



California Regulatory Notice Register

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JULY 15, 2005

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

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PROPOSED ACTION ON REGULATIONS

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

School and College Legal Services of CA

A written comment period has been established commencing on **July 15, 2005** and closing on **August 29, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

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

comments must be received no later than **August 29, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODE

AMENDMENTS

STATE AGENCY:

California Resources Agency

A written comment period has been established commencing on **July 15, 2005**, and closing on **August 29, 2005**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than August 29, 2005. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the

codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND AND ADOPT THE FOLLOWING REGULATION SECTIONS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

PROPOSED AMENDMENTS TO REGULATION SECTIONS: 1859.2, 1859.122, 1859.123, AND 1859.123.1

REGULATION SECTION PROPOSED FOR ADOPTION: 1859.23

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly

authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend various regulation sections and adopt a new regulation section under the authority provided by Sections 17070.35, 17070.70, and 17075.15 of the Education Code. The proposals interpret and make specific reference to Sections 17070.70, 17077.40, 17077.42, and 17077.45 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At the January 26, 2005 SAB meeting, the Board adopted emergency regulatory amendments to the SFP Joint-Use Program for purposes of clarifying the meaning of “existing school site,” and that real property where the facilities will be located must be owned prior to a school district requesting SFP funds. The amendments and adoption are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendment adds a definition of “existing school site” which is essential for applying review process consistency to SFP application and funding determinations.

Proposed adoption of Regulation Section 1859.23 requires school districts to hold title to the real property where facilities will be located before requesting SFP funds for the facilities, except for facilities on leased land meeting the requirements of Section 1859.22.

Existing Regulation Section 1859.122 sets forth the eligibility criteria for Type I Joint-Use Projects under the SFP. The proposed amendment makes a non-substantial grammatical change by deleting “Other” and substituting “The” in the phrase “The Joint-Use

Partner(s) . . . ”, for consistency within the SFP Joint-Use Program regulations.

Existing Regulation Section 1859.123 sets forth the criteria under which a school district may combine its plans and specifications for a Joint-Use Project with a SFP new construction application to meet the requirements for a qualifying Type I Joint-Use Project under Section 1859.122. The proposed amendment deletes the requirement that a Joint-Use agreement must be signed between the applicant school district and joint-use partner(s) prior to the SAB approval of the pertinent SFP new construction application.

Existing Regulation Section 1859.123.1 sets forth the criteria under which a school district may combine its plans and specifications for a Joint-Use Project with a SFP modernization application to meet the requirements for a qualifying Type II Joint-Use Project under Section 1859.122.1 or 1859.122.2. The proposed amendment deletes the requirement that a Joint-Use agreement must be signed between the applicant school district and joint-use partner(s) prior to the SAB approval of the pertinent SFP modernization application.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory actions and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than August 29, 2005 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications,

which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified on page 3. The SAB will accept written comments on the modified regulation(s) during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

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

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

**TITLE 2. STATE
ALLOCATION BOARD**

NOTICE OF PROPOSED REGULATORY ACTION

**THE STATE ALLOCATION BOARD PROPOSES
TO AMEND THE FOLLOWING REGULATION
SECTIONS AND ASSOCIATED FORMS, TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
RELATING TO LEROY F. GREENE
SCHOOL FACILITIES ACT OF 1998, AND
THE STATE SCHOOL DEFERRED
MAINTENANCE PROGRAM**

**PROPOSED AMENDMENTS TO THE FOLLOWING
REGULATION SECTIONS AND FORMS
UNDER THE LEROY F. GREENE SCHOOL FA-
CILITIES ACT OF 1998:**

- Regulation Sections 1859.2 and 1859.81
- Application for Funding, Form SAB 50-04, (Revised 05/05), referenced in Regulation Section 1859.2
- Application for Joint-Use Funding, Form SAB 50-07, (Revised 01/05), referenced in Regulation Section 1859.2
- Application for Charter School Preliminary Apportionment, Form SAB 50-09, (Revised 01/05), referenced in Regulation Section 1859.2

**PROPOSED AMENDMENTS TO THE FOLLOWING
REGULATION SECTION AND FORM UNDER
THE STATE SCHOOL DEFERRED MAINTENANCE
PROGRAM:**

- Regulation Section 1866
- Deferred Maintenance Five Year Plan, Form SAB 40-20, (Revised 01/05), referenced in Regulation Section 1866

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, along with associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is

requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

For purposes of the Leroy F. Greene School Facilities Act of 1998, the SAB is proposing to amend Regulation Sections 1859.2 and 1859.81 under the authority provided by Sections 17070.35, 17075.15, and 17592.73 of the Education Code. The proposals interpret and make specific reference to Sections 17075.10 and 17075.15 of the Education Code.

For purposes of the State School Deferred Maintenance Program, the SAB is proposing to amend Regulation Section 1866 under the authority provided by Section 15503 of the Government Code. The proposals interpret and make specific reference to Sections 2553 and 17582 through 17592.5 of the Education Code.

**INFORMATIVE DIGEST/POLICY
OVERVIEW STATEMENT**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State School Deferred Maintenance Program (DMP) provides State matching funds, on a dollar-for-dollar basis, to assist school districts with expenditures for major repair or replacement of existing school building components. Education Code Section 17582 lists the component systems eligible to receive deferred maintenance funding. It includes plumbing, heating, air conditioning, electrical systems and lighting, roofing, interior/exterior painting, floor and wall systems, paving, and abatement of lead and asbestos. Education Code Section 17587 authorizes funds for extreme hardship projects if the work must be completed within one year. The SAB adopted regulations to implement the DMP, which were approved by the Office of Administrative Law and filed with the Secretary of State on January 13, 2003.

At the January 26, 2005 meeting, the SAB adopted emergency regulatory amendments necessary to implement Senate Bill (SB) 6, Chapter 899, Statutes of 2004, and SB 550, Chapter 900, Statutes of 2004. SB 6 created and provided funding for the School Facilities Needs Assessment Grant Program (SFNAGP) and the

Emergency Repair Program (ERP) to identify and make repairs needed to mitigate health and safety threats at California school sites. Under SB 550, school districts are required to establish a school facilities inspection system as a condition of participation in the SFP and DMP, to ensure that schools are kept in good repair. The amendments are summarized as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for the SFP Regulations. The proposed amendments reflect the current revision dates of SAB forms for purposes of maintaining consistency under the SFP regulations.

Existing Regulation Section 1859.81 sets forth eligibility criteria for SFP financial hardship status in order for the State to fund all or a portion of a school district's required share of project costs. The proposed amendments provide protection for financial hardship districts under the SFP when participating in the SFNAGP and the ERP by excluding funds received from the SFNAGP and ERP.

Existing Form SAB 50-04, Application for Funding, is the form used by school districts to apply for funding for qualifying new construction or modernization projects. To ensure that school districts acknowledge and comply with the SB 550 requirement, the proposed amendment adds an additional certification which must be signed by applicants for SFP funding, that they have established a school facilities inspection system in compliance with Education Code Section 17070.75(e).

Existing Form SAB 50-07, Application for Joint-Use Funding, is the form used by school districts to apply for funding for qualifying Joint-Use projects. To ensure that school districts acknowledge and comply with the SB 550 requirement, the proposed amendment adds an additional certification which must be signed by applicants for Joint-Use funding, that they have established a school facilities inspection system in compliance with Education Code Section 17070.75(e).

Existing Form SAB 50-09, Application for Charter School Preliminary Apportionment, is the form used by school districts and charter schools for purposes of requesting a preliminary apportionment for the new construction of charter school facilities. To ensure that school districts acknowledge and comply with the SB 550 requirement, the proposed amendment adds an additional certification which must be signed by applicants for Charter School funding, that they have established a school facilities inspection system in compliance with Education Code Section 17070.75(e).

Existing Regulation Section 1866 represents a set of defined words and terms used exclusively for the DMP Regulations. The proposed amendments reflect the

current revision dates of SAB forms for purposes of maintaining consistency under the DMP regulations.

Existing Form SAB 40-20, Deferred Maintenance Five Year Plan, is the form submitted by school districts to the Office of Public School Construction summarizing the proposed maintenance projects the district plans on completing annually over the next five fiscal years, as established in Education Code Section 17591. To ensure that school districts acknowledge and comply with the SB 550 requirement, the proposed amendment adds an additional certification which must be signed by recipients of DMP funding, that they have established a school facilities inspection system in compliance with Education Code Section 17070.75(e).

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.

- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects under the SFP and DMP.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 29, 2005, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov
Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested

from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO ADOPT THE FOLLOWING REGULATION SECTIONS, ALONG WITH ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO SCHOOL FACILITIES NEEDS ASSESSMENT AND EMERGENCY REPAIR PROGRAM

REGULATION SECTIONS PROPOSED FOR ADOPTION: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328 AND 1859.329

FORMS PROPOSED FOR ADOPTION

- *Certification of Eligibility*, referenced in Regulation Section 1859.302
- *Web-Based Progress Report Survey*, referenced in Regulation Section 1859.302
- *Needs Assessment Report*, Form SAB 61-01 (New 01/05), referenced in Regulation Section 1859.302
- *Expenditure Report*, Form SAB 61-02 (New 02/05), referenced in Regulation Section 1859.302
- *Application for Reimbursement and Expenditure Report*, Form SAB 61-03 (New 02/05), referenced in Regulation Section 1859.302

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to adopt the above-referenced regulation sections, and associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing the adoption of various regulation sections under the authority provided by Section 17592.73 of the Education Code. The proposals interpret and make specific reference to Sections 17070.20, 17592.70, 17592.71, 17592.72, 17592.73, and 41207.5 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The proposed emergency regulations create two new programs required by Senate Bill (SB) 6, Chapter 899, Statutes of 2004 (Alpert), to provide funding to local educational agencies (LEAs) to identify and repair conditions which threaten the health and safety of pupils and staff on California school sites. SB 6 was enacted as a part of the settlement agreement in the case of *Williams v. State of California* (Superior Court, San Francisco, No. CGC-00-312236).

The School Facilities Needs Assessment Grant Program (SFNAGP) provides for qualifying LEAs to perform one-time needs assessments on eligible school sites to identify conditions posing a threat to the health and safety of school pupils and staff. Criteria are provided for program eligibility, apportionment of funds, qualifications of inspectors, program reporting requirements, authorized expenditures, and audits of program compliance and expenditures.

The Emergency Repair Program (ERP) provides for qualifying LEAs to repair and mitigate the conditions posing health and safety threats on eligible school sites. Criteria are provided for program eligibility, apportionment of funds, program reporting requirements, authorized expenditures, and audits of program compliance and expenditures.

The SAB adopted the emergency regulations at its January 26, 2005 and February 23, 2005 meetings, which are summarized as follows:

Proposed adoption of Regulation Section 1859.300 sets forth the purpose of the proposed regulations, which is to implement the SFNAGP and the ERP.

Proposed adoption of Regulation Section 1859.301 sets forth the authority and responsibilities of the Director of General Services to carry out the provisions of these proposed regulations.

Proposed adoption of Regulation Section 1859.302 provides definitions that are essential to these regulations. The definitions specify the legal authority for the programs, eligibility criteria, application and funding processes, and terminology necessary for consistency in the administration of the programs.

Proposed adoption of Regulation Section 1859.310 sets forth a general description of the SFNAGP as a program for qualifying LEAs to receive funds to

conduct one-time comprehensive assessments of their school facilities for emergency repair needs.

Proposed adoption of Regulation Section 1859.311 describes the eligibility of LEAs to participate in the SFNAGP for schools which are identified by the California Department of Education as ranked in deciles 1 to 3 inclusive on the 2003 base Academic Performance Index, and newly constructed before January 1, 2000.

Proposed adoption of Regulation Section 1859.312 describes the methodology for funds to be apportioned to LEAs for qualifying school sites, \$10 per pupil with the minimum of \$7,500 to be allocated for each qualifying school site, and the responsibilities of the SAB, the Office of Public School Construction (OPSC), and LEAs for approving, releasing, and spending the funds for authorized purposes.

Proposed adoption of Regulation Section 1859.313 sets forth the permissible uses of SFNAGP funds, and the authority to reduce or rescind apportionments for failure to comply with program eligibility or reporting requirements.

Proposed adoption of Regulation Section 1859.314 sets forth specific knowledge, experience, and licensing qualifications for the person(s) performing or supervising school facilities needs assessments for LEAs.

Proposed adoption of Regulation Section 1859.315 sets forth the reporting requirements and document submittal deadlines for LEAs which receive SFNAGP funding, including a Certification of Eligibility, a Web-Based Progress Report Survey, and Form SAB 61-02.

Proposed adoption of Regulation Section 1859.316 provides that SFNAGP expenditures by LEAs are subject to auditing for program compliance and proper qualifications of the person(s) performing or supervising the needs assessment. Time periods for commencing and completing audits are set forth. Audit findings of ineligible expenditures shall require LEAs to return designated funds to the State within 30 days of SAB approval of the audit findings.

Proposed adoption of Regulation Section 1859.317 requires LEAs to ensure that SFNAGP funds are not accepted for duplicate work, nor for proposed work included in SFP or Deferred Maintenance Program (DMP) projects. If certain work in SFP or DMP projects is funded with SFNAGP funds, LEAs must ensure that the remaining work meets SFP or DMP requirements.

Proposed adoption of Regulation Section 1859.318 specifies the permissible uses of the Needs Assessment Grant funds, and that they must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. LEAs must in

the 2005/2006 fiscal year comply with existing school maintenance funding requirements pursuant to specified existing Education Code sections.

Proposed adoption of Regulation Section 1859.319 provides that any SFNAGP funds which are not apportioned, or are returned to the OPSC, shall be transferred into the School Facilities Emergency Repair Account.

Proposed adoption of Regulation Section 1859.320 provides a general description of the ERP as funding for qualifying LEAs to repair or replace structural components or building systems that pose a health and safety threat to school pupils or staff. Form SAB 61-03 shall be completed and filed with the OPSC to apply for ERP funding.

Proposed adoption of Regulation Section 1859.321 describes the eligibility of LEAs to apply for ERP funding for schools which are identified by the California Department of Education as ranked in deciles 1 to 3 inclusive on the 2003 base Academic Performance Index, and newly constructed before January 1, 2000.

Proposed adoption of Regulation Section 1859.322 describes the process for the SAB to receive and approve ERP funding applications, the prorating of apportionments and creation of an Unfunded List when program funds are insufficient, and the termination of funding after \$800 million has been apportioned by the SAB.

Proposed adoption of Regulation Section 1859.323 provides that ERP reimbursement will be provided to LEAs for their share of repair costs for Emergency Facilities Needs as defined in Education Code Section 17592.72(c)(1); and for replacement of structural components or building systems if in compliance with Section 1859.323.1. Reimbursement is limited to the cost necessary to mitigate the health and safety hazard.

Proposed adoption of Regulation Section 1859.323.1 prescribes criteria for replacement projects to qualify for ERP funding, taking into account the cost effectiveness of replacement versus repair, and the use of like-kind or alternative materials and building systems. For replacements of components or systems with structural deficiencies, a cost comparison must be submitted with a report from a licensed professional identifying the minimum work necessary to obtain Division of the State Architect's (DSA) approval.

Proposed adoption of Regulation Section 1859.323.2 lists the types of expenditures that are ineligible for ERP funding because they are inconsistent with the law.

Proposed adoption of Regulation Section 1859.324 sets forth the provisions for emergency repair projects to be eligible for ERP funding.

Proposed adoption of Regulation Section 1859.325 provides the authority to the SAB to report an LEA to its county superintendent of schools if due diligence has not been exercised and future ERP funding may be denied. In addition, it allows the OPSC to conduct a review of the facility maintenance accounts of LEAs to ensure due diligence is being exercised and Program funds are being used to supplement existing funding for maintenance of school facilities.

Proposed adoption of Regulation Section 1859.326 authorizes audits of LEA expenditures reported on the Form SAB 61-03 for compliance with Sections 1859.323 through 1859.325, inclusive. Time limits for commencing and completing audits are set forth. Should an audit find expenditures not made in accordance with Education Code Section 17592.72(c) and Regulation Sections 1859.323 through 1859.325, inclusive, the OPSC shall recommend to the SAB appropriate adjustments to apportionments. LEAs must return designated funds to the State within 30 days of SAB approval of the audit findings.

Proposed adoption of Regulation Section 1859.327 requires LEAs to ensure that ERP funds are not accepted for duplicate work, nor for proposed work included in SFP or DMP projects. If certain work in SFP or DMP projects is funded with ERP funds, LEAs must ensure that the remaining work meets SFP or DMP requirements.

Proposed adoption of Regulation Section 1859.328 specifies the permissible uses of the Emergency Repair Program Grant funds, and that they must be used to supplement, not supplant, funds already available for routine, deferred, planned and scheduled maintenance, or emergency repairs of school facilities. LEAs must comply with existing school maintenance funding requirements pursuant to specified Education Code sections.

Proposed adoption of Regulation Section 1859.329 permits a LEA to withdraw, revise, and resubmit its Form SAB 61-03 before the project receives an apportionment from the SAB. Resubmitted applications receive a new processing date from the OPSC. SAB approval of a project apportionment will be considered full and final, so that revising the Form SAB 61-03 thereafter cannot authorize additional funding for the project.

Proposed adoption of the *Certification of Eligibility* form requires the one-time submittal of this form by qualifying LEAs, signed by an authorized representative, to certify to the eligibility of their schools for the SFNAGP and ERP, list their ineligible schools, and acknowledge that a School Facilities Needs Assessment Report must be completed for each eligible school.

Proposed adoption of the *Web-Based Progress Report Survey* requires the submittal of this form by April 29, 2005 by LEAs with school sites eligible for the SFNAGP and ERP, reporting their progress toward completing a School Facilities Needs Assessment Report for all eligible schools. The form is not required for an LEA that has already completed the report for all its eligible schools.

Proposed adoption of the *Needs Assessment Report*, Form SAB 61-01 (New 01/05), requires the one-time submittal of this form by LEAs, signed by an authorized representative, to report the necessary repairs at each school site eligible for the SFNAGP and ERP. LEAs must report LEA/school information, inventory of facilities on the site, remaining useful life of major building systems, costs to maintain functionality for the next five fiscal years, necessary repairs with estimated repair costs, and certifications of correct information and program compliance.

Proposed adoption of the *Expenditure Report*, Form SAB 61-02 (New 02/05), requires the submittal of this form by LEAs by January 1, 2007, signed by an authorized representative, to report the total amount of State funds received under the SFNAGP for all eligible school sites, interest earned thereon, a listing and total of State funds spent to complete Form SAB 61-01 for all eligible school sites, a listing and total of State funds spent for repairs identified on Form SAB 61-01, the remaining balance of SFNAGP funds held by the LEA, and certifications of correct information, program compliance, and Public Contract Code compliance. Certification of compliance with the "supplement, not supplant," requirement is based upon Regulation Section 1859.318, rather than the Education Code.

Proposed adoption of the *Application for Reimbursement and Expenditure Report*, Form SAB 61-03 (New 02/05), requires the submittal of this form by LEAs, signed by an authorized representative, to apply for reimbursement of repair costs expended under the ERP at eligible school sites. Required supporting documentation is specified, and the LEA representative must sign certifications of correct information, program compliance, and Public Contract Code compliance. Certification of compliance with the "supplement, not supplant," requirement is based upon Regulation Section 1859.328, rather than the Education Code.

**DOCUMENTS INCORPORATED
BY REFERENCE**

Certification of Eligibility

Web-Based Progress Report Survey

Needs Assessment Report, Form SAB 61-01 (New 01/05)

Expenditure Report, Form SAB 61-02 (New 02/05)

Application for Reimbursement and Expenditure Report, Form SAB 61-03 (New 02/05)

These forms are too cumbersome or impractical to publish in Title 2, California Code of Regulations. Therefore, it is proposed to incorporate these forms by reference. Copies of these forms are available for review during normal business hours at the Office of Public School Construction located at 1130 K Street, Suite 400, Sacramento, CA 95814. They are also available on the Internet at:

<http://www.opsc.dgs.ca.gov>.

**IMPACT ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. School districts with school sites built prior to January 1, 2000 and ranked in deciles 1 to 3 are required to perform a one-time needs assessment in order to maintain functionality of each school; however, participation in the Emergency Repair Program is voluntary. Therefore, local agencies or school districts will not incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be a fiscal impact to the State since the School Facilities Needs Assessment Grant Program will be funded from the State General Fund in the amount of \$30 million. Beginning with the 2005/06 Fiscal Year, the Emergency Repair Program will be

funded in the amount of \$800 million from the Proposition 98 Reversion Account over a period of up to eight fiscal years.

- Reimbursement will only be provided if school districts submit a funding application under the Emergency Repair Program.
- There will be no costs or savings in federal funding to the State.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects under the School Facilities Needs Assessment Grant Program and Emergency Repair Program.

**SUBMISSION OF COMMENTS, DOCUMENTS
AND ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than August 29, 2005 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to Ms. Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Section 3636, subsection (a)(1) and adopt subsections (c)(4) and (5) of the regulations in Title 3 of the California Code of Regulations pertaining to Chrysanthemum White Rust Disease Eradication Area.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before August 29, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403 and 5322). Existing law also

provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Existing law also provides that when eradication cannot be achieved by recognized ordinary means, or without the destruction of uninfected host plants, that the Secretary may adopt regulations that declare a host-free period that make it unlawful to grow or maintain the host, make the host a public nuisance and subject to all the laws pertaining to the abatement of the nuisance (Food and Agricultural Code Sections 5781, 5782 and 5783).

The proposed action will amend Section 3636(a)(1) by adding Santa Barbara County to the eradication area and to adopt new subsections (c)(4) and (5) regarding the steam treatment of nursery beds and the establishment of host-free periods as means and methods that may be used to achieve eradication. The effect of the proposed action will be to add authority for the State to conduct eradication activities in Santa Barbara County, including steam treating nursery beds or the establishment of host-free periods to eradicate chrysanthemum white rust disease from this county. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3636 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3636 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

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

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. There are ten businesses that could be affected by the amendment of this regulation. The estimated costs for businesses that could be impacted during the life of this regulation range from \$211 to \$4,306, with the costs dependent on the size of the business. A smaller business incurs less cost. The average estimated cost for a business is \$2,206. These costs are based upon the assumption of a single positive detection of the disease and achieving eradication within four weeks of the initial detection of the disease with no reoccurrences.

If a business fails to implement proper sanitation, destruction and eradication treatment protocols and becomes generally infested, it must then either implement a host-free period or perform steam treatments of the affected nursery beds. If the potentially affected business chooses to implement a host-free period, the estimated costs are from \$6,300 to \$252,000, with the costs dependent upon the size of the business. A smaller business incurs less cost. The average estimated cost is \$126,000. If the potentially affected business chooses to perform steam treatments, the estimated costs are from \$1,000 to \$40,000, with the costs dependent upon the size of the business. A smaller business incurs less cost. The average estimated cost is \$20,000. These costs would be in addition to those costs initially associated with the failed limited destruction and treatment costs.

ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture 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 action.

AUTHORITY

The Department proposes to amend Section 3636(a) and adopt subsections (c)(4) and (5) pursuant to the authority vested by Sections 407, 5301, 5302, 5322 and 5781 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3636 and adopt subsections (c)(4) and (5) to implement, interpret and make specific Sections 5301, 5302, 5322, 5761, 5762, 5763, 5781, 5782, and 5783 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa.pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

REGULATION FILE: RH03028690

SUBJECT OF PROPOSED RULEMAKING

The California Insurance Commissioner, John Garamendi ("Commissioner") proposes to amend the regulations described below after considering comments from the public. The Commissioner proposes to revise California Code of Regulations, Title 10, Chapter 5, Subchapter 1, Article 6.5 Sections 2186.1, 2188.2, 2188.6, and 2188.8 (the "Prelicensing and Continuing Education Regulations").

A hearing will be held regarding the proposed amendments to the regulations governing prelicensing and continuing education: specifically, the proposed regulatory changes concern approval of combination courses for continuing education credit, the addition of an ethics requirement to the continuing education curriculum, a requirement that prelicensing rosters must be submitted within ten (10) business days of completion of the course and a requirement that course rosters must be submitted through an electronic filing method.

AUTHORITY AND REFERENCE

California Insurance Code Section 1749.7 provides the authority under which the regulations are proposed. The proposed regulations will implement, interpret, and make specific the provisions of California Insurance Code (CIC), Division 1, Part 2, Chapter 5, Article 13.5, Sections 1749, 1749.1, 1749.2, 1749.3, 1749.31, 1749.4, 1749.5, 1749.6, 1749.8 and 10234.93(a)(4).

PUBLIC HEARING

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to these regulations as follows:

Date and time: August 31, 2005, at 10:00 am
The hearing will continue until all testimony has been completed or 4:00 p.m., whichever is earlier.

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

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on August 31, 2005**. Please direct all written comments to the following contact person:

Gayle L. Freidson, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538.4418
Fax: (415) 904.5490

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

Karen Switzer, Associate Analyst Policy Unit
California Department of Insurance
320 Capitol Mall
Sacramento, CA 95814
Telephone: (916) 492.3014

****Outside of envelope must be marked personal & confidential****

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, c/o Gayle L. Freidson at the address listed above, no later than **5:00 p.m. on August 31, 2005**. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: freidson@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Gayle Freidson and sent to the following facsimile number: (415) 904.5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

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 these hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

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

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

Summary of Existing Law and Policy Statement Overview

California Insurance Code Sections 1749.3 and 1749.31 set forth the minimum number of continuing education hours required for licensed life agents, fire and casualty broker agents, and personal lines broker-agents. Section 1749.4 enumerates specific continuing education requirements, including courses or programs of instruction that meet the standards, as well as classroom hour's equivalency. Additionally, Section 1749.8 specifies, among other things, the training requirements of life agents for selling annuities. Finally, Section 10234.93(a)(4) states that every insurer of long-term care in California shall provide specific training pursuant to Sections 1749.3 and 1749.4. The Commissioner has previously promulgated regulations found at California Code of Regulations, Title 10, Chapter 5, Subchapter 1, Article 6.5, Sections 2186.1, 2188.2, 2188.6, and 2188.8 which provide specific continuing education curriculum requirements for existing licensees and education providers pursuant to the California Insurance Code's prelicensing and continuing education statutes, Sections 1749 et seq.

After working with the existing regulations for many years, it has become apparent that additional modifications are necessary as follows:

- 1) Approval of combination courses for continuing education credit for life agents, fire and casualty broker-agents, and/or personal lines broker-agent licensees.
- 2) Adding a mandatory ethics requirement to the continuing education curriculum for life agents,

fire and casualty broker-agents, and/or personal lines broker-agent licensees.

- 3) Adding requirements that prelicensing rosters must be submitted within ten (10) business days of completion of the course and course rosters must be submitted through an electronic filing method.
- 4) Adding or deleting language for reasons of grammar or clarity.
- 5) Reorganizing the subdivisions so that they are easier to understand and use.

The proposed regulations are in plain English except to the extent that technical terms could not be avoided. Any unavoidable technical terms are defined in plain English.

Life agents, fire and casualty broker-agents, and personal lines broker-agent licensees are required to complete continuing education hours approved by the Commissioner during each renewal period. Currently courses are limited to either contact or non-contact (self-study) formats. Due to advances in technology since these regulations were originally adopted, there is now an opportunity for new combination course formats such as instructor-led, on-line courses and web-based conferences. The existing regulations prohibit approval of combination courses (contact and self-study combined) for continuing education credit.

In December 2002, the National Association of Insurance Commissioners (NAIC) adopted Uniform Resident Licensing Standards including standards for continuing education requirements. The NAIC standard requires twenty-four hours of continuing education for all lines of authority with three (3) of the twenty-four hours covering ethics. Therefore, to ensure that California's continuing education standards equal or exceed the national standard, the proposed amendments, which include an ethics requirement, are necessary. These regulations would mandate these changes and have been approved by the Curriculum Board of the Department of Insurance ("Department"). It is necessary to the Department's purpose of ensuring that life agents, fire and casualty broker-agents and personal lines broker-agent licensees continue to be educated in matters that deal with individual character and personal characteristics such as honesty, integrity and professionalism in the insurance industry.

Existing law requires that education providers submit to the Department rosters of students given a certificate of completion within thirty (30) days of course completion and that a roster be submitted on a Provider Roster form, or other form meeting certain requirements. With the Department's activation of its online application and many of the Department's functions becoming automated, the receipt of the Prelicensing Rosters facilitates the amended regula-

tion's requirement to submit rosters electronically. The new ten (10) day requirement pertaining to Prelicensing Certificates will eliminate the requirement that students bring or mail in their certificate, which in turn, will allow the Department to issue an applicant's license sooner. The intent in shortening the reporting period for prelicensing education is to move to a paperless system using the Online Application, which will allow more accurate information to be collected. In the paperless process, the submission of the online roster will assist those students who pass the qualifying examination in a timely manner by having the prelicensing roster information on file. The programs are already in place and being used by some education providers. Providers can manually key the rosters using the Education Provider Online Program available on the Department's Web site with a user ID and password.

EFFECT OF PROPOSED ACTION

The major effects of the regulations are as follows:

Section 2186.1—Definitions

Major amendments to this section include a broader definition of "classroom" to include internet chat rooms, or other electronic devices used to accommodate technological changes. Additionally, the definition of "course" has been amended to include a "combination course" and a requirement that a student must complete the self-directed portion of the course prior to the contact course portion is added. A caveat to the definition of "approved course" has been included to state that the Commissioner may reduce the hours requested if a course fails to meet all of the requirements. The definition of "original signature" has been amended and now defines the term "signature" as a written form of identification such as an ink signature or an electronic log-in/log-out assigned number. Definitions of "electronic signature" and "electronic filing" are now included in keeping with the advancement of technology and increased use of computers in our daily lives. Section 2186.1 is detailed and specific, and it allows the Department to effectively administer California Insurance Code Sections 1749 et seq. It is necessary to the Department's purpose of ensuring that life agents, fire and casualty broker-agents, and personal lines broker-agent licensees continue to be educated in order to maintain their licenses.

Section 2188.2—Course Approval

Major amendments to this section include the statement that combination courses do qualify for continuing education credit. Additionally, combination courses having the same content in both the self-directed and contact portions of the course may not be approved and may be subject to a reduction in

requested hours. Section 2188.2 is detailed and specific, and it allows the Department to effectively administer California Insurance Code Sections 1749 et seq. It is necessary to the Department's purpose of ensuring that life agents, fire and casualty broker-agents, and personal lines broker-agent licensees continue to be educated in order to maintain their licenses.

Section 2188.6—Successful Completion of Continuing Education Courses

Major amendments to this section include the addition of a mandatory ethics continuing education requirement, consisting of courses, programs of instruction, or seminars which follow a prescribed outline and have been approved by the Commissioner. A life agent and/or fire and casualty broker-agent must complete four (4) hours on ethics per license term and a personal lines broker-agent must complete two (2) hours on ethics per license term. Additionally, ethics continuing education hours may not be carried forward to the next license term and no course can be taken for credit more than once within a two (2) year license term. Section 2188.6 is detailed and specific, and it allows the Department to effectively administer California Insurance Code Sections 1749 et seq. It is necessary to the Department's purpose of ensuring that life agents, fire and casualty broker-agents and personal lines broker-agent licensees continue to be educated in matters that deal with individual character and personal characteristics such as honesty, integrity and professionalism in the insurance industry.

Section 2188.8—Certificates of Completion

The word "training" has been added. This addition is necessary because of the training requirements set forth in California Insurance Code Sections 1749.8 and 10234.93(a)(4), referring to life agents who sell annuities and for those who sell long-term care insurance. Major amendments to this section set forth new requirements that a provider must follow with regard to the course roster, including submitting the preclicensing roster within ten (10) business days following the completion of the course and thirty (30) days for continuing education rosters. Submitting rosters through an electronic filing method is now required. Finally, submission of a typed hard copy form (446-13), [(Provider Roster) Rev. 8/01] must still contain the same minimum requirements but will only be accepted under special circumstances approved by the Department. Section 2188.8 is detailed and specific, and it allows the Department to effectively administer California Insurance Code Sections 1749 et seq. It is necessary to the Department's purpose of ensuring that education providers comply with specific requirements in the administration of preclicensing and continuing education courses.

MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

The proposed regulations do 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 STATE/LOCAL AGENCY
OR SCHOOL DISTRICT OR IN
FEDERAL FUNDING

The Commissioner has determined the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed regulations 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.

COST IMPACT ON PRIVATE PERSONS OR
ENTITIES/BUSINESSES

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

The Commissioner believes that the proposed regulations will not have a significant cost impact on private persons or businesses directly affected by them. To the extent that the proposed regulations do have an impact on the costs of private persons or businesses directly affected, the cost impact is a result of the Insurance Code sections being implemented, interpreted or made specific by the proposed regulations. The Commissioner invites all interested parties to comment on this issue.

IMPACT ON SMALL BUSINESS

The Commissioner has made an initial determination that the proposed amendments will not have a significant impact on small businesses. To the extent education providers qualify as small businesses, the offering of ethics courses and/or combination courses is not mandatory. In addition, the majority of the

education providers are already utilizing the electronic filing procedure, which has been in place for some time.

The Commissioner has determined that the proposed amendments will not have a significant impact on small businesses, to the extent that the designated agents-brokers qualify as a small business. The new ethics continuing education requirement is part of, and not in addition to, the existing continuing education requirements. Additionally, taking a combination course is an option and is not mandatory. Thus, there will not be a significant impact on these small businesses.

FINDING OF NECESSITY

The Commissioner finds these amended regulations are necessary to implement changes, as well as provide clarification, to the current continuing education requirements beginning with Section 2186.1, and pursuant to CIC 1749.7 et seq.

EFFECT ON JOBS AND BUSINESSES 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 for which the regulations are imposed or would be as effective as and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to these regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS, INITIAL STATEMENT OF REASONS AND FINAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed changes to the regulations. Upon **written or e-mailed**

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

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, the express terms of the proposed action and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, 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

Documents concerning this proceeding are available on the Department's Website. To access them, go to <http://www.insurance.ca.gov>. Find near the end of the rightmost column, under the heading "Quick Links," the "Legal Information" link. Click it. On the "Legal Information" page, click on the "Proposed Regulations" link near the top of the page. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH03028690" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of the code section that the regulations implement ("1749.4"), or search by keyword ("continuing education", for example). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Prelicensing and Continuing Education Curriculum Regulation" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those that have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 253.02 and amend Section 345.16 in Chapter 1, Division 1 of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., August 29, 2005, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by sections 1651, 1665 and 11202(a)(2), of the Vehicle Code in order to implement, interpret or make specific sections 11105, 11105.2, 11105.6, 11204, 11208, 11409, 11410, 11508, 11620 and 11704.5 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law in Vehicle Code section 1665 authorizes the department to provide for the issuance or renewal on a two-year basis of licenses or other indicia of authority issued by the department. Section 1665 authorizes the department to set the fee for such two-year licenses, certificate of registration, or other indicia not to exceed twice the annual fee for issuance or renewal set by statute.

The proposed regulation provides the department shall issue a two-year term renewal license to specified occupational licenses on a staggered basis. The issuance of a two-year term license allows the department to align the license expiration dates with other biennial licensing requirements. The provision allows the department to adopt a licensing process that staggers license expiration dates to effectively control the annual volume of applications received by the department for processing, resulting in uniform workloads and increased oversight of the licensing programs. The regulation will establish the fee for a two-year license and related indicia of authority.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact 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.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- 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. This regulatory action proposed by the department will allow certain occupational licensees to obtain a two-year term license.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California. It will allow certain occupational licensees to operate longer under a license.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses. Occupational licensees that are small businesses may have a two-year instead of a one-year license.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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 action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

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

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are suffi-

ciently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 21. BUSINESS,
TRANSPORTATION AND
HOUSING AGENCY**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT OF INTEREST CODE OF THE
BUSINESS, TRANSPORTATION AND
HOUSING AGENCY**

NOTICE IS HEREBY GIVEN that the Business, Transportation, and Housing Agency, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Business, Transportation and Housing Agency proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment will add the positions that have been absorbed by the Business, Transportation and Housing Agency as a result of the Technology, Trade and Commerce Agency being abolished. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than August 29, 2005, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The Business, Transportation and Housing Agency has prepared a written explanation of the reasons for the proposed amendments and has available informa-

tion on which the amendments are based. Copies of the proposed amendments, the written explanation of reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Business, Transportation and Housing Agency has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, business or small businesses.

In making these proposed amendments, the Business, Transportation and Housing Agency must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Augustin Jimenez
 Special Counsel to the Secretary
 Business, Transportation & Housing Agency
 980 Ninth Street, Suite 2450
 Sacramento, CA 95814
 (916) 323-2820

**TITLE 28. DEPARTMENT OF
 MANAGED HEALTH CARE**

ACTION

Notice of Proposed Rulemaking
 Title 28, California Code of Regulations

SUBJECT

Title, Control #2005-0055, Amending Section 1000 in Title 28, California Code of Regulations

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Director) proposes to adopt regulations under the Health Care Service Plan Act of 1975 (Act) relating to the Department of Managed Health Care's Conflict of Interest Code by amending section 1000 in Title 28, California Code of Regulations. Before undertaking

the action, the Director will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may request in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Health Care's (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Office of Legal Services, Department of Managed Health Care, by 5 p.m. on August 29, 2005. Comments may be transmitted by regular mail, FAX or email:

Email: regulations@dmhc.ca.gov
 Mail Delivery: Regulation Coordinator
 Department of Managed Health Care
 Office of Legal Services
 980 9th Street, Suite 500
 Sacramento CA 95814
 Fax: (916) 322-3968

Please note, if comments are sent via email or fax, there is no need to send the same comments by mail delivery. All comments, including email, fax transmissions or mail delivery should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited. Please address all comments to the Department of Managed Health Care, Office of Legal Services.

1. Inquiries regarding the substance of the proposed regulation described in this notice may be directed to Suzanne Chammout, at (916) 322-6727.
2. All other inquires concerning the action described in this notice may be directed to Elaine Paniewski, at (916) 322-6727.

CONTACTS

Please identify the action by using the Department's regulation control number and title, #2005-0055, section 1000, title 28, in any of the above inquiries.

AVAILABILITY OF DOCUMENTS

Materials regarding the proposed regulations (including this public notice, the proposed regulations, and the Initial Statement of Reasons) are available via the internet. The documents may be accessed at <http://www.hmohelp.ca.gov/library/regulations/> under the heading Proposed Regulations. As required by the Administrative Procedure Act, the Department's Office of Legal Services maintains the rulemaking file. At the present time, the rulemaking file consists of the text of the regulations, the initial statement of reasons, and the notice. The rulemaking file is available for public inspection at the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Suite 500, Sacramento, CA 95814. To view the file, please call to make an appointment: (916) 322-6727.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Health and Safety code sections 1344 and 1346 vest the Director with the power to administer and enforce the provisions of the Act.

California Health and Safety Code section 1344 mandates that the Director have the ability to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules governing applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of the Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to this chapter. In addition, the Director may honor requests from interested parties for interpretive opinions.

California Health and Safety Code section 1346 vests in the Director the power to administer and enforce the Act, including but not limited to recommending and proposing the enactment of any legislation necessary to protect and promote the interests of plans, subscribers, enrollees, and the public.

Government Code section 87300 requires each agency to adopt and promulgate a Conflict of Interest Code. Government Code section 87306 requires every agency to amend its Conflict of Interest Code when change is necessitated by changed circumstances. An amendment is required at this time because the Department has determined that the positions of Graduate Legal Assistant and Senior Legal Analyst are tasked with conducting legal research and preparing analyses for use by Department decision-makers.

Graduate Legal Assistant and Senior Legal Analyst must be added to the list of Designated Positions included in the Appendix to section 1000. Graduate Legal Assistant and Senior Legal Analyst are designated as filers under the Conflict of Interest Code because a designated official/employee is any member, officer, employee or consultant who makes or participates in the making of governmental decisions. A Graduate Legal Assistant and Senior Legal Analyst are tasked with conducting legal research and preparing analyses and participate in the making of governmental decisions.

A clarification regarding income has been added to assist individuals in understanding what the word "income" encompasses. Clarification of the words "real property" has been added. Disclosure of real property located outside the State of California is not contemplated in the Political Reform Act. This clarifies that the real property is only for property located within the State of California.

AUTHORITY

Health and Safety Code section 1344; Government Code sections 87300 and 87306

REFERENCE

Government Code sections 87300-87302

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulation(s) should be addressed to Elaine Paniewski, AGPA, at (916) 322-6727. The Director will accept written, faxed or e-mailed comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Elaine Paniewski, AGPA, at (916) 322-6727 or available on the internet at <http://www.hmohelp.ca.gov/library/regulations/> under the heading Proposed Regulations.

ALTERNATIVES CONSIDERED

Pursuant to Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to its attention, would be more effective in carrying out

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

FISCAL IMPACT STATEMENT

- Mandate on local agencies and school districts: None
- Cost or Savings to any State Agency: None
- Direct or Indirect Costs or Savings in Federal Funding to the State: None
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None
- Costs to private persons or businesses directly affected: 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 Housing Costs: None
- Other non-discretionary cost or savings imposed upon local agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

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

The Department has determined that the regulations do not affect small businesses. Health care service plans are not considered a small business under Government Code section 11342(h)(2).

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs within the State of California.

The Department has determined that the regulations will not significantly affect the creation of new businesses, or the elimination of existing businesses within the State of California.

The Department has determined that the regulations will not significantly affect the expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses currently doing business within the State of California.

FINDING REGARDING REPORTING REQUIREMENT

Government Code section 11346.3(c) provides as follows:

“No administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.”

All reporting requirements included in these regulations do apply to businesses because the Department has determined that the regulations are necessary to maintain the health, safety and welfare of the people of the State of California.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. Initial Statement of Reasons
2. Text of proposed regulations
3. All information upon which the proposal is based (rulemaking file)

This information is available by request at the Department of Managed Health Care, Office of Legal Services, 980 9th St., Sacramento, CA 95814, or on our website at <http://www.hmohelp.ca.gov/library/regulations/>, under the heading, Proposed Regulations.

GENERAL PUBLIC INTEREST

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE TO INTERESTED PARTIES

ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

Draft Technical Support Documents On Proposed Public Health Goals for 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) and Copper in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the draft technical support documents for proposed Public

Health Goals (PHG) for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) and copper in drinking water. The draft documents are posted on the OEHHA Web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft reports during a 45-day comment period. The Office will also hold a public workshop on August 18, 2005, at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 2, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHGs, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the documents as appropriate, and make them available for another 30-day comment period. After any subsequent revisions, the final documents will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

Oral and written comments received at the workshop will be considered during the revision of the draft technical support documents. Written comments must be received at the OEHHA address below by 5:00 p.m. on Sept 2, 2005, to be considered during this revision period for the documents.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Ms. Catherine Caraway (ccaraway@oehha.ca.gov)
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
Headquarters: 1001 I Street, 12th floor
Sacramento, California 95814
Mailing address: P.O. Box 4010
Sacramento, CA 95812-4010
Attention: PHG Project

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

PETITIONER

Paul Hebbe

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC 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 persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections to amend the California Code of Regulations, Title 15, Division 3, Section 3173.1, concerning visiting restrictions with minors.

DEPARTMENT DECISION

The Director of Corrections denies the petitioner's request. In 2003, the Department in accordance with the Administrative Procedure Act, amended Title 15, Division 3, Article 7, Visiting. In these amended regulations, Section 3173.1, Visiting Restrictions With Minors, prohibits the visiting with any minor for any inmate sentenced to prison for violating Penal Code (PC) Sections 261, 264.1, 266(c), 273(d), 285, 286, 288, 288(a), 288.5, or 289. This adopted Section also

retains the former Section 3170.5, which implemented the child victim visiting restrictions of PC Section 1202.05 and added PC Section 273(d) to the list of included offenses that prohibit visiting for the conviction offense of cruel and inhuman corporal punishment of a child. A new provision was also added that allowed the prohibition or restriction of visiting with a child where there is substantial evidence of the misconduct as set forth in Subsection 3177(b)(1).

The intent of the Department in adopting this rule was to prevent harm, abuse, or exploitation of minors by inmates and is preventative, not punitive. This rule gives departmental staff on a case by case basis, the ability to protect visiting children when there is substantial evidence that exists that an inmate has a history of misconduct as described in Section 3177(b)(1), with or without criminal conviction.

The Department recognizes the value of visiting when it fosters a healthy means to establish and maintain meaningful family and community relationships. And the Department reviews ways to improve inmate visiting. However, the safety of all persons including visiting minors and the security of the institutions is the Department's first and foremost responsibility.

**PRECEDENTIAL DECISION
INDEX**

DEPARTMENT OF INSURANCE

CALIFORNIA INSURANCE COMMISSIONER

**NOTICE OF AVAILABILITY OF PRECEDENTIAL
DECISIONS AND DECISION INDEX**

Re: Government Code section 11425.60

NOTICE IS HEREBY GIVEN that the California Insurance Commissioner, pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedent decisions. The index is available to the public by annual subscription from the Administrative Hearing Bureau, Department of Insurance, 45 Fremont St., 22nd Floor, San Francisco, California 94105. The text of the decisions themselves, as well as the index, can also be viewed by appointment at the above address or accessed at any time on the internet at <http://www.insurance.ca.gov>, under the "Legal Materials" section.

**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.

ACUPUNCTURE BOARD
Single use Needles

Prohibits the reuse of acupuncture needles.

Title 16
California Code of Regulations
ADOPT: 1399.454 AMEND: 1399.450, 1399.451
Filed 07/05/05
Effective 07/05/05
Agency Contact: Janelle Wedge (916) 445-1995

AIR RESOURCES BOARD
Diesel Fuel Regs for Harborcraft and Locomotives

In this regulatory action, the Air Resources Board adopts and amends regulations setting forth standards for nonvehicular diesel fuel used in diesel-electric intrastate locomotives and harborcraft.

Title 13, 17
California Code of Regulations
ADOPT: 2299 (Title 13), 93117 (Title 17) AMEND:
2281 (Title 13), 2282 (Title 13), 2284 (Title 13)
Filed 07/05/05
Effective 08/04/05
Agency Contact:
W. Thomas Jennings (916) 322-2884

DEPARTMENT OF FOOD AND AGRICULTURE
Slow Released Plant Nutrients

Effective January 1, 2006, this regulatory action establishes products containing elemental sulfur as a source of nutrient sulfur only when applied to the soil.

Title 3
California Code of Regulations
AMEND: 2311(b)
Filed 07/01/05
Effective 01/01/06
Agency Contact:
Maryam Khosravifard (916) 445-0444

DEPARTMENT OF HEALTH SERVICES
Standard Admission Agreement

Section 1599.61 of the Health and Safety Code requires that all skilled nursing facilities, intermediate care facilities, and nursing facilities use a standard admission agreement and comprehensive Patient's Bill of Rights adopted by the Department of Health Services. This regulatory action adopts both of these documents.

Title 22
California Code of Regulations
ADOPT: 72516, 73518
Filed 07/06/05
Effective 01/02/06
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF SOCIAL SERVICES
Food Stamp Program Eligibility for Drug Free Felons

This regulatory action amends the MPP to extend food stamp benefits to individuals convicted of felony drug offenses for the use or possession of a controlled substance. It describes the conditions of eligibility to obtain these benefits and lists a number of other felony drug offenses that disqualify an individual from the benefits. Pursuant to Welfare and Institutions Code section 18901.3 this regulatory action is a deemed emergency that is exempt from OAL review. This emergency regulatory action is effective on June 29, 2005 and will expire on October 28, 2005. The Certificate of Compliance for this action is due no later than October 27, 2005.

Title 22, MPP
California Code of Regulations
AMEND: 63.103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
Filed 06/29/05
Effective 06/29/05
Agency Contact: Rick Torres (916) 657-2659

FAIR EMPLOYMENT AND HOUSING COMMISSION
Updating Conflict of Interest Code

This is a Conflict of Interest Code filing that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 7286.0
Filed 07/06/05
Effective 08/05/05
Agency Contact:
Jo Anne Frankfurt (415) 557-1502

MANAGED RISK MEDICAL INSURANCE BOARD
Premium Increase for Healthy Families Program

This emergency action codifies the monthly premium payment increases for specified subscribers to the Healthy Families Program as mandated by SB 1103 (Chap. 228, Stats. 2004).

Title 10
California Code of Regulations
AMEND: 2699.6600, 2699.6809
Filed 06/30/05
Effective 06/30/05
Agency Contact:
Donald G. Minnich (916) 327-7978

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
Increase in the Special Fees

Increases the special fee charged to hospitals and long-term care facilities from .027% to .024% of gross operating revenues.

Title 22
California Code of Regulations
AMEND: 90417
Filed 06/30/05
Effective 07/30/05
Agency Contact:
Kenrick J. Kwong (916) 323-7681

PHYSICAL THERAPY BOARD OF CALIFORNIA
Satisfactory Documentary Evidence of Equivalent Degree for PT Licensure

This regulatory action is to implement and make specific Business and Professions Code § 2653 requires an applicant who was issued a diploma by a non-accredited physical therapist education program to furnish "documentary evidence satisfactory to the board" that he/she has completed the equivalent professional degree to that issued by a U.S. accredited physical therapist educational program. This regulation identifies Entry Level Educational Equivalency Reviews (ELEERs) as the tools to determine whether the documentary evidence is satisfactory. The ELEERs cover five different time periods since 1955 and reflect the minimum educational requirements for physical therapists for each of those periods.

Title
California Code of Regulations
ADOPT: 1398.26.1
Filed 07/05/05
Effective 08/04/05
Agency Contact:
Christina Metzen (916) 561-8271

STRUCTURAL PEST CONTROL BOARD
 Course Requirement by County Agricultural
 Commissioners

This regulatory action establishes the procedures and timelines for country agricultural commissioners and licensees to follow when licensees are ordered to take and pass a Board-approved course of instruction. This action also amends regulations dealing with continuing education requirements.

Title 16
 California Code of Regulations
 ADOPT : 1922.3, 1993.1 AMEND: 1950.5, 1951,
 1953
 Filed 07/06/05
 Effective 08/05/05
 Agency Contact: Barbara Howe (916) 561-8700

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN FEBRUARY 9, 2005
 TO JULY 6, 2005**

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

- 07/06/05 AMEND: 7286.0
- 06/24/05 AMEND: 599.502, 599.506
- 06/21/05 AMEND: 18705.5
- 06/16/05 AMEND: Div. 8, Ch. 4, section 25001
- 06/14/05 ADOPT: 18750.2, 18755 AMEND:
18702.4
- 05/31/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312, 1859.313,
1859.314, 1859.315 1859.316, 1859.317,
1859.318, 1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328
- 05/27/05 AMEND: 1859.2
- 05/27/05 AMEND: 20107
- 05/26/05 ADOPT: 18465.1
- 05/26/05 AMEND: 1859.2, 1859.81, 1866
- 05/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1
- 05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND:
1859.2, 1859.73.2, 1859.79.2, 1859.82,
1859.83, 1859.125, 1859.125.1,
1859.145, 1859.163.1, 1859.164.2

- 05/03/05 ADOPT: 20800.1, 20800.2, 20800.3,
20800.4, 20800.5, 20800.6, 20800.7,
20800.8, 20800.9, 20801.1, 20801.2,
20801.3 AMEND: 20800, 20801, 20802
- 05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4
- 04/26/05 AMEND: 1859.2, 1859.42
- 04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,
172.8, 172.9, 172.10
- 03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74
- 03/02/05 AMEND: 1859.73.2, 1859.145.1
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.71.3, 1859.78.5
- 02/24/05 AMEND: 211
- 02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2
- 02/15/05 AMEND: 1859.81

Title 3

- 07/01/05 AMEND: 2311(b)
- 06/27/05 ADOPT: 3591.18
- 06/22/05 AMEND: 3430(b)
- 06/09/05 ADOPT: 3700
- 06/03/05 ADOPT: 3963
- 05/23/05 AMEND: 3636(a)(c)
- 05/16/05 AMEND: 6388
- 05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),
- 04/15/05 AMEND: 1446.9(c), 1454.16(c)
- 04/04/05 AMEND: 6400
- 03/07/05 ADOPT: 1392.8.1(3) AMEND:
1392.8.1.(2)
- 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4,
796.5, 796.6 796.7, 796.8, 796.9
AMEND: Article 8 heading REPEAL:
795.10, 795.13, 795.14, 795.16, 795.17,
795.19, 795.30, 795.32, 795.33, 795.50
- 02/28/05 AMEND: 3430(b)
- 02/24/05 AMEND: 1280.2
- 02/23/05 AMEND: 3423(b)
- 02/15/05 ADOPT: 4603(g)

Title 4

- 06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191
- 05/26/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050
- 04/27/05 AMEND: 1844, 1845
- 04/04/05 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337
- 03/22/05 AMEND: 12250, 12270, 12271, 12272
- 02/28/05 AMEND: 2424

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02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050

Title 5

06/23/05 ADOPT: 11992, 11993, 11994
06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
AMEND: 11967, 11968, 11969
06/20/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19813, 19814, 19814.1, 19817, 19826, 19828
06/09/05 ADOPT: 11511.6, 11516.6, 11516.7, 11517.5 AMEND: 11510, 11511, 11515.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, 11517
06/08/05 ADOPT: 17101 AMEND: 9531
05/26/05 AMEND: 80413
05/26/05 AMEND: 30060
05/06/05 ADOPT: 18220.2, 18224.2, 18224.4, 1840.5, 18249 AMEND: 18220, 18240, 18248
05/06/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
05/06/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19813, 19814, 19814.1
05/06/05 ADOPT: 3075.1, 13075.2, 13075.3, 13075.4 AMEND: 13075
05/05/05 ADOPT: 80021, 80021.1
04/14/05 AMEND: 19836
03/24/05 ADOPT: 80307 AMEND: 80300, 80303, 80310, 80412 REPEAL: 80307
03/21/05 AMEND: 19828.1
03/02/05 AMEND: 55607, 59509 REPEAL: 55310
02/10/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19814, 19814.1, 19817, 19826, 19828
02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544, 9545, 9546, 9547, 9548, 9549, 9550

Title 8

06/28/05 AMEND: 3541, 3542, 3543, 3544, 3545, 3646, 3548, 3549
06/20/05 AMEND: 3649, 3651(a)
06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14
06/15/05 AMEND: 1670(b)(11)(B)
06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4, 9768.5, 9768.6, 9768.7, 9768.8, 9768.9, 9768.10, 9768.11, 9768.12, 9768.13, 9768.14, 9768.15, 9768.16, 9768.17
06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725, 9726, 9727, 9785, 9785.2, 9785.3, 9805,

10150, 10152, 10156, 10158, 10160, 10161, 10163, 10165.5 REPEAL: 10151, 10154

06/06/05 ADOPT: 10133.50, 10133.51, 10133.52, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58, 10133.59, 10133.60
05/31/05 ADOPT: 32032, 32033, 32034, 32035, 32606, 32607, 32608, 32609, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81
05/24/05 AMEND: 3999
05/12/05 AMEND: 9789.11
04/29/05 AMEND: 3456
04/28/05 AMEND: 1637
04/19/05 REPEAL: 16003
04/14/05 AMEND: 8354, 8397.10, 8397.11, 8397.12, 8397.13.
04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6
04/06/05 AMEND: 230.2
03/16/05 AMEND: 344.30
03/08/05 AMEND: 15220, 15220.1, 15220.3, 15220.4
03/07/05 AMEND: 5144
02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14

Title 9

03/25/05 ADOPT: 13000, 13005, 13010, 13015, 13020, 13025, 13030, 13035, 13040, 13045, 13050, 13055, 13060, 13065, 13070, 13075 AMEND: 9846, 10125, 10564

Title 10

06/30/05 AMEND: 2699.6600, 2699.6809
06/23/05 AMEND: 2498.6
06/22/05 AMEND: 260.102.14
06/03/05 AMEND: 2698.70, 2698.71
06/03/05 AMEND: 2698.61, 2698.62
05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11, 2806, 2807, 2807.1, 2807.2, 2807.3, 2807.4, 2808, 2809, 2809.1, 2809.2, 2809.3, 2809.5, 2810, 2810.5, 2811 AMEND: 2814 REPEAL: 2805, 2805.1, 2805.1.5, 2806, 2806.5, 2810, 2810.1, 2810.2, 2810.3, 2810.4, 2810.6, 28
04/29/05 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

04/01/05 ADOPT: 2218.60, 2218.61, 2218.62, 2218.63
 04/01/05 AMEND: 260.140.72, 260.140.72.1, 260.140.72.5
 03/25/05 AMEND: 1556
 03/17/05 ADOPT: 2712 AMEND: 2835, 2840, 2840.1, 2851, 2930
 03/02/05 AMEND: 2318.6, 2353.1, 2354
 02/09/05 AMEND: 260.165

Title 11

06/24/05 AMEND: 63.2
 06/15/05 AMEND: 1005, 1007, 1008
 06/15/05 AMEND: 1053
 06/13/05 ADOPT: 308, 312.1 AMEND: 300, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312
 05/11/05 ADOPT: 61.9
 05/09/05 ADOPT: 28.4
 05/04/05 ADOPT: 51.25
 05/04/05 ADOPT: 61.8
 05/04/05 AMEND: 51.2
 05/04/05 AMEND: 51.7
 05/04/05 ADOPT: 51.23
 05/03/05 AMEND: 51.15
 05/03/05 AMEND: 51.24
 05/03/05 AMEND: 51.14
 05/03/05 AMEND: 51.12
 03/30/05 ADOPT: 2037, 2038 AMEND: 2010, 2037, 2038, 2050
 03/30/05 AMEND: 970, 970.1, 971., 972, 972.1, 972.2, 972.4, 972.5, 972.6, 972.7, 972.9, 973, 973.1, 974, 974.1, 975, 975.1, 975.2, 975.3, 975.4, 975.5, 975.6, 976, 976.1, 976.2, 976.3, 976.4 REPEAL: 975.1
 03/15/05 ADOPT: 996
 02/18/05 AMEND: 63.5
 02/16/05 AMEND: 995.5

Title 12

06/14/05 AMEND: 503(f)
 02/16/05 AMEND: 503(f)

Title 13

05/31/05 AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583, 585, 586, 595, 597
 05/03/05 ADOPT: 159.10
 03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22
 03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194
 03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2263, 2265, 2266.5
 02/22/05 AMEND: 220.04, 220.12, 221.12

Title 13, 17

07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
 AMEND: 2281 (Title 13), 2282 (Title 13), 2284 (Title 13)

Title 14

06/21/05 AMEND: 895, 895.1, 1038, 1038(f)
 06/09/05 AMEND: 27.80
 06/09/05 AMEND: 782
 05/12/05 AMEND: 180.3
 05/12/05 AMEND: 120.01
 05/11/05 AMEND: 150.05
 05/11/05 AMEND: 150.03
 05/11/05 AMEND: 601
 05/11/05 AMEND: 231
 05/11/05 AMEND: 180.15
 05/10/05 AMEND: 150
 05/10/05 AMEND: 150.02
 05/10/05 AMEND: 551
 05/05/05 AMEND: 165
 04/25/05 AMEND: 851.23
 04/25/05 ADOPT: 1038(i) AMEND: 1038(e)
 04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462
 04/22/05 AMEND: 149.1
 04/19/05 AMEND: 670.2
 04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960
 04/11/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
 04/07/05 ADOPT: 1.71 AMEND: 2.09, 2.10, 5.00
 04/04/05 AMEND: 119900
 03/30/05 AMEND: 852, 852.2, 852.3
 03/30/05 AMEND: 825.03, 825.05, 826.01, 826.03, 829.04, 829.05, 827.02
 03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03, 149.1, 149.3 AMEND: 149
 03/25/05 ADOPT: 745.5 AMEND: 746
 03/14/05 AMEND: 150
 03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7, 122, 123, 149, 165, 180, 630, 632, 747 REPEAL: 27.20, 27.25, 27.30, 27.35, 27.40, 27.42, 27.45, 27.50, 27.51, 630.5
 03/01/05 AMEND: 52.10, 150.16
 02/28/05 AMEND: 670.5
 02/28/05 ADOPT: 125
 02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1

Title 15

06/27/05 REPEAL: 3999.1.7
 06/22/05 AMEND: 2000, 2400, 2403
 06/21/05 REPEAL: 3999.1.3
 06/21/05 REPEAL: 3999.1.2
 06/15/05 AMEND: 3335

06/08/05 ADOPT: 2251.5, 2251.6, 2251.7
 AMEND: 2041, 2072, 2073, 2074 RE-
 PEAL: 2050, 2051, 2052, 2054, 2055,
 2056, 2701

06/02/05 AMEND: 1006, 1010, 1018, 1020, 1021,
 1023, 1025, 1028, 1029, 1045, 1046,
 1051, 1052, 1065, 1083, 1144, 1206,
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07/05/05 ADOPT: 1399.454 AMEND: 1399.450,
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06/22/05 AMEND: 1041

05/31/05 AMEND: 4154

05/12/05 AMEND: 1491

05/10/05 ADOPT: 2293, 2294

04/28/05 ADOPT: 1070.3

04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811,
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 1833.2, 1846, 1846.1, 1850.7, 1874,
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04/21/05 AMEND: 1398.38

04/21/05 AMEND: 1399.155

04/14/05 AMEND: 1071, 1083

04/14/05 AMEND: 54.1, 54.2

04/14/05 AMEND: 1398.30

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03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4,
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03/16/05 ADOPT: 4160, 4161, 4162, 4163

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03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208,
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06/22/05 ADOPT: 30194.1, 30194.2 AMEND:
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06/20/05 AMEND: 94501, 94506, 94507, 94508,
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05/18/05 AMEND: 50604, 50605, 54310, 54320,
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05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,
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05/02/05 ADOPT: 50243, 50245, 50247, 50249,
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04/26/05 AMEND: 3030

04/04/05 AMEND: 93115

03/30/05 ADOPT: 54351, 58800, 58811, 58812,
 AMEND: 54302, 54310, 54320, 54370

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03/03/05 ADOPT: 90805, 90806 AMEND:
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05/05/05 AMEND: 18522, 18526, 18523, 18530

05/04/05 AMEND: 6001

04/29/05 ADOPT: 4056.1

04/07/05 AMEND: 1703

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03/18/05 AMEND: 27

03/18/05 AMEND: 1566

03/15/05 ADOPT: 20501, 20502, 20503, 20504,
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03/08/05 AMEND: 1610

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02/18/05 AMEND: 305.3

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05/26/05 AMEND: 3.11

03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emer-
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03/07/05 ADOPT: 2.3.1 AMEND: 8.2

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06/03/05 ADOPT: 4059, 4060, 4062.1, 4066, 4067, 4069, 4072.1 AMEND: 4050, 4052, 4055, 4056, 4057, 4058, 4061, 4062, 4063, 4064, 4070, 4071, 4072, 4073 REPEAL: 4065

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06/29/05 AMEND: 63.103.2, 63-300.5, 63-402.229, 63-503.441, 63-509(b), 63-509(c), 63-801.737(QR)
 06/15/05 AMEND: 80027, 80036, 87224, 87228, 87834, 87836, 101178, 101187, 102384
 05/09/05 AMEND: 80044, 80045, 80066, 80070, 84063, 87344, 87345, 87566, 87570, 87571, 87725, 87725.12, 87844, 87866, 87870, 88069.7, 88070, 89119, 89182, 89244, 89245, 89370, 89566 101200, 101201, 101217, 101221, 102391, 102392

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 06/13/05 ADOPT: 18459.1.2, Form CIWMB 203, Form 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Table 1, Penalty Table 2
 05/31/05 ADOPT: 2917
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