of the Proposed Regulations.

Impact on Housing Costs: The Proposed Regulations will not significantly affect housing costs.

Impact on Businesses: The Division has made an initial determination that the Proposed Regulations will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the Proposed Regulations.

Costs or Savings in Federal Funding to the State: The Proposed Regulations will not result in costs or savings in federal funding to the State.

Costs or Savings to Local Agencies or School Districts: No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate".

Other Nondiscretionary Costs or Savings Imposed on Local Agencies: The Proposed Regulations do not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Proposed Regulations do not impose a mandate on local agencies or school districts. The Division has determined that the Proposed Regulations do not impose a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the Proposed Regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

The Proposed Regulations do not require any local agency to carry out the governmental function of providing services to the public.

EFFECT ON SMALL BUSINESSES

It has been determined that the Proposed Regulations may affect small businesses.

ASSESSMENT

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

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

PUBLIC MEETING: On **February 21, 2002** at 11:00 a.m. in the Sierra Hearing Room of the Cal/EPA Building, 1001 I Street, Sacramento, California.

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

PUBLIC HEARING: On **February 21, 2002** following the Public Meeting in the Sierra Hearing Room of the Cal/EPA Building, 1001 I Street, Sacramento, California

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

BUSINESS MEETING: On **February 21, 2002** following the Public Hearing in the Sierra Hearing Room of the Cal/EPA Building, 1001 I Street, Sacramento, California

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on February 21, 2002.

1. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4, Article 3
Section 1527
Washing Facilities at Construction Jobsites

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 7
Section 3291(f)
**Permanent Rooftop Installations—
Use of Roof Tie-backs on Buildings**

3. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 100
Section 5034
Crane and Derrick Adjustments and Repairs

A description of the proposed changes are as follows:

1. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4, Article 3
Section 1527
Washing Facilities at Construction Jobsites

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Division of Occupational Safety and Health (the Division) has initiated this rulemaking in response to Petition No. 419 filed with the Occupational Safety and Health Standards Board (Board) on June 13, 2000. The petition letter from Mr. Kenneth Scheidecker, Ironworkers, Local No. 433, Huntington Beach, California requested the Board to amend Title 8, California Code of Regulations, Section 1527 to require handwashing facilities at construction jobsites.

Currently, Section 1527 requires washing facilities at construction jobsites only when employees are engaged in operations involving hazardous substances.

Proposed amendments to Section 1527 will require employers to provide a sufficient number of washing facilities at all construction jobsites where toilet facilities are required. In addition, Section 1527 will specify where the facility will be located and the minimum requirements of the facility with respect to water flow, soap, towels, and sanitation. The effect of this proposal is to require employers to provide washing facilities at all construction jobsites where toilets are required.

The existing requirement of Section 1527 for washing facilities for employees engaged in operations involving hazardous substances is also being amended to specify where the facility will be located, the temperature of the water, and the provision of specialized cleansers, if necessary, to remove the harmful substance. A reference to the shower requirements in Section 3366 is also added to clarify what an employer must do if showering is required by the employer or a Title 8 requirement.

The proposal is more effective than the comparable Federal OSHA regulation, Title 29 CFR section 1926.51.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

Insignificant to no cost is anticipated to be associated with providing handwashing facilities at construction sites. It is estimated to cost \$15–\$35 per month for a handwashing facility and that is an

insignificant increase to the average cost of a construction job. State agencies with employees directly involved in construction activities and which have the responsibility for assuring compliance with Title 8 requirements for sanitation at such jobsites will incur a cost for providing washing facilities that comply with the proposed rule. A telephone survey of providers of portable sanitation facilities to construction employers indicated that the costs for providing a portable sink unit for each 20 employees, along with the already required portable toilet, range from \$15 to \$35 per month per unit including weekly servicing. The current cost for a portable toilet alone with weekly servicing including delivery to, and pick-up from, the worksite ranges in price from approximately \$90 to \$110 per month.

Impact on Housing Costs

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

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

Insignificant to no cost is anticipated to be associated with providing handwashing facilities at construction sites. It is estimated to cost \$15–\$35 per month for a handwashing facility and that is an insignificant increase to the average cost of a construction job. See the rationale above under Costs or Savings to State Agencies.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

The estimated costs would be similar to those identified above for state agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to

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

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

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

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

EFFECT ON SMALL BUSINESSES

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

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
 Chapter 4, Subchapter 7, Article 7
 Section 3291(f)
**Permanent Rooftop Installations—
 Use of Roof Tie-backs on Buildings**

INFORMATIVE DIGEST OF PROPOSED
 ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) granted a Permanent Variance to High Bluff Holdings, Inc. (OSHSB File No. 00-V-012) on July 20, 2000 regarding General Industry Safety Order (GISO) Section 3291(f). Subsection (f)(1) requires permanent eyebolts or other permanent devices to be installed on all buildings 3 stories or 36 feet or more in height for the purpose of securing suspended scaffold hooks or clamps and safety lines. An exception to this regulation exempts buildings up to 4 stories or 48 feet in height when certain conditions are met.

Recent experience with OSHSB Variance File No. 00-V-012 indicates that the Division of Occupational Safety and Health (DOSH) interprets the exception indicated above to mean 4 stories and 48 feet (emphasis added) in height. As a result, an applicant with a building that was 4 stories and 54 feet in height had to apply for a variance. In this case, the applicant planned to use a ground supported aerial device to elevate exterior building maintenance people, including window cleaners, to do any outside building work. The applicant had no plans to use a suspended scaffold which would require safety hooks, clamps, and safety lines, based on their understanding of the safety orders.

The purpose of this rulemaking proposal is to amend Exception No. 2 to Section 3291(f)(1) in order to clarify the intent of the regulation, which is to exclude buildings from the requirements of 3291(f) when they are either up to 4 stories or 48 feet in height.

Section 3291. Special Design Considerations—
 Permanent Roof Top Installations

Section 3291 addresses requirements pertaining to the design and installation of permanent rooftop installations including, but not limited to: use of a civil or mechanical engineer to prepare calculations, use of sleeves for buildings that are designed with eyebrows, sleeve design, use of roof davit systems, use of outrigger beams, use of roof tie-backs, use of an Operating Procedures Outline Sheet (OPOS), and procedures for parapets of excessive height.

Section 3291(f) addresses spacing of roof tie-back devices, design specifications and anchorage requirements. Subsection (f)(1) specifies that every building that is 3 stories or 36 feet or more in height shall be provided with eyebolts or other permanent devices

installed at the roof level for the purpose of tying back suspended scaffold hooks or clamps and safety lines.

Subsection (f)(1) contains two exceptions to the foregoing requirement. Exception No. 2 states that eyebolts for roof tie-back systems are not required on buildings constructed up to 4 stories or 48 feet in height when building maintenance can be accomplished using extension tools, ladders, approved ground equipment such as scaffolds, or aerial devices designed and used for positioning personnel.

A revision is proposed to amend Exception No. 2 to Section 3291(f)(1) to read, “Roof tie-backs are not required on buildings that are either up to 4 stories or that are 48 feet in height . . .”. The proposed revision will clarify to the employer that roof tie-back systems are not required on buildings that are either 48 feet in height or 4 stories. The proposed revision clarifies that the term “4 stories” does not automatically equate to 48 feet in height and will have no effect on the regulated public.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. This proposal merely makes a technical, clarifying revision to existing Title 8 regulations and has no new or added effect upon employers.

Impact on Housing Costs

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

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state. No state agencies or employees are engaged in operations involving exterior building maintenance, a service which is generally contracted out on an “as needed” basis.

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose non-discretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

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

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

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

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

EFFECT ON SMALL BUSINESSES

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

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

3. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 100
Section 5034

Crane and Derrick Adjustments and Repairs

INFORMATIVE DIGEST OF PROPOSED ACTION/ POLICY STATEMENT OVERVIEW

This rulemaking action was initiated at the request of the Division of Occupational Safety and Health (Division) by memorandum to the Occupational Safety and Health Standards Board (Board) dated August 21, 2000 from John Howard, Chief, DOSH.

The Division’s memorandum indicates that the language contained in GISO Section 5034(f) requires all repair welds on critically stressed members of cranes be permitted only when recommended by the manufacturer. This has caused some confusion for those that repair cranes and crane booms as well as those that inspect and certify cranes. The confusion exists because Section 5034(e) provides that instructions for crane welding repair procedures shall be provided by a “certified agent”. Furthermore, subsection (b) of Section 5035, Damaged Booms, allows for new or extensively repaired booms and/or extensions to be designed or repaired and inspected by a certified agent.

This rulemaking action proposes an amendment to Section 5034(f) for consistency with Sections 5034(e) and 5035(b) that a “certified agent” permits the repair welds on critically stressed crane or derrick parts.

Section 5034. Adjustments and Repairs
Subsection (f)

Section 5034 provides the general requirements and precautions that must be taken before adjustments and repairs are performed on cranes or derricks. This section also sets forth the requirements for welding repairs. Subsection (f), in part, requires that all repair welds performed on critically stressed members are allowed, “where permitted by the manufacturer’s recommendations”. An amendment is proposed to delete the phrase “where permitted by the manufacturer’s recommendations” and replace this language with “where permitted by a certified agent”. Section 4884 of the GISO defines a “certified agent” as, “The manufacturer, or a person who is currently registered

as a professional civil, mechanical, or structural engineer by the State of California and is knowledgeable in the structure and use of the equipment.” Therefore, the amendment will have no effect upon the regulated public other than to provide clarity to the regulations in Section 5034, and consistency with Section 5034(e) in that instructions for welding repair procedures are to be provided by the certified agent. It is also proposed to correct an editorial error in the term “mast cord” in the first sentence of Section 5034(f) to read “mast chord”. This amendment is an editorial correction only and will have no effect upon the regulated public.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. As outlined above, the amendment proposes to delete the phrase “where permitted by the manufacturer’s recommendations” and replace this language with “where permitted by a certified agent” in Section 5034(f). This revision is for clarity and consistency with Sections 5034(e) and 5035(b).

Impact on Housing Costs

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

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

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

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

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

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

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 15, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 21, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

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

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

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

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

California Code of Regulations Title 10, Chapter 5

RH-402

SUBJECT OF HEARING

A hearing will be initiated regarding proposed changes to the persistency optional automobile rating factor regulation found at California Code of Regulations, title 10, chapter 5, subchapter 4.7, section 2632.5, subdivision (d)(11).

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt and amend the subject regulation under the authority of Insurance Code sections 1861.02, subdivisions (c) and (e), 1861.05; *CalFarm Insurance Company v. Deukemejian* (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 Insurance Code section 1861.02, subdivision (c).

PUBLIC HEARING

The Insurance Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation as follows:

Date and time: February 28, 2002—10:00 a.m.

**Location: Department of Insurance
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105**

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 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:

Antonio Celaya, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4117

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be sent to the backup contact person:

Bryant Henley, Staff Counsel
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4111

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearings, must be received by the Insurance Commissioner, c/o the contact person at the address listed above, by no later than **5:00 p.m. on February 28, 2002**. Any materials 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: celayaa@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile. All comments sent by facsimile must be to the following fax number: (415) 904-5490. Comments sent to other e-mail addresses will not be accepted. **Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed above) for this hearing 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 Capitol 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 AND POLICY STATEMENT OVERVIEW

California Insurance Code section 1861.02, subdivision (a)(4) provides that the Commissioner may adopt, by regulation, automobile rating factors that have a substantial relationship to the risk of loss. Optional rating factors adopted by the Commissioner by regulation are used to determine automobile insurance rates and premiums. (Ins. Code, § 1861.02, subd. (a)(4).) The Commissioner previously promulgated such regulations at California Code of Regulations, title 10, chapter 5, subchapter 4.7, section 2632.5. One optional rating factor adopted by the Commissioner allows an insurer to utilize “persistence” as an optional rating factor. (Cal.Code Regs., tit. 10, § 2632.5, subd. (d)(11).) Persistence is not defined in the California Code of Regulations. The Commissioner has determined that insurers have implemented differing interpretations of the meaning of persistence as an optional rating factor. Some insurers have interpreted persistence to mean the length of time a consumer has continuously maintained automobile insurance exclusively with the present insurer. Other insurers have defined persistence more broadly to include coverage by different insurers, so long as there is not a lapse in coverage. The Commissioner has noted that some of these insurers required consumers to provide evidence of prior insurance to show that the consumer was “persistently” covered by one insurer or another over time.

California Insurance Code section 1861.02, subdivision (c) provides that the absence of prior insurance cannot be used, in and of itself, to determine automobile rates, premium, or insurability generally. The Commissioner is empowered under Insurance Code section 1861.02, subdivision (e) to adopt regulations to implement Insurance Code section 1861.02.

The Commissioner has determined that certain modifications to the use of persistence as an optional

rating factor are necessary to effectively prevent the use of prior insurance for the assignment of automobile rates, premiums or insurability.

The Commissioner proposes to amend California Code of Regulations, title 10, section 2632.5, subdivision (d)(11). The proposed amendment to subdivision (d)(11) will require each insurer to consider only the length of time a consumer has been continuously covered with the present insurer, and no other, when using persistency as an optional rating factor.

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 a Request for Public Input to all persons who previously requested mailed notice of proposed regulatory action. The California Department of Insurance also posted the Request for Public Input on its publicly accessible website. The California Department of Insurance utilized the comments provided pursuant to the Request for Public Input in formulation of the proposed regulation.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

This proposed regulation does not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY

The Commissioner has determined that there will be no cost or savings to any local agency, state agency or school district from the proposed regulations, and that the proposed regulation will not affect federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH OTHER STATES

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

The types of businesses that this regulation concerns are insurers licensed to market personal automobile insurance in the State of California. A small percentage of insurers with rating guidelines that currently violate Insurance Code, section 1861.02, subdivision (c) will have to file modifications to their existing class plans. These insurers will also have to comply with their newly modified rating guidelines. Insurers regularly file modifications to their class plans in the course of doing business, and therefore, the changes required by this regulation will not be significant.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

Other than as previously indicated, 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.

EFFECT ON JOBS IN CALIFORNIA

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

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

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 purposes of the regulations or would be as effective and less burdensome to affected private persons. 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 will not affect small business. (Gov. Code § 11342.610, subd. (b)(2).)

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Insurance Commissioner has prepared an initial statement that sets forth the reasons for the proposed action. The Insurance Commissioner also has avail-

able 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 questions regarding this proceeding should be directed to the contact persons listed above.

FINAL STATEMENT OF REASONS

Upon **written** request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written or e-mail 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 Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://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 "RH402" (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code number of a code section that the regulations implement (for instance, "1861.02(c)"), or search by key word ("persistence," for example). Then, click on the "Submit" button to display links to the various filing documents.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, which contains the general substance of the proposed regulation, the Initial Statement of Reasons, and the text of the proposed regulation will automatically be sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

If the regulations adopted by the Department differ from but are sufficiently related to the original text, the

Department will make the modified text available to the public for at least 15 days prior to the date of adoption.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION: ADD COMMISSION REGULATION 1081(a)(32)—MINIMUM STANDARDS FOR MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to authority vested by sections 13503 of the Penal Code (powers of the Commission on POST) and section 13506 (authority for the Commission on POST to adopt regulations), and in order to interpret, implement and make specific sections 13510 (authority of the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers), and section 13515.25 of the Penal Code which gives the Commission on POST the authority to develop a course of instruction for the training of law enforcement officers in California in responding to persons who are mentally or developmentally disabled, proposes to adopt regulations in Chapter 2 of Title 11 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 1718, which added section 13515.25 to the Penal Code, required the Commission on Peace Officer Standards and Training, by June 30, 2001, to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons. The bill also requires the Commission to submit a report to the Legislature by October 1, 2003 on the number of law enforcement agencies and number of officers that attended POST certified courses relating to mentally ill and developmentally disabled persons from July 1, 2001, to July 1, 2003, inclusive.

In reply to this mandate the commission developed an eight-hour training curriculum on response to persons with mental or developmental disabilities, and an accompanying Field Guide to assist officers.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than February 18, 2002. Written comments should be directed to

Kenneth J. O'Brien, Executive Director Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at kobrien@post.ca.gov

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

ADOPTION OF PROPOSED REGULATIONS

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

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commissions' normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

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

ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with business in other states, and has found that the proposed addition of Regulation 1081(a)(32) will have no effect on California business, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California business, including small businesses.

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

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

ASSESSMENT

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed to Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Pat Hunton, Special Consultant, (916) 227-0473, fax number (916) 227-0195, or e-mail pat.hunton@post.ca.gov.

INTERNET ACCESS

The Commission has posted on its Internet website (www.post.ca.gov) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION TO AMEND COMMISSION REGULATIONS 1005 AND 1008, PROCEDURES D-10 AND D-11, POST FORM 2-267, AND THE DOCUMENT, *TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES*

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers), 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), and 13511 of the Penal Code (authority for POST to adopt and amend regulations for alternate means of satisfying training required by Penal Code section 832.3), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Basic Course Waiver (BCW) process is used by individuals who have completed law enforcement training in other states or via the federal government and are seeking employment as peace officers in California. It has also been used by California reserve officers who have successfully completed Reserve Modules A, B, and C and have additional law enforcement training that meets the Regular Basic Course requirement in order to become a full-time regular or Level I reserve officer.

Concerns have been expressed by the field and staff that the current BCW process is cumbersome and difficult for applicants to complete due to the inordinate amount of time required for the evaluation portion of the process and the two phase, cognitive and skills testing requirement (Basic Course Waiver Examination). The proposed changes to the process intend to reduce the amount of time required to

complete the evaluation process while maintaining the high standards inherent in California law enforcement. The BCW application form (POST 2-267) will be revised to include a shortened title and a user-friendly format with instructions for completion. The Basic Course Waiver Examination (BCWE) is satisfied by successful completion of the POST Requalification Course or by successful completion of cognitive and skills testing at a designated testing center. BCW applicants will now be able to complete the BCWE in one trip to California instead of two trips required by the current process.

The Requalification Course is intended to requalify prior basic course training. It is also used to satisfy the skills component of the BCW process after the individual successfully completes the cognitive examination administered through POST. The proposed changes allow Basic Course Waiver applicants to satisfy both the cognitive and skills component through the Requalification Course.

The Requalification Course is being revised and updated to reflect emerging training needs and law changes. Since the Requalification Course requalifies an individual's prior basic course training, the curriculum is being derived from the current basic course training specifications. This allows course content and testing changes to be made easily when there are changes made in basic course subject matter. The revised Requalification Course content and minimum hourly requirements will be included in the document, *Training and Testing Specifications for Peace Officer Basic Courses*.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on February 18, 2002. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or e-mail at kobrien@post.ca.gov.

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

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the test as described in the Informative Digest. If the Commission makes changes to the

language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

TEXT OF PROPOSAL

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

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

ESTIMATE OF ECONOMIC IMPACT

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with business in other states, and has found that the proposed amendment of Regulation 1008 will have no effect on California business, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California business, including small businesses.

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

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

ASSESSMENT

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895, or e-mail at Leah.Cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Melanie Singley, Staff Analyst, (916) 227-4254, or e-mail to Melanie.Singley@post.ca.gov.

INTERNET ACCESS

The Commission has posted on its website (www.post.ca.gov) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Article 7 (Sections 3170 through 3179) in the California Code of Regulations (CCR), Title 15, Division 3 relating to Visiting.

PUBLIC HEARING

Date and Time: March 8, 2002
9:00 a.m.–5:00 p.m.
Place: Department of Water Resources
Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this
action.

PUBLIC COMMENT PERIOD

The public comment period will close March 8, 2002 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at pmchenry@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**Peggy McHenry, Chief
Regulation Management Unit
Telephone (916) 322-9702**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Terry Brayer
Institutions Division, Institution Services Unit
Telephone (916) 323-4242.**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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 ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public

upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

Penal Code Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action will adopt revisions to Title 15, Subchapter 2, Division 3, Article 7 of the California Code of Regulations (CCR) governing the processes, approvals, and requirements authorizing inmates to receive visits from their family, friends, and legal representatives at California Department of Corrections (CDC) institutions and facilities. The primary objective of this action is to standardize visiting procedures system-wide, provide more specificity and define terms in areas where needed, remove procedural material in the existing regulations more appropriately placed in the departmental operations manual, and incorporate updated references to the Penal Code.

These regulations repeal the entire Article of the CCR governing visiting (Sections 3170 through 3179) and readopt a new reorganized Article that has been

rewritten for clarity and easier reference by staff, inmates, and visitors. While many specific regulatory provisions are retained in virtually unchanged form, a complete repeal and amended re-adoption of the regulations was selected to facilitate public review and understanding of the visiting process in total from beginning to end. This approach also includes recognition that the extensive reorganization of the material and numerous clarifying edits would be very difficult to follow if the changes were made retaining the original text.

While a complete rewrite of the current visiting regulations also presents some challenges, our goal is to clarify current policy and standardize procedures system-wide while presenting the regulations in sequential order to facilitate maximum visiting process understanding and compliance by all users. In this regard, several previously referenced regulatory sections are incorporated directly into the visiting section and the regulations within the visiting section are now organized in sections that group all similar process provisions (i.e. application, approval/disapproval, visitor processing) in one place for easy reference.

CDC's commitment to the value of visiting for establishing and maintaining meaningful family and community relationships is retained in the initial paragraph of the new regulations, as well as the desire to be as accommodating as possible while operating a safe, secure, and orderly inmate visiting program. These regulations incorporate identified program needs and the security that will be required for each program—inmates with Administrative Segregation and Security Housing Unit status will be most restricted while those involved in work and academic programs, with no disciplinary infractions, are least restricted. In adopting these regulations, CDC seeks to standardize many processes that were formerly subject to local interpretation, while retaining some appropriate flexibility of benefit to individual institutions and facilities and their visitors.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend section 3375.2 in the California Code of Regulations (CCR), Title 15, Division 3 relating to Inmate Handicraft Sales.

PUBLIC HEARING

Date and Time: March 1, 9:00 a.m.–10:00 a.m.
Place: Department of Water Resources
Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this
action.

PUBLIC COMMENT PERIOD

The public comment period will close March 1 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at clevangie@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**Colleen Levangie, Chief,
Regulation Management Unit
Telephone (916) 322-9702**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Richard Flores
Inmate Welfare Fund/Trust Accounting Section
Telephone (916) 358-2211.**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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 ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons,

and the Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

Penal Code Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action will incorporate into the Director's Rules amended regulations affecting inmate handicraft sales.

- This regulation is amended by deleting language, which indicates that the full 10 percent mark up is deposited into the IWF, when in fact, only nine percent is deposited into the IWF. It breaks down the mark up into two categories:
 1. One percent of the mark up is to be refunded to the inmate for the duplicate sales tax paid on handicraft articles sold;
 2. Nine percent of the mark up is to be deposited in the Inmate Welfare Fund.
- This regulation is necessary to ensure that the Department complies with the recommendation of Department of Finance auditors to refund the duplicate sales tax that is paid by the inmate when the handicraft materials are purchased and when they are sold. This one percent would approximate

the amount of the deduction taken by the institution on the sales tax return that is filed with the Board of Equalization.

- It is also necessary for the Department to receive nine percent of the mark up to offset any administrative costs incurred, and enable the Department to continue providing such vital services to the inmates.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

NOTICE IS HEREBY GIVEN that the Director of the California Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Section 3276 of the California Code of Regulations (CCR), Title 15, Division 3 relating to the authorization of privately owned firearms or ammunition while on duty.

PUBLIC HEARING

- Date and Time: March 1, 2002
10:00 AM to 11:00 AM
- Place: Department of Water Resources
Auditorium
1416 Ninth Street
Sacramento, CA 95814
- Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close March 1, 2002 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Regulation and Policy Management Branch, CDC, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 322-3842; or by e-mail at glong@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**Colleen Levangie, Chief,
Regulation Management Unit
Telephone: (916) 322-9702**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Mark Mirviss, Senior Special Agent
Office of Investigative Services
Telephone: (916) 327-1532**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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 ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new or

the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests the Director with the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

The purpose of amending CCR Section 3276 is to refine and clarify existing provisions regarding the purchase and use of ammunition and weapons by staff assigned to specialized areas within the Department, and to correct a conflict between Sections 3275(a) and 3276(c) to avert potential confusion among staff.

Section 3275(a) states in part: "Only such weaponry as has been approved by the director for department wide use, or for use only by designated jurisdictions of the department, shall be issued/assigned to an employee or carried/used by an employee while on duty." However, Section 3276(c) states in part: "Employees shall not have accessible, carry or use privately owned firearms or ammunition while on duty."

Therefore, it is proposed to amend Section 3276(c) for consistency in order to allow the use of any weaponry that has been approved by the director for department wide use, including the use of privately owned firearms and/or ammunition, as set forth in Section 3275(a).

Sections 3276(a) and (b) will be unchanged.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN AIRBORNE TOXIC CONTROL MEASURE TO REDUCE EMISSIONS OF TOXIC AIR CONTAMINANTS FROM OUTDOOR RESIDENTIAL WASTE BURNING

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the adoption of an airborne toxic control measure to reduce emissions of polychlorinated dibenzo-p-dioxins, dibenzofurans, and other toxic air contaminants from outdoor residential waste burning. The ARB is proposing to add section 93113 to title 17, California Code of Regulations (CCR).

DATE: February 21, 2002

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Coastal Hearing Room, Second Floor
1001 "I" Street
Sacramento, CA 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m. on Thursday, February 21, 2002, and may continue at 8:30 a.m. on Friday, February 22, 2002. This item may not be considered until February 22, 2002. Please

consult the agenda for the meeting, which will be available at least 10 days before February 21, 2002, to determine the day on which this item will be considered.

The facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by February 6, 2002, at (916) 322-5594, or TDD (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new section 93113, title 17, CCR.

Description of the Proposed Regulatory Action

Residential waste burning is the practice of outdoor burning of household wastes associated with one- and two-unit family homes. These household wastes include materials such as garbage, paper, cardboard, cloth, and processed wood. Typically, 55-gallon metal drums known as burn barrels are used for this burning. Residential waste burning generates a number of toxic air contaminants, including polychlorinated dibenzo-p-dioxins and dibenzofurans (collectively referred to as dioxins), benzene, 1,3-butadiene, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls. These toxic air contaminants may result in substantial health impacts including cancer and immune system damage. The Office of Environmental Health Hazard Assessment has identified dioxins and PAHs as two of the initial five toxic air contaminants that may cause infants and children to be especially susceptible to illness.

Other air pollutants found in smoke produced from residential waste burning include particulate matter and oxides of nitrogen. Most of the particulate matter emitted from residential waste burning is small enough to be inhaled and can be especially harmful to people with existing respiratory illness, the aged, and the very young. Exposure to such particles may worsen existing disease conditions and can produce symptoms ranging from breathing difficulties to increased respiratory infection and even death.

Individual air pollution control district and air quality management district (air district) rules address the types of residential waste that is allowed to be burned. Current rules in 27 air districts allow the burning of some form of residential waste other than natural vegetation in all or part of the air district. Six air districts allow all forms of residential waste to be burned in all or part of the air district. The remaining 21 air districts prohibit the burning of household garbage, but may allow the burning of other materials such as paper, cardboard, cloth, or processed wood.

Staff's proposal for the airborne toxic control measure would eliminate the outdoor burning of residential waste materials other than natural vegetation, as well as the use of burn barrels. However, limited exemptions would be allowed in very rural areas where waste pickup service is not available, the distance to an approved disposal facility is too far, and population density is very low. These exemption areas would be determined by the air district, with approval by both the air district Board and the ARB. Exemptions could be renewed every five years. The prohibitions in the proposed regulation would become effective July 1, 2003.

At the February 21, 2002 hearing, staff will recommend the adoption of the airborne toxic control measure for outdoor residential waste burning. The Board will discuss and consider staff's recommendation after hearing public comment.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

The staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes the full text of the proposed regulatory language, and a summary of the environmental and economic impacts of the proposal.

Copies of the ISOR and the full text of the proposed regulation may be accessed on the ARB's web site listed below, or may be obtained from the ARB Public Information Office, 1001 "I" Street, Environmental Services Center, 1st floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (February 21, 2002).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Further inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Ms. Karen Magliano, Manager, Particulate Matter Analysis Section, at (916) 322-7137, or Ms. Christine Suarez-Murias, Air Pollution Specialist, at (916) 323-1495.

Further, the agency representative and designated backup contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, at (916) 322-6070, or Ms. Marie Kavan, Regulations Coordinator, at (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB ADA Coordinator at (916) 232-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/reswstebn.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

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

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

Although not expressly mandated, the Executive Officer has determined that the proposed regulatory action may create discretionary costs to State and local agencies. Local jurisdictions responsible for providing waste disposal services may need to expand their services and facilities. However, these costs can be recaptured through waste collection service fees and tipping fees at approved disposal sites. Air districts and fire agencies may incur small, but unquantifiable, costs for enforcement, administration, and public education and outreach.

The proposed regulatory action will also have some impact on the requirement to divert 50 percent of waste from landfills by January 1, 2000 pursuant to sections 41780 through 41786 of the Public Resources Code. Some local jurisdictions may also incur costs if they choose to recalculate their baseline year for the purpose of determining waste diversion rates. However, it is possible that an increase in materials sent to recycling centers could offset increases in materials sent to landfills, thereby minimizing the impact on diversion rates.

The California Integrated Waste Management Board and the California Department of Forestry and Fire Protectors may incur some small, but unquantifiable costs relative to waste diversion activities and issuing burn permits, respectively. However, these tasks are part of the normal and routine operations of

the agencies and are expected to be either recovered through permit fees or absorbed in the agency budgets.

In developing this regulatory proposal, the ARB staff also evaluated the potential economic impacts and/or benefits on representative private persons and businesses.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or businesses directly affected. The proposed regulatory action may provide increased business opportunities for businesses associated with the collection, transfer, and disposal of municipal waste.

In accordance with CCR section 11346.3, the Executive Officer has determined that the proposed regulatory action will have no significant impacts on the creation or elimination of jobs within the State of California, no significant impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and no significant impacts on the expansion of businesses currently doing business within the State of California.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed regulatory action may affect a few small businesses by providing expanded business opportunities for waste pickup and disposal.

The Executive Officer has also determined that the proposed regulatory action will impose additional costs on representative private persons. The proposed regulatory action will require households who are currently burning some or all of their waste to use alternative disposal methods, such as contracting for curbside pickup or self-hauling their waste to a disposal or recycling facility. These costs are expected to range from \$100 to \$600 per year per household.

A detailed assessment of the economic impacts of the proposed regulation can be found in the ISOR.

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

SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not

physically submitted at the meeting must be received **no later than 12:00 noon, February 20, 2002**, and addressed to the following:

Postal mail is to be sent to:

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

Electronic mail is to be sent to reswstebn@listserve.arb.ca.gov and received at the ARB **no later than 12:00 noon, February 20, 2002**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon February 20, 2002**.

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

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in sections 39600, 39601, 39659, 39666, and 41700 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39020, 39044, 39650 through 39669, 39701, and 41806 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the CCR. Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Environmental Services Center, 1001 "I"

Street, 1st Floor, Sacramento, California 95814,
(916) 322-2990.

**DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF POSTPONEMENT

**NOTICE OF PUBLIC HEARING TO CONSIDER
ADOPTION OF AMENDMENTS TO AIR RE-
SOURCE BOARD VOLUNTARY ACCELER-
ATED VEHICLE RETIREMENT REGULATIONS
TO MINIMIZE DIFFERENCES BETWEEN ARB
AND BAR VAVR REGULATIONS AND ALLOW
PARTS RECYCLING AND RESALE OF
NON-EMISSION-RELATED AND NON-DRIVE
TRAIN PARTS**

BY NOTICE dated November 20, 2001, and published in the November 30, 2001, California Notice Register, Register 2001, No. 48-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider the adoption of amendments to its voluntary accelerated vehicle retirement regulations. The hearing was scheduled for January 17, 2002, at 9:00 a.m., at the California Environmental Protection Agency, Air Resources Board, 1001 "I" Street, Auditorium, Second Floor, Sacramento, California.

PLEASE BE ADVISED that the hearing has been postponed to the following date, time and place:

DATE: **February 21, 2002**

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Coastal Valley Hearing Room, 2nd Floor
1001 "I" Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., February 21, 2002, and may continue at 8:30 a.m., February 22, 2002. This item may not be considered until February 22, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before February 21, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by February 7, 2002, at (916) 322-5594, or Telephone Device for the Deaf (TDD) (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

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

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

Bay Recycling
800 77th Avenue
Oakland, CA 94621

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

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

Fries Landscaping
25421 Clough
Escalon, CA 95320

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

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

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

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

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

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

Turtle Building Maintenance Company
8132 Darien Circle
Sacramento, CA 95828

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

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

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF 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 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
REPEAL: 1388.5
Filed 12/19/01
Effective 01/01/02
Agency Contact: Kathy Bradbury (916) 263-0712

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 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 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 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 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
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 PESTICIDE REGULATION
Protection of Bees

The proposed regulatory action amends provisions governing the protection of bees from the use of pesticides.

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

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
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

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

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

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

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

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 amendments 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

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 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 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 22, 2001 TO
DECEMBER 26, 2001**

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

- 12/26/01 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: 599.911, 599.912, 599.913
- 10/31/01 AMEND: 599.936
- 10/29/01 ADOPT: 18543
- 10/29/01 ADOPT: 18542
- 10/18/01 ADOPT: 18404.2
- 10/09/01 ADOPT: 18530.4, 18570
- 10/04/01 AMEND: 599.502, 599.508
- 10/04/01 ADOPT: 18531.6
- 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

- 12/26/01 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 REPEAL: 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

- 12/26/01 AMEND: 80487
- 12/21/01 ADOPT: 31000, 31001, 31002, 31003, 31004, 31005, 31006, 31007
- 12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218, 1219, 1219.5
- 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

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- 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
- 08/22/01 AMEND: 58305
- Title 7**
- 12/11/01 ADOPT: 236
- 11/27/01 ADOPT: 212.5
- Title 8**
- 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
- 08/27/01 AMEND: 2320.2(a), 2941(f)
- 08/23/01 ADOPT: 11.5, 118, 119 AMEND: 1
- 08/23/01 ADOPT: 11, 13, 14, 100
- 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**
- 12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
- 12/26/01 AMEND: 2698.70, 2698.71
- 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: 2278, 2278.2, 2278.3, 2278.4, 2278.5

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09/04/01 ADOPT: 2182.1, 2182.2, 2182.3, 2182.4, 2182.5
 08/30/01 ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46

Title 11

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

12/20/01 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: 300(a)
 10/31/01 AMEND: 163, 163.5, 164
 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
 08/28/01 AMEND: 120.01
 08/23/01 AMEND: 150.16
 08/23/01 ADOPT: 749.1

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: 1870
 10/16/01 AMEND: 1391.12(b)
 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 REPEAL: 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
 08/24/01 ADOPT: 4000, 4001, 4010, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4031, 4032, 4033, 4034, 4040

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- 08/24/01 AMEND: 1386 REPEAL: 1383, 1383.1
08/23/01 AMEND: 1715
- Title 17**
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
08/28/01 AMEND: 54302, 56002
- 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**
08/30/01 AMEND: 2900, 2910, 2915, 2940, 2945, 2955, 2970, 2980, 2990
- Title 21**
12/04/01 AMEND: 7000
- Title 22**
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
08/27/01 ADOPT: 66272.60, 66272.61, 66272.62, 66272.63, 66272.64, 66272.65, 66272.66, 66272.67, 66272.68, 66272.69
08/24/01 AMEND: 64451(c), 64819(a)(4)

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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

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11/27/01 AMEND: 3952
 10/09/01 AMEND: 3988

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

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10/24/01 AMEND: 15240

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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

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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



