



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

**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: Nevada Joint Union High School District  
Oakdale Joint Unified School District

A written comment period has been established commencing on **May 25, 2007**, and closing on **July 9, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 9, 2007**. 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 **Ashley Clarke**, 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 respec-

tive agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. YOSEMITE COMMUNITY COLLEGE DISTRICT

### NOTICE OF INTENTION TO ADOPT OR AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the (Yosemite Community College District) intends to adopt or amend a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on (May 25, 2007) and terminating on (July 9, 2007). Any interested person may present written comments concerning the proposed code no later than (July 9, 2007) to the (Yosemite Community College District, Chancellor's Office, P.O. Box 4065, Modesto, CA 95352). No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the close of the written comment period, a public hearing.

The (Yosemite Community College District) has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

(The proposed amendment includes the addition of two new positions: 1) Director of IT & Media Services, CC and 2) Campus Operations Manager II. Two positions were condensed into a new position Vice President of Student Learning, CC. The remainder of the amendments are non-substantive due to the renaming of positions.

Copies of the proposed code and all of the information upon which it is based may be obtained from the (Yosemite Community College District, Chancellor's Office, 2201 Blue Gum Avenue, Modesto, CA 95358). Any inquiries concerning the proposed code should be directed to (Shelley Akiona, (209) 575-6509, akionas@yosemite.edu).

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING AMERICAN INDIAN EDUCATION CENTERS

[Notice published May 25, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **9:00 a.m. on July 9, 2007**, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 9, 2007**.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as de-

scribed in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Authority: Section 33382, Education Code.

Reference: Sections 33370, 33381, 33382, 33383 and 62000.14, Education Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The American Indian Education Center (AIEC) Program was established in 1974 by Senate Bill (SB) 2264. The intent is to provide educational services that promote American Indian pupil academic success by providing community-based programs to address the unique academic and cultural needs of American Indian pupils in public schools in California. Many American Indian pupils have a high need for academic support yet they often live in regions that have very few resources for supporting pupil achievement. The AIEC Program was scheduled to sunset January 1, 2007 however; reauthorizing legislation SB 1710 (Ackerman) became law January 1, 2007. The new law requires the SBE to establish guidelines for the selection and administration of AIECs.

The purpose of the regulations is to establish a clear, transparent process for the selection and administration of AIECs funded by the CDE. In order to accomplish this, the proposed regulations define a grant application process for funding the Centers, establish annual reporting requirements for grant recipients, and define fiscal and program monitoring requirements.

#### INCORPORATION BY REFERENCE

The following documents are incorporated by reference and are available from the Regulations Coordinator at CDE:

- General Assurances (revised 2/07)
- Documentation Requirements Certification (issued 12/05)

- Certification Regarding State and Federal Drug-Free Workplace Requirements (revised 8/05)
- Tobacco-Free Certification (revised 5/07)

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: None

Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to CDE funded AIECs and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Judy Delgado, Education Programs Consultant  
California Department of Education  
1430 N Street, Room 6408  
Sacramento, CA 95814  
Telephone: 916-319-0506

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Judy Delgado, Consultant, Migrant, Indian, and International Education Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0506; fax, 916-319-0139. It is recommended that assistance be requested at least two weeks prior to the hearing.

## TITLE 5. BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING CONFLICT OF INTEREST — CHARTER SCHOOLS

[Notice published May 25, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **9:00 a.m. on July 10, 2007**, at 1430 N Street, Room 1801, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 10, 2007**.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may

adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.  
Reference: Sections 47604.32, 47604.5, 47605(b)(5)(l) and 47607(c), Education Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

School district and county office of education governing boards are subject to the conflict of interest provisions applicable to public entities, pursuant to *Government Code* sections 1090 and 87100, et seq. Non-profit and for-profit corporations have their own conflict of interest provisions, which differ from those applicable to public entities. Charter schools, which are public schools yet are often managed and operated by nonprofit and for-profit corporations, do not fit clearly into either category. This lack of clarity about the responsibility of charter school officers and governing board members to disclose potential conflicts of interest and to avoid participating in improper and self-interested transactions creates a potential for abuse in charter school business and financial transactions and the misuse of public funds.

The proposed adoption of regulations in California Code of Regulations, title 5, sections 11961–11961.10, relating to conflict of interest policies for charter schools that are governed by entities other than school district or county office of education governing boards, is necessary to clarify the fiscal conditions that apply to charter schools and to clarify the standards to which charter school business transactions will be held by those entities with oversight authority, including the authority to revoke a charter for fiscal impropriety under Education Code sections 47604.32, 47604.5, 47605(b)(5)(l), and 47607(c).

#### INCORPORATION BY REFERENCE

This regulation incorporates by reference the Conflict of Interest Disclosure Statement. A copy of this

form can be obtained at <http://www.fppc.ca.gov> or by contacting the Regulations Coordinator.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

- Mandate on local agencies or school districts: None
- Cost or savings to state agencies: None
- Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None
- Other non-discretionary cost or savings imposed on local educational agencies: None
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None
- Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.
- Effect on housing costs: None
- Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to public charter schools and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Deborah Probst, Education Programs Consultant  
Charter Schools Division  
California Department of Education  
1430 N Street, Room 5401  
Sacramento, CA 95814  
Telephone: 916-322-6029  
E-mail: [dprobst@cde.ca.gov](mailto:dprobst@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Deborah Probst, Charter Schools Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-322-6029; fax, 916-322-1465. It is rec-

ommended that assistance be requested at least two weeks prior to the hearing.

### TITLE 5. BOARD OF EDUCATION

#### NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CALIFORNIA CODE OF REGULATIONS REGARDING HIGHLY QUALIFIED TEACHERS

[Notice published May 25, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **9:00 a.m. on July 9, 2007**, at 1430 N Street, Room 4102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 9, 2007**.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the



original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Authority: Section 12001, Education Code.

Reference: 20 USC 6319(a) and 7801(23); Section 44275.4, Education Code; and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance January 16, 2004; Individuals with Disabilities Education Act (IDEA) of 2004 Federal Register of August 14, 2006.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law under No Child Left Behind (NCLB) Act of 2001 requires significant changes and sweeping reforms. To meet the key performance goal that all students will be taught by highly qualified teachers, regulations were established to delineate the teacher requirements under NCLB. California's Revised State Plan of Activities for No Child Left Behind: Highly Qualified Teacher was adopted by the SBE in November 2006 and approved by the ED on December 14, 2006. The Revised Plan references development of a Subject Matter Verification Process for Middle and High School Level Teachers in Special Settings (VPSS) through which secondary teachers in special settings would be assisted in establishing subject matter competency. A communication with ED subsequent to the adoption of the Revised State Plan clarified the requirement that the VPSS must be recast to conform with one of the existing avenues for teachers to establish subject matter competency. The SBE took action in January 2007 to adopt the VPSS with the condition that the process be reformulated as a HOUSSE process and that regulations be developed for authorizing the alternative HOUSSE.

Federal flexibility issued March 2004 allows states to create an alternative HOUSSE for secondary alternative education and secondary special education teachers. Under these guidelines, states may streamline this evaluation process by developing a process for these identified teachers to demonstrate subject matter competency in each of their assigned subjects while maintaining a high standard of subject matter mastery.

Specifically, the proposed changes to the Title 5 regulations utilize flexibility in federal guidance to create an

alternative HOUSSE to assist middle and high school level teachers in alternative education, special education, and schools in the Small Rural Schools Achievement (SRSA) program to be considered highly qualified for purposes of meeting the NCLB High Quality Teacher requirements as outlined in the reauthorization.

In order to use this alternative HOUSSE, LEAs will need to (1) complete the new Form 4 — Certificate of Compliance for Subject Matter Verification HOUSSE for Middle and High School Level Teachers in Special Settings (revised February 21, 2007); (2) ensure that the teacher also has a bachelors degree, a California State credential or an Intern Certificate/Credential for no more than three years, and has demonstrated compliance in one NCLB Core Academic Subject as defined in the NCLB (20 USC 9101[11]) including elementary multiple subjects; (3) ensure that the high quality professional development specifications for the Subject Matter Verification HOUSSE Process for Middle and High School Level Teachers in Special Settings, the is consistent with state-adopted academic content standards, curriculum frameworks and adopted texts, and (4) that the teacher has demonstrated competency in the subject matter area(s) to the satisfaction of the professional development provider.

#### INCORPORATION BY REFERENCE

The following forms have been incorporated by reference and are available for review from the Regulations Coordinator:

- Form 1 — NCLB Teacher Requirements: Certificate of Compliance (revised March 16, 2007)
- Form 2 — California High Objective Uniform State Standard of Evaluation, CALIFORNIA HOUSSE, Part 1 — Assessment Qualifications and Experience (revised November 12, 2003)
- Form 3 — California High Objective Uniform State Standard of Evaluation, CALIFORNIA HOUSSE, Part 2 — Assessment of Current Qualifications through Classroom Observation (November 12, 2003)
- (NEW) Form 4 — Certificate of Compliance for Subject Matter Verification HOUSSE for Middle and High School Level Teachers in Special Settings (February 21, 2007)

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

- Mandate on local agencies or school districts: None
- Cost or savings to state agencies: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Lynda Nichols, Title II, Part A State Coordinator  
Professional Development and Curriculum Support  
Division

California Department of Education  
1430 N Street, Room 4309  
Sacramento, CA 95814  
Telephone: 916-323-5822

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil*

*Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Cynthia Olsen, Professional Development and Curriculum Support Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-323-6407; fax, 916-323-2807. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 5. BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING  
AMENDMENT TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 5 REGARDING  
TEXTBOOK WEIGHT STANDARDS**

[Notice published May 25, 2007]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education staff, on behalf of the SBE, will hold a public hearing beginning at **9:00 a.m. on July 9, 2007**, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Strain, Regulations Coordinator  
LEGAL DIVISION  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov). Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on July 9, 2007**.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Authority: Section 49415, Education Code.  
Reference: Section 49415, Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Assembly Bill (AB) 2532 (Pacheco), Chapter 1096 of the Statutes of 2002, required the SBE to adopt maximum weight standards for elementary and secondary school textbooks by July 1, 2004. This legislation specifically required the SBE to take into consideration the health risks to students when devising these new standards.

The SBE took action to adopt weight standards on May 12, 2004. The proposed regulations implement the maximum textbook weight standards adopted by the SBE pursuant to AB 2532.

**DISCLOSURES REGARDING  
THE PROPOSED REGULATION**

*The SBE has made the following initial determinations:*

- Mandate on local agencies or school districts: None
- Cost or savings to state agencies: None
- Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None
- Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None  
Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

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

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business. The “low weight alternative” requirement affects all publishers equally, so small publishers are not disproportionately penalized. Further, smaller publishers already often rely heavily on digital materials which would not be affected by the weight requirement.

#### CONSIDERATION OF ALTERNATIVES

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

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Kenneth McDonald, Education Programs  
Consultant  
California Department of Education  
Curriculum Frameworks Unit  
1430 N Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814

Telephone: 916-319-0447  
E-mail: [kmcdonal@cde.ca.gov](mailto:kmcdonal@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE’s Web site at <http://www.cde.ca.gov/re/lr/r/>.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Unruh Civil Rights Act, any individual with a disability, who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Kenneth McDonald, Curriculum Frameworks Unit, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0447. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 9. DEPARTMENT OF  
REHABILITATION**

**TITLE 9. REHABILITATIVE AND  
DEVELOPMENTAL SERVICES  
DIVISION 3. DEPARTMENT OF  
REHABILITATION**

**NOTICE OF PROPOSED RULEMAKING**

The Department of Rehabilitation (Department) proposes to adopt new regulations and amend existing regulations described below, after considering all comments, objections, or recommendations regarding the proposal.

**PROPOSED REGULATORY ACTION**

The Department of Rehabilitation proposes to adopt new regulations and amend existing regulations in the following sections of Title 9, Division 3, California Code of Regulations (CCR):

Adopt: Sections 7024.9, 7025.4, 7136.4, 7136.6, 7136.7, 7136.8, 7136.9, 7137, 7138, 7179.4, and 7179.5. Amend: Section 7136.5.

**PUBLIC HEARING**

A public hearing will be held on July 9, 2007 at the Department of Rehabilitation, 2000 Evergreen Street, Sacramento, California. The hearing will begin at 10:00 am. and be adjourned immediately following receipt of testimony. It is requested that persons who testify at the hearing also submit two copies of their testimony to the hearing officer.

**WRITTEN COMMENT PERIOD**

Any interested party may submit written comments on the proposed rulemaking action. The written comment period closes at 5:00 p.m. on July 9, 2007. Comments must be received by that time at the Department of Rehabilitation, Regulations Unit, 2000 Evergreen Street, 2<sup>nd</sup> Floor, Sacramento, CA 95815-3832. Comments may be submitted by regular mail or electronically to [jljoyola@dor.ca.gov](mailto:jljoyola@dor.ca.gov).

**ACCESSIBILITY**

On request, the Department will provide copies of the regulation proposal in large print, Braille, on audiotape, or 3.5" diskette. The Department will also transmit copies of the regulation proposal electronically, on request.

The public hearing room is accessible. Individuals who are deaf or hearing impaired and require an interpreter at the hearing, or individuals with disabilities who need any other special assistance, should contact the Department two weeks in advance of the date of the hearing.

**AUTHORITY AND REFERENCE**

Authority: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 USC Sections 705, 720, 721, 722(b) and (d), and 723(a); 34 CFR Sections 361.1, 361.5(b), 361.13(c), 361.45, 361.46, 361.47, 361.48, 361.50, 361.52, 361.53, 361.54, 361.56, and 361.81; and Sections 19011 and 19150(a)(1), Welfare and Institutions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Department proposes to adopt and amend the aforementioned sections of Title 9, Division 3, California Code of Regulations (CCR) based on—

The 1998 amendments to the Rehabilitation Act (Title IV of the Workforce Investment Act of 1998 (P.L. 105-220) as codified in 29 USC 701 et seq.) Section 3 of the Rehabilitation Act (29 USC 702), which establishes in the office of the U.S. Secretary of Education a Rehabilitation Services Administration (RSA) headed by a Commissioner who acts to carry out the duties of the Secretary. Pursuant to Section 12 of the Rehabilitation Act (29 USC 709), the Secretary is responsible for promulgating regulations to carry out the Act, including federal regulations (34 CFR Part 361).

Federal regulations (34 CFR Part 361) implementing the 1998 amendments to the Rehabilitation Act (Federal Register, Vol. 66, No. 11, January 17, 2001).

Federal regulations (34 CFR Section 361.50) authorizing the Department to develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in 34 CFR Section 361.48 and criteria under which each service is provided.

Pursuant to 29 USC Section 723(a), 34 CFR Section 361.48, and Title 9, California Code of Regulations (CCR) Section 7149, the Department of Rehabilitation (Department) provides vocational rehabilitation (VR) services to an individual with a disability to assist the individual to prepare for, secure, retain, or regain an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Pursuant to 29 USC Section 705(11), 34 CFR Section 361.5(b)(16), and Title 9, CCR Section 7011, an employment out-

come means entering or retaining full-time or, if appropriate, part-time competitive employment (as defined in 34 CFR Section 361.5(b)(11) and Title 9, CCR Section 7006.3) in the integrated labor market, including the vocational outcome of self-employment or business ownership. This proposed rulemaking specifies and clarifies the elements of self-employment, and it also establishes written policies covering the nature and scope of each of the VR services specified in 34 CFR Section 361.48 to be provided to individuals who seek employment in a self-employment setting and the criteria under which each service is provided, consistent with 34 CFR Section 361.50.

**Chapter 1. Definitions and Terms**

**Section 7024.9. Self-employment Setting.**

Proposed adoption of a new definition for “Self-employment Setting,” which specifies one of the elements that constitutes self-employment. The Department is required to develop an Individualized Plan for Employment (IPE) for each eligible individual that identifies the employment outcome, the employment setting, and the VR services provided to assist the individual to achieve the employment outcome pursuant to 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131. Pursuant to 29 USC Section 705(11), 34 CFR Section 361.5(b)(16), and Title 9, CCR Section 7011, an employment outcome is defined, in part, as competitive employment in an integrated setting, including self-employment or business ownership. Pursuant to 34 CFR Section 361.81, self-employment means an employment outcome in which the individual works for profit or fee in his or her own business, farm, shop, or office. Section 7024.9 defines “Self-employment Setting” as an employment setting in which an eligible individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

**Section 7025.4. Small Business Consultant.**

Proposed adoption of a new definition for “Small Business Consultant,” which specifies the role of the Small Business Consultant in connection with an eligible individual’s application or receipt of VR services. Pursuant to 29 USC Section 723(a)(13), 34 CFR Section 361.48(s), and Title 9, CCR Section 7149(s), the Department may provide technical assistance and other consultation services (including assistance with the development of business plans) to eligible individuals who are pursuing self-employment or establishing a small business operation as an employment outcome. Section 7025.4 defines “Small Business Consultant” as

an individual who is qualified by education, training, and experience to provide consultation to the Department and to an eligible individual who is interested in working in a proposed self-employment setting regarding the development of a small business plan and the establishment and operation of a small business. The role of the Small Business Consultant is further clarified in Sections 7136.5(f)(4), 7136.8(d) and (f), and 7138(c) of these proposed regulations.

**Chapter 2. Referral and Application Processes; Order of Selection;**

**Eligibility; Record of Services; Individualized Plan for Employment (IPE)**

**Article 5. The Individualized Plan for Employment (IPE)**

**Section 7136.4. Self-employment; Informed Choice.**

Proposed adoption of a new section regarding informed choice, which specifies information that the Rehabilitation Counselor (RC) must discuss with an eligible individual who is interested in working in a self-employment setting prior to development of an IPE.

Proposed Section 7136.4 specifies that the RC shall discuss with the individual: the criteria and process for assessing whether the proposed self-employment setting is appropriate, as specified in Sections 7136.6, 7136.7, and 7136.8 of these proposed regulations; the scope of VR services that may be provided by the Department to assist an eligible individual to achieve employment in a self-employment setting, as specified in Section 7137 of these proposed regulations; and the eligible individual’s responsibility to identify and obtain resources that may be necessary to establish and operate the proposed small business, as specified in Sections 7136.6 and 7136.9 of these proposed regulations. The Department is required by 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 to assure that individuals who apply for or are eligible for VR services are provided meaningful opportunities and information necessary to participate fully in decisions regarding their services. The Department must assure that the availability and scope of informed choice is consistent with the Department’s responsibility for administration of the VR program pursuant to 29 USC Section 722(d)(5), 34 CFR Section 361.52(b)(5), and Title 9, CCR Section 7029.6(c).

**Section 7136.5. Self-employment; Development and Contents of the Individualized Plan for Employment (IPE).**

Proposed amendment of the section title and proposed amendment of the content of existing Title 9,

CCR Section 7136.5. This section, as amended, pertains to the development and contents of an IPE for an eligible individual who is interested in working in a self-employment setting. Existing Title 9, CCR Section 7136.5 is being amended, in part, to remove provisions that are no longer necessary or no longer consistent with 29 USC Section 701 et seq. or 34 CFR Part 361. Some requirements specified in existing Title 9, CCR Section 7136.5 are being retained, with appropriate amendments, either in Section 7136.5 or in other sections in this proposed rulemaking. Existing Title 9, CCR Section 7136.5 also is being amended to add new provisions that specify particular requirements for the development and contents of an IPE for an eligible individual who is interested in working in a self-employment setting.

Existing Title 9, CCR Section 7136.5(a) and (b) specify when a “self-employment plan” will be developed. These provisions are no longer necessary. Section 7136.8 of these proposed regulations specifies when a summary of the proposed small business and the Small Business Plan will be developed, and Sections 7136.6, 7136.7, 7136.8, and 7136.9 of these proposed regulations specify criteria for assessing whether to include a self-employment setting in an individual’s IPE, consistent with 29 USC Section 701 et seq. and 34 CFR Part 361.

Existing Title 9, CCR Section 7136.5(c) specifies that, under certain conditions, a client who is interested in working in a self-employment setting shall complete a proposed self-employment business plan, including specified elements, and existing Title 9, CCR Section 7136.5(d) specifies the process for review of a business plan. These provisions are no longer necessary. Section 7136.8 of these proposed regulations specifies when a Small Business Plan is to be prepared, the contents of such plan, the review of the plan, and assessment of the proposed small business, consistent with 29 USC Section 701 et seq. and 34 CFR Part 361.

Existing Title 9, CCR Section 7136.5(e) and (f) specify the actions that will be taken based on the outcome of the review of the business plan. These provisions are no longer necessary. Section 7136.8 of these proposed regulations specifies actions to be taken after assessment of the proposed small business, including the Small Business Plan, consistent with 29 USC Section 701 et seq. and 34 CFR Part 361.

Existing Title 9, CCR Section 7136.5(g) specifies that Title 9, CCR Sections 7131 through 7134 apply when self-employment is the vocational goal. This is inconsistent with state regulations. Proposed Section 7136.5(a) specifies that an IPE for an eligible individual interested in working in a self-employment setting shall be developed and implemented as soon as an employment outcome and services necessary to assist the

individual to achieve it are identified, in accordance with requirements established in Title 9, CCR Sections 7128–7131 (and the requirements of Section 7136.5). Existing Title 9, CCR Section 7136.5(g)(1) specifies requirements for the client to maintain contact with his/her Counselor. This provision is no longer necessary. Title 9, CCR Section 7029.9(b) requires the individual to maintain regular communication with the Rehabilitation Counselor (RC) regarding progress toward achievement of the employment outcome. Existing Title 9, CCR Section 7136.5(g)(2) includes requirements for monitoring the small business after it begins operation. These provisions are no longer necessary. Section 7138 of these proposed regulations specifies requirements for monitoring the operation of the small business. Existing Title 9, CCR Section 7136.5(g)(3) requires the eligible individual to cooperate fully if the Counselor makes a determination that the intervention of a Business Consultant is required, which may include inspection of the client’s business records. These provisions are no longer necessary. Title 9, CCR Section 7029.9(b) requires the individual to provide information necessary to determine whether the employment outcome is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities and interests and to determine VR services that are needed.

Proposed Section 7136.5(a) specifies that the IPE for an eligible individual interested in working in a self-employment setting shall be developed and implemented as soon as an appropriate employment outcome and services necessary to assist the individual to achieve it are identified, in accordance with general requirements contained in Title 9, CCR Sections 7128–7131 as well as the requirements in Section 7136.5. This assures that the IPE is developed and implemented in a timely manner after eligibility is determined, consistent with 29 USC Section 721(a)(9), 34 CFR Section 361.45(a)(1) and (e), and Title 9, CCR Section 7128(a).

Proposed Section 7136.5(b) specifies that the employment outcome in an IPE for an eligible individual interested in working in a self-employment setting shall include the occupation in which the individual seeks to be employed (e.g., cosmetologist, accountant, etc.) and a description of the proposed self-employment setting. This information assures that the IPE fully describes the desired employment outcome, consistent with 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131.

Proposed Section 7136.5(c) specifies that, as part of IPE development, the eligible individual shall prepare, with the assistance of the RC, a summary of the proposed small business, as specified in Section 7136.8(a) of these proposed regulations. This summary shall be

used, together with other available information, to assess whether the proposed self-employment setting is appropriate, as specified in Section 7136.6 of these proposed regulations, and to identify the nature and scope of VR services to be provided to assist the individual to be employed in the self-employment setting. The individual may be required to prepare a Small Business Plan, as specified in Section 7136.8 of these proposed regulations, if more detailed information is required. The summary of the proposed small business and the Small Business Plan are assessment tools used by the Department to evaluate whether a self-employment setting is appropriate, as specified in Section 7136.6 of these proposed regulations, and to determine the nature and scope of VR services to be provided. The Department may conduct assessments, as needed, consistent with 29 USC Sections 705(2)(B), 722(b)(1), and 723(a)(1), 34 CFR Sections 361.5(b)(6)(ii), 361.45(b)(1), and 361.48(b), Section 19150(a)(1), Welfare and Institutions Code, and Title 9, CCR Sections 7001.5(c), 7128(b), 7130.5(b) and 7149(b).

Proposed Section 7136.5(d) specifies that the IPE identify VR services, consistent with Title 9, CCR Section 7149, to be provided to assist the eligible individual to achieve employment in the chosen occupation identified in the employment outcome. Proposed Section 7136.5(e) specifies how and when to identify in the IPE the VR services relating to the self-employment setting. A proposed self-employment setting is appropriate when consistent with Section 7136.6 of these proposed regulations. Pursuant to proposed Section 7136.5(e)(1), if at the time the IPE is developed the self-employment setting is determined to be appropriate, the IPE shall identify the VR services to be provided, consistent with Section 7137 of these proposed regulations. Pursuant to proposed Section 7136.5(e)(2), if at the time the IPE is developed, additional information is required to assess whether the self-employment setting is appropriate, the IPE shall identify additional assessment activities and services that will be provided. These provisions assure that the IPE is developed in a timely fashion, consistent with 29 USC 721(a)(9), 34 CFR Section 361.45(a)(1) and (e), and Title 9, CCR Section 7128(a), even if additional information is needed to determine the appropriate employment setting, and assures that assessment services are provided in a timely manner. Pursuant to proposed Section 7136.5(e)(3), if it is determined after the IPE is developed that the self-employment setting is appropriate, the IPE shall be amended to identify the VR services to be provided, consistent with Section 7137 of these proposed regulations. Proposed Section 7136.5(d) and (e) are consistent with 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131, which provide that the IPE in-

clude the employment outcome, employment setting, and VR services to be provided, and 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6), and Title 9, CCR Section 7130(a)(6), which provide the IPE be amended if there is a substantive change in the employment outcome or VR services.

Proposed Section 7136.5(f) specifies information related to the self-employment setting to be included in the IPE when it has been determined that the self-employment setting is appropriate, consistent with Section 7136.6 of these proposed regulations. This information includes the following: any one-time, initial costs of establishing the proposed small business to be provided by the Department, consistent with Section 7137 of these proposed regulations; the responsibilities of the individual to actively participate in applying for and obtaining any additional resources necessary to establish and operate the proposed business, consistent with Section 7136.9 of these proposed regulations, before the Department provides or expends VR funds or services to support the individual's working in a self-employment setting; the estimated date upon which the individual is to begin working in the self-employment setting and operating the small business; the methods to be used in monitoring the business and the criteria that will be used to evaluate the individual's progress; and the expected need for post-employment services. Proposed Section 7136.5(f) is consistent with 29 USC Section 722(b)(3), 34 CFR Section 361.46(a) and (c), and Title 9, CCR Section 7131(a) and (b), which require the IPE include: the VR services that are needed for the eligible individual to achieve the employment outcome; criteria used to evaluate the individual's progress; timelines for achieving the employment outcome; the respective responsibilities of the Department and the eligible individual (including the individual's responsibility to financially participate in the cost of services, if applicable, and obtain comparable services and benefits); and the expected need for post-employment services. Post-employment services consistent with Title 9, CCR Section 7021.5 are subject to comparable services and benefits and financial participation of the individual, if applicable, including any income produced by the small business. Comparable services and benefits and financial participation may be required of the individual pursuant to 34 CFR Sections 361.53 and 361.54, and Title 9, CCR Section 7190 et seq.

Proposed Section 7136.5(g) specifies that if it is determined during or after development of an eligible individual's IPE with a proposed self-employment setting, based on additional information and/or assessment(s), that the self-employment setting is not appropriate, as specified in Section 7136.6 of these proposed regulations, the RC and the individual shall discuss alternative employment settings, and the IPE shall



be developed or amended, consistent with informed choice, to include the alternative employment setting and to identify any VR services to be provided to assist the individual to achieve employment in the individual's chosen occupation in the alternative setting. Proposed Section 7136.5(g) is consistent with 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131, which require that the IPE include the employment outcome, employment setting, and VR services to be provided; 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6), and Title 9, CCR Section 7130(a)(6), which require that the IPE be amended if there is a substantive change in the employment outcome or VR services; 29 USC Section 722(b)(2)(C), 34 CFR Section 361.45(d)(3), and Title 9, CCR Section 7130(a)(3), which require that the IPE be approved by the Department's Rehabilitation Counselor; and 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

***Section 7136.6. Self-employment; Assessing the Self-employment Setting.***

Proposed adoption of a new section to specify when it is appropriate for the Department to support an eligible individual's choice to work in a self-employment setting, by providing VR services to assist the individual to obtain work in a self-employment setting as part of the individual's employment outcome.

Proposed Section 7136.6(a) specifies that the Department will support an eligible individual's choice to work in a self-employment setting only when it determines that the proposed self-employment setting is appropriate. The IPE, including the employment outcome, setting, and services to be provided must be approved by the Department's Rehabilitation Counselor pursuant to 29 USC Section 722(b)(2)(C), 34 CFR Section 361.45(d)(3), and Title 9, CCR Section 7130(a)(3). The Department provides VR services to support an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice pursuant to 29 USC 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149. The Department is required to operate the VR program in an effective, efficient, and accountable manner pursuant to 29 USC Section 720(a)(2) and 34 CFR Section 361.1. Pursuant to 34 CFR Section 361.13(c), the Department is responsible for all decisions regarding the nature and scope of available services, the provision of such services, and the allocation and expenditure of VR funds.

Proposed Section 7136.6(b) specifies criteria used to determine when a self-employment setting is appropriate. Proposed Section 7136.6(b)(1) specifies that work-

ing in the proposed self-employment setting must be consistent with the individual's personal attributes, including the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, consistent with 29 USC Sections 720(a)(2)(B), 722(b)(3)(A), and 723(a), 34 CFR Sections 361.5(b)(16), 361.46(a)(1) and 361.48, and Title 9, CCR Sections 7011 and 7149. Proposed Section 7136.6(b)(2) specifies that the proposed small business in which the individual will be self-employed must be reasonably likely to produce sufficient income within a reasonable period after the individual begins operating the business not to exceed 12 months, to pay the necessary ongoing operating expenses of the business and provide income for the individual consistent with competitive employment. VR services are provided in order to assist the eligible individual to achieve "gainful employment" pursuant to 29 USC Section 720(a)(2)(B). Pursuant to 29 USC Section 705(11), 34 CFR Section 361.5(b)(16), and Title 9, CCR Section 7011, an employment outcome means competitive employment, as defined in 34 CFR Section 361.5(b)(11) and Title 9, CCR Section 7006.3. Proposed Section 7136.6(b)(2) specifies a reasonable time period not to exceed 12 months for the small business to achieve this income level, consistent with the criteria for closure of the record of services in Sections 7179.4 and 7179.5 of these proposed regulations. Proposed Section 7136.6(b)(3) specifies that the individual must obtain all resources necessary to establish and operate the small business, including any resources necessary to fund ongoing operating expenses of the business and the individual's basic living expenses until the small business produces income to cover those expenses. 34 CFR 361.5(b)(16) and Title 9, CCR Section 7011 require that the employment outcome be consistent with a number of factors including the individual's "resources." VR services may be provided within the scope of services defined in 29 USC Section 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149. Pursuant to 29 USC Section 720(a)(2) and 34 CFR Section 361.1, the Department shall operate the VR program in an effective, efficient, and accountable manner.

Proposed Section 7136.6(c) specifies that to determine whether a proposed self-employment setting is appropriate, the Department shall consider any existing information; the summary of the proposed small business specified in Section 7136.5(c) of these proposed regulations; and to the extent additional information is necessary, information obtained through assessments (including, if appropriate the development and review of a Small Business Plan). The Department has the authority to conduct assessments to determine the employment outcome and the nature and scope of VR ser-

vices pursuant to 29 USC Sections 705(2)(B), 722(b)(1) and 723(a)(1), 34 CFR Sections 361.5(b)(6)(ii), 361.45(b)(1), and 361.48(b), Section 19150(a)(1), Welfare and Institutions Code, and Title 9, CCR Sections 7001.5(c), 7128(b), 7130.5(b), and 7149(b).

***Section 7136.7. Self-employment; Assessment of Personal Attributes***

Proposed adoption of a new section that specifies how the Department assesses whether working in the proposed self-employment setting is consistent with the eligible individual's personal attributes (including the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice).

The Department is authorized to provide VR services to assist an individual to obtain an employment outcome that is consistent with the particular individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice pursuant to 29 USC 723(a), 34 CFR 361.48, and Title 9, CCR Section 7149. The assessment of an individual's personal attributes in relation to a self-employment setting is consistent with requirements for an employment outcome specified in 29 USC Sections 720(a)(2)(B), 722(b)(3)(A), and 723(a), 34 CFR Sections 361.5(b)(16), 361.46(a)(1), and 361.48, and Title 9, CCR Sections 7011 and 7149.

Proposed Section 7136.7(a), (b), and (c) describe information and methods used to assess whether working in the proposed self-employment setting is consistent with the eligible individual's personal attributes, as specified in Section 7136.6(b)(1) of these proposed regulations. Proposed Section 7136.7(a)(1), (2), and (3) specify that the Department and the individual shall, as appropriate: conduct an exploration of the individual's personal skills and abilities; review the individual's technical knowledge, experience, and education; and review the individual's financial history and credit record, respectively. Proposed Section 7136.7(b) specifies that the assessment of the individual's skills, aptitudes, and interests shall include the use of at least one of the following: self-assessment tests, web resources such as those available through the Small Business Administration, and participation in self-employment workshops or seminars. Proposed Section 7136.7(c) specifies that the Department shall consider the individual's participation in and completion of his or her responsibilities in the VR process when assessing whether working in a self-employment setting is consistent with the individual's personal attributes. The individual's responsibilities during the VR process are specified in Title 9, CCR Section 7029.9. Proposed Section 7136.7(a), (b), and (c) are consistent with 29 USC Sec-

tion 705(2)(B), 34 CFR Section 361.5(b)(6)(ii), and Title 9, CCR Sections 7001.5(c) and 7130.5(b), which require that the Department conduct an assessment, as appropriate, to the extent additional information is necessary to determine the employment outcome and the nature and scope of VR services to be included in the IPE.

Proposed Section 7136.7(d) specifies actions to be taken if the assessment identifies that the eligible individual needs additional training or experience. In such case, the RC and the individual shall consider whether VR services can assist the individual to obtain the necessary training or experience. If such services are available, the IPE shall identify, or shall be amended to identify, such services. Proposed Section 7136.7(e) specifies that if it is determined after assessment that working in the proposed self-employment setting is not consistent with the individual's personal attributes, the RC and the individual shall discuss alternative employment settings, and the IPE shall be developed or amended, consistent with Section 7136.5(g) of these proposed regulations. Proposed Section 7136.7(d) and (e) are consistent with 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131, which require that the IPE include the employment outcome, employment setting, and VR services to be provided; 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6), and Title 9, CCR Section 7130(a)(6), which require that the IPE be amended when there is a substantive change in the employment outcome or VR services; 29 USC Section 722(b)(2)(C), 34 CFR Section 361.45(d)(3), and Title 9, CCR Section 7130(a)(3), which require that the IPE be approved by the Department's Rehabilitation Counselor; and 29 USC Sections 720(a)(3)(C), 721(a)(19) and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

***Section 7136.8. Self-employment; Assessment of the Proposed Small Business.***

Proposed adoption of a new section to specify how the Department assesses the proposed small business, in terms of whether the proposed self-employment setting will produce competitive employment as defined in 34 CFR Section 361.5(b)(11) and Title 9, CCR Section 7006.3. 29 USC Section 705(11), 34 CFR Section 361.5(b)(16), and Title 9, CCR Section 7011 require that an employment outcome for an eligible individual must consist of competitive employment that provides a specified minimum income for the eligible individual. The Department is required to operate an effective, efficient, and accountable VR program pursuant to 29 USC Section 720(a)(2) and 34 CFR Section 361.1, and 34 CFR Section 361.13(c) makes the Department respon-

sible for the allocation and expenditure of VR funds. Funding VR services to assist an individual to obtain employment in a proposed small business that is unlikely to generate sufficient income to be considered competitive employment is not an effective, efficient or prudent expenditure of federal funds.

Proposed Section 7136.8(a) specifies that the eligible individual shall prepare a summary of the proposed small business as part of the IPE development. This summary shall include: the products or services of the proposed small business; the projected monthly income and expenses of the small business for the first 12 months of operation; the number of hours the individual will work in the small business on a monthly basis; the initial costs necessary to establish the proposed small business; the individual's resources; a market analysis and marketing strategy for the small business; and the staffing requirements of the small business. Pursuant to proposed Section 7136.8(b), if more detailed information is necessary, the individual shall prepare a Small Business Plan including elements specified in (e) of this section. The Department may conduct an assessment to obtain any additional information necessary to determine the employment outcome or the VR services to be provided pursuant to 29 USC Section 705(2)(B), 34 CFR Section 361.5(b)(6)(ii), and Title 9, CCR Sections 7001.5(c) and 7130.5(b).

Proposed Section 7136.8(c) specifies that an eligible individual may exercise informed choice and prepare a Small Business Plan when not required to do so, if the preparation of such plan would assist the individual to obtain resources necessary to establish or operate the business, or manage the business. 29 USC Sections 720(a)(3)(C), 721(a)(19) and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 provide the individual with the opportunity to exercise informed choice.

Proposed Section 7136.8(d) specifies that the Department provides consultation and technical assistance, consistent with 29 USC Section 723(a)(13), 34 CFR Section 361.48(s), and Title 9 CCR Section 7149(s), as necessary to assist the eligible individual to prepare or revise a Small Business Plan, through its staff or by referral to other sources.

Proposed Section 7136.8(e) specifies the information that must be included in a Small Business Plan. Many of the requirements are retained from existing regulations in Title 9, CCR Section 7136.5(c), with appropriate amendments for clarity and consistency. The Department has determined that the Small Business Plan shall include: a description of the proposed small business and the products or services to be provided; the form of business organization; a detailed market analysis; a distribution and advertising plan; a projected timetable for starting business operations and an estimate of antici-

pated work hours before operations begin; a financial plan projecting estimated sales, monthly income and operating expenses for the first year of operation, an itemization of the costs associated with establishing the business, and an estimate of when the business will produce income that exceeds operating expenses; a description of required licenses, permits, or zoning variances and insurance; VR services requested from the Department and resources to be obtained from other sources to establish and operate the small business, how the ongoing operating expenses of the small business will be funded, and how the individual will provide for basic living expenses until the small business produces sufficient income consistent with Section 7136.6(b)(2) of these proposed regulations; and a description of the tasks to be performed by the individual to operate the business and anticipated hours that the individual will be required to work to obtain projected income. The preparation of a Small Business Plan is consistent with assessments conducted by the Department pursuant to 29 USC Section 705(2)(B), 34 CFR Section 361.5(b)(6)(ii), and Title 9, CCR Sections 7001.5(c) and 7130.5(b).

Proposed Section 7136.8(f) specifies that the Small Business Plan and any other available information shall be reviewed by the RC, with the assistance of other Department staff with expertise in self-employment and/or a Small Business Consultant, to assess whether the proposed small business is reasonably likely to produce sufficient income to meet the ongoing operating costs of the business and generate income for the individual consistent with Section 7136.6(b)(2) of these proposed regulations. Proposed Section 7136.8(f) also includes a review of the following criteria: whether the small business is reasonably likely to produce the projected income, including whether the products or services can be produced, marketed and/or distributed, whether a market exists for the product or services, whether the small business will be able to produce the product or services in projected quantities, and whether the projected income of the proposed small business is consistent with industry standards; whether the projected ongoing operating expenses are necessary for the operation of the business, whether they are usual and customary for similar businesses, and whether they are sufficient in amount to generate the projected products or services; whether the proposed income of the small business is sufficient to pay for the projected ongoing operating expenses; whether the small business is subject to potential liability, risks or insurance requirements that will negatively affect projected income; whether the projected initial costs are necessary and are usual and customary for similar small businesses; whether all resources necessary to establish and operate the small business have been identified, including funding

sources for the ongoing operating expenses of the small business and the individual's basic living expenses; and any other factors that would affect the projected income or expenses associated with the small business, or the individual's ability to establish and operate the business. The Department has determined that a review of criteria specified in proposed Section 7136.8(f)(1)–(7) is necessary to assess whether the employment outcome is appropriate and will result in competitive employment, and to determine the nature and scope of VR services to be provided. The review of criteria specified in proposed Section 7136.8(f)(1)–(7) is consistent with assessments conducted pursuant to 29 USC Section 705(2)(B), 34 CFR Section 361.5(b)(6)(ii), and Title 9, CCR Sections 7001.5(c) and 7130.5(b).

Proposed Section 7136.8(g) identifies typical ongoing operating expenses of a small business that any business must be able to fund on an ongoing basis out of the proceeds of the business in order for the business to stay in operation. A proposed self-employment setting that cannot generate sufficient income to meet these ongoing expenses does not constitute an employment outcome consistent with 29 USC Section 705(11), 34 CFR Section 361.5(b)(16), and Title 9, CCR Section 7011, which require that an employment outcome consist of competitive employment defined in 34 CFR 361.5(b)(11) and Title 9, CCR Section 7006.3. Proposed Section 7136.8(g) also specifies those VR services in 29 USC 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149 that are considered to be ongoing, operating expenses of the small business to be paid out of the proceeds of the business.

Proposed Section 7136.8(h) specifies the actions to be taken if it is determined after assessment of the proposed small business that the self-employment setting is not appropriate because it will not generate sufficient income, as specified in Section 7136.6(b)(2) of these proposed regulations. In such case, the RC and the individual shall discuss alternative employment settings, and the IPE shall be developed, or amended, consistent with Section 7136.5(g) of these proposed regulations. This section is consistent with the requirements in 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131 that the IPE include the employment outcome, employment setting, and VR services to be provided; the requirements in 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6), and Title 9, CCR Section 7130(a)(6) that the IPE be amended when there is a substantive change in the employment outcome or VR services; the requirements in 29 USC Section 722(b)(2)(C), 34 CFR Section 361.45(d)(3), and Title 9, CCR Section 7130(a)(3) that the IPE be approved by the Department's Rehabilitation Counselor; and the requirements in 29 USC Sections 720(a)(3)(C),

721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

***Section 7136.9. Self-employment; Assessment of Necessary and Available Resources.***

Proposed adoption of a new section to specify how the Department assesses whether the eligible individual is able to obtain all resources necessary to establish and operate the proposed small business, as specified in Section 7136.6(b)(3) of these proposed regulations.

Proposed Section 7136.9(a) specifies the Department and the eligible individual shall, as appropriate: identify resources necessary to establish and operate the proposed small business, using a summary of the proposed small business or a Small Business Plan, as specified in Section 7136.8 of these proposed regulations; identify sources from which necessary resources can be obtained; identify technical assistance to be provided to the individual to assist in applying for or obtaining funding from other sources; and identify when resources will be obtained by the individual. This is one means of determining whether all necessary resources are available or if additional resources are required. Section 7136.9(a) is consistent with: the scope of VR services that are provided by the Department as specified in 29 USC Section 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149; the requirement in 29 USC Section 722(b)(3), 34 CFR Section 361.46(a)(1), and Title 9, CCR Section 7131(a) that the employment outcome included in the IPE must be consistent with the individual's circumstances, including the individual's "resources"; the requirement that eligible individuals must use comparable services and benefits defined in 34 CFR Section 361.5(b)(10) and Title 9, CCR Section 7006, pursuant to 29 USC Section 721(a)(8), 34 CFR Section 361.53, and Title 9, CCR Section 7131(a)(6); the requirement in 34 CFR Section 361.54 and Title 9, CCR Section 7131(a)(6) that the eligible individual financially participate in the cost of VR services, when applicable; the requirements in 29 USC Section 720(a)(2) and 34 CFR Section 361.1 that the Department operate an effective, efficient, and accountable VR Program; and the requirements in 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

Proposed Section 7136.9(b) pertains to an individual's responsibility to obtain resources that are necessary to establish and operate the proposed small business. 29 USC Section 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149 list the VR services the Department may provide and does not include all resources required to establish and operate a small business. Consis-

tent with the Department's obligation to operate an effective, efficient and accountable program pursuant to 29 USC Section 720(a)(2) and 34 CFR Section 361.1, the individual must obtain such necessary resources prior to the Department's commitment of VR funds or services. Section 7136.9(b) specifies that in identifying and assessing available resources, the individual may, but is not required to, obtain a loan or utilize a Plan for Achieving Self-Support (PASS) issued by the Social Security Administration (SSA) to fund the proposed small business, however, if resources in addition to the initial costs provided by the Department are required to establish and operate the proposed small business, the individual is responsible for obtaining such resources, and must decide, based on informed choice, whether to obtain funding through a loan, a PASS or other sources, or to seek employment in an alternative setting. An individual may exercise informed choice during the VR process pursuant to 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6.

Proposed Section 7136.9(c) specifies that the Department shall consider denial of funding from a source outside the Department and the reasons for denial of funding when assessing whether the self-employment setting is appropriate, as specified in Section 7136.6 of these proposed regulations. The inability of the individual to obtain all resources necessary to fund the operation of the proposed small business is relevant to whether the employment outcome is appropriate. Proposed Section 7136.9(d) accounts for instances where the individual is unable to obtain all resources necessary to establish and operate the small business. In such case, the RC and the individual shall discuss alternative employment settings, and the IPE shall be developed or amended consistent with Section 7136.5(g) of these proposed regulations. Section 7136.9(d) is consistent with 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a) and Title 9, CCR Sections 7130 and 7131 that the IPE include the employment outcome, employment setting, and VR services to be provided; the requirements in 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6) and Title 9, CCR Section 7130(a)(6) that the IPE be amended when there is a substantive change in the employment outcome or VR services; the requirements in 29 USC Section 722(b)(2)(C), 34 CFR Section 361.45(d)(3) and Title 9, CCR Section 7130(a)(3) that the IPE be approved by the Department's Rehabilitation Counselor; and the requirements in 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

***Section 7137. Self-employment; Scope of Services Provided for a Self-employment Setting.***

Proposed adoption of a new section to specify the role of the Department with respect to assisting an individual to achieve employment in a self-employment setting. Pursuant to 29 USC 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149, the Department provides VR services for the purpose of assisting an individual to obtain an employment outcome. Consistent with 29 USC 705(11), 34 CFR Section 361.5(b)(16), Title 9, CCR Section 7011, an employment outcome must provide competitive employment for which an individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid for the same or similar work, consistent with 34 CFR Section 361.5(b)(11) and Title 9, CCR Section 7006.3.

Proposed Section 7137(a) specifies that the Department provides assessment, technical assistance, training, and certain one-time, initial costs, consistent with 29 USC Section 723(a), 34 CFR Section 361.48, and Title 9, CCR Section 7149. Proposed Section 7137(b) specifies one-time, initial costs that the Department may provide, as appropriate, as VR services, to the extent they are specified in Title 9, CCR Section 7149, which identifies VR services that may be provided by the Department. Section 7137(b) also clarifies that initial costs provided by the Department must be appropriate and necessary for the individual to achieve employment in a self-employment setting and be consistent with the usual and customary initial costs typically required to establish similar small businesses. For clarity, Section 7137(b) specifies examples of common, one-time, initial costs associated with a self-employment setting, consistent with Title 9, CCR Section 7149, including: payment of occupational license fees, purchase or lease of tools or other equipment, purchase of initial stock and supplies necessary for a period not to exceed six months, and payment of initial deposits required for rental agreements or utility service. These provisions are necessary to assure that the Department operates an effective, efficient, and accountable VR program, consistent with 29 USC Section 720(a)(2) and 34 CFR Section 361.1. Proposed Section 7136.9(c) specifies that the Department shall consider and utilize the most cost effective means appropriate to provide the initial costs, including use of leased rather than purchased equipment, for a lease period not to exceed six months and acquiring initial stock on a consignment basis. These provisions are necessary to assure that the Department operates an effective, efficient, and accountable VR program, consistent with 29 USC Section

720(a)(2) and 34 CFR Section 361.1. Proposed Section 7137(d) specifies costs that are not considered to be initial costs paid for by the Department. The Department's role is not to remove all obstacles to establishing a small business, to underwrite the expansion of a business, to subsidize its losses, or to provide major capital costs that are typically funded by loans or other sources of capital obtained by the business and paid for over time from the proceeds of the business. A proposed self-employment setting that cannot generate sufficient income to meet ongoing expenses does not constitute an employment outcome defined in 29 USC Section 705(11), 34 CFR Section 361.5(b)(16) and Title 9, CCR Section 7011 that is competitive employment as defined in 34 CFR Section 361.5(b)(11) and Title 9, CCR Section 7006.3. Section 7137(d) also specifies that the Department will not provide funds for construction, consistent with Title 9, CCR Section 7149.1. It also specifies that the Department will not provide VR funds to purchase or lease a vehicle for use in operating a small business. Title 9, CCR Sections 7029, 7149, and 7161 specify that the purchase of a vehicle is considered a transportation service, and transportation services are provided only when necessary to enable an eligible individual to participate in a VR service. Use of a vehicle in operation of a business is not consistent with this limitation and does not constitute a VR service (transportation).

***Section 7138. Self-employment; Monitoring the Operation of the Small Business.***

Proposed adoption of a new section to specify the process for monitoring the small business after it begins operation. Proposed Section 7138(a) specifies that the RC shall monitor the eligible individual's employment in the self-employment setting specified in the IPE after the individual begins operating the small business, for a period of no less than 90 days and no more than 12 months. Consistent with Title 9, CCR Section 7024, the RC is responsible for monitoring progress toward achievement of an employment outcome and determining when it is appropriate to close an individual's record of services with an employment outcome. The IPE must include criteria for measuring progress toward the employment outcome pursuant to 29 USC Section 722(b)(3), 34 CFR Section 361.46(a), and Title 9, CCR Section 7131(a). The Department closes a record of services when the eligible individual has achieved the employment outcome in the IPE under specified circumstances, maintained the employment outcome for at least 90 days, when the RC and the individual consider the employment to be satisfactory and agree that the individual is performing well, and when the individual has been informed of the availability of post-employment services, consistent with 34 CFR Section 361.56

and Title 9, CCR Section 7179.2. Proposed Section 7138(a) specifies that the RC shall monitor the individual's work for the first three to 12 months after the individual begins operating the small business, in recognition that it may take longer for an individual to achieve stability in a self-employment setting than in more traditional employment (where the minimum monitoring period is 90 days).

Proposed Section 7138(a) specifies the purpose of monitoring, which is to determine: whether the individual is able to maintain employment in the self-employment setting, the need for additional training or technical assistance to maintain the employment, whether the small business is producing the projected income, and whether the criteria for closure of the record of services have been met. Proposed Section 7138(b) specifies that if the individual is having difficulty maintaining employment in the self-employment setting, or the small business is not achieving the monthly projected income specified in the summary of the proposed small business or Small Business Plan, the RC and the individual, with technical assistance from other Department staff with expertise in self-employment and/or a Small Business Consultant, shall identify problems, assess whether additional training or technical assistance could assist the individual to overcome the identified problems, and reassess whether the self-employment setting is appropriate, as specified in Section 7136.6 of these proposed regulations. The Department may provide technical assistance and consultation services pursuant to 29 USC Section 723(a)(13), 34 CFR Section 361.48(s) and Title 9, CCR Section 7149(s).

Proposed Section 7138(c) and (d) specify actions to be taken depending on the results of the required monitoring. If it is determined that the employment setting is still appropriate, as specified in Section 7136.6 of these proposed regulations, and that additional training or technical assistance will assist the individual to maintain employment in the self-employment setting, the IPE shall be amended to identify the training or technical assistance to be provided, and the RC shall continue to monitor the individual's employment for purposes specified in subsection (a) of this section. If it is determined during the monitoring period that the self-employment setting is not appropriate and/or that the individual is not able to maintain employment in the self-employment setting, and that additional training or technical assistance will not assist or is declined by the individual, the RC and the individual shall discuss alternative employment settings, and the IPE shall be amended, as appropriate, consistent with Section 7136.5(g) of these proposed regulations, or the individual's record of services shall be closed as specified in Section 7179.5 of these proposed regulations. Section

7138(c) and (d) are consistent with the requirements in 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a) and Title 9, CCR Sections 7130 and 7131 that the IPE include the employment outcome, employment setting, and VR services to be provided; the requirements in 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6) and Title 9, CCR Section 7130(a)(6) that the IPE be amended when there is a substantive change in the employment outcome or VR services; and the requirements in 29 USC Sections 720(a)(3)(C), 721(a)(19) and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice.

**Chapter 4. Standards for Closing the Record of Services**

**Section 7179.4. Self-employment; Closure with an Employment Outcome.**

Proposed adoption of a new section to specify conditions under which the record of services of an individual whose IPE includes a self-employment setting may be closed with an employment outcome. Proposed Section 7179.4(a) specifies that for purposes of the closure requirements in Title 9, CCR Section 7179.2(a)(2) and (3), an eligible individual is considered to have achieved an employment outcome in a self-employment setting when: the individual has maintained employment in the self-employment setting specified in the IPE for a sufficient period of three months to one year, for the individual and the RC to determine that the employment in the self-employment setting is stable, and that the individual is earning at or above minimum wage but not less than the customary wage and benefit level received by individuals engaged in the same or similar self-employment; and the individual and the RC agree that the employment outcome in the self-employment setting is satisfactory, and the individual is performing well. Proposed Section 7179.4(b) specifies that at closure, any equipment purchased by the Department and loaned to the eligible individual in connection with the IPE shall be returned to the Department or provided to the individual, as specified in Title 9, CCR Section 7194.

**Section 7179.5. Self-employment; Closure without an Employment Outcome.**

Proposed new section to specify conditions under which the record of services of an individual whose IPE includes a self-employment setting shall be closed without an employment outcome. Proposed Section 7179.5(a) specifies that the record of services for an eligible individual whose IPE includes a self-employment setting shall be closed without an employment outcome when it is determined that the self-employ-

ment setting is not appropriate, as specified in Section 7136.6 of these proposed regulations; or that the eligible individual is unable to maintain employment in the self-employment setting; or the individual has not met the criteria for a successful employment outcome specified in Section 7179.4 of these regulations within 12 months after beginning operation of the small business, whichever occurs earlier; and the RC has offered the individual an opportunity to discuss alternative employment settings and other VR services that could be provided to assist the individual in obtaining employment in an alternative setting, and the individual declines such services or such services are not available. This section is consistent with the requirements in 29 USC Section 722(b)(3), 34 CFR Sections 361.45(d)(2) and 361.46(a), and Title 9, CCR Sections 7130 and 7131 that the IPE include the employment outcome, employment setting, and VR services to be provided; the requirements in 29 USC Section 722(b)(2)(E), 34 CFR Section 361.45(d)(6), and Title 9, Section 7130(a)(6) that the IPE be amended when there is a substantive change in the employment outcome or VR services; and the requirements in 29 USC Sections 720(a)(3)(C), 721(a)(19), and 722(b) and (d), 34 CFR Sections 361.45(d)(2) and 361.52, and Title 9, CCR Section 7029.6 regarding informed choice. Proposed Section 7179.5(b) specifies that at closure, any equipment purchased by the Department and loaned to the individual in connection with the IPE shall be returned to the Department or provided to the individual, as specified in Title 9, CCR Section 7194.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has determined that these proposed regulations do not impose a mandate on local agencies or school districts and do not require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4.

The Department has determined that there is 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, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the state.

The Department has made an initial determination that these 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. These proposed regulations pertain to the internal administration and operation of the Department's vocational rehabilitation program and have no impact on California businesses. These proposed regulations do

not impose reporting, recordkeeping, or other compliance requirements on California businesses.

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

The Department has determined that these proposed regulations will not affect small business as defined in Government Code Section 11342.610. These proposed regulations pertain to the internal administration and operation of the Department's vocational rehabilitation program. These proposed regulations do not require that small business legally comply with or enforce the regulations, nor does small business derive a benefit or incur a detriment from the enforcement of the regulations.

The Department has determined that these proposed regulations will not affect the following: 1) the creation or elimination of jobs within the State of California; 2) the creation of new businesses or the elimination of existing businesses within the State of California; or 3) the expansion of businesses currently doing business within the State of California. These proposed regulations pertain to the internal administration and operation of the Department's vocational rehabilitation program and have no impact on California businesses.

The Department has made an initial determination that these proposed regulations will not have a significant effect on housing costs: The proposed regulations pertain to the internal administration and operation of the Department's vocational rehabilitation program and do not directly or indirectly affect housing costs.

#### CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the aforementioned public hearing or during the written comment period. Any business or person submitting a comment regarding a proposed action may request a copy of the final statement of reasons.

#### CONTACT PERSON

Inquiries concerning the substance or express terms of the proposed regulations and requests for copies of the text of the proposed regulations, the initial statement of reasons, the modified text of the regulations, if any, the final statement of reasons, or any other information upon which the proposed rulemaking is based should be directed to:

Primary Contact:

Kelly Hargreaves, Chief Counsel  
Department of Rehabilitation  
2000 Evergreen Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95815-3832  
Telephone: (916) 263-8975  
FAX: (916) 263-7473  
TTY: (916) 263-7477

Designated Backup Contact Person:

Juanita Loyola, Regulations Analyst  
Department of Rehabilitation  
2000 Evergreen Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95815-3832  
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An initial statement of reasons has been prepared for this proposed rulemaking and is available now from either of the contact persons listed above. A complete rulemaking file, containing all materials and documentation related to the proposed rulemaking, is maintained by the Department at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Pursuant to Government Code Section 11340.85, within a reasonable time of issuance, the following documents related to this proposed rulemaking will be posted on the Department's Internet website: public notice; initial statement of reasons; final statement of reasons; notice of a decision not to proceed; the text of a proposed action; a statement of any decision made by the Office of Administrative Law (OAL) regarding a proposed action; the date a rulemaking action is filed with the Secretary of State; the effective date of a rulemaking action; and a statement to the effect that a business or person submitting a comment regarding the proposed action has the right to request a copy of the final statement of reasons. The Department's Internet address is <http://www.dor.ca.gov>. To view documents related to this rulemaking, click on "FYI" and select "Proposed Changes to DOR Regulations."



**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After consideration of public comments, the Department may adopt the proposed regulations substantially as set forth without further notice. If the proposed regulations are modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulations, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation. The modified regulations, if any, will be posted on the Department's Internet website at <http://www.dor.ca.gov>. To view modified regulations, click on "FYI" and select "Proposed Changes to DOR Regulations."

Any written comments received by the Department regarding the modified regulations must be responded to in the final statement of reasons required by Government Code Section 11346.9. Comments may be submitted by regular mail or electronically to [jloyola@dor.ca.gov](mailto:jloyola@dor.ca.gov).

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

Copies of the final statement of reasons may be obtained by any interested party on request from either of the contact persons listed herein and will be available on the Department's Internet website within a reasonable period of time after completion. The Department's Internet address is <http://www.dor.ca.gov>. To view the final statement of reasons and other documents related to this rulemaking, click on "FYI" and select "Proposed Changes to DOR Regulations."

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105**

**File No: REG-2007-00005                      May 15, 2007**

**NOTICE OF PROPOSED  
REGULATORY ACTION**

**SUBJECT OF PROPOSED  
REGULATORY ACTION**

Revised Mandated Benefits Analysis Regulation

**AUTHORITY AND REFERENCE**

The Commissioner proposes to amend Title 10, Chapter 5, Subchapter 2, Article 1.3 of the California Code of Regulations in order to reflect recent amendments to California Health and Safety Code; the subject regulations as originally drafted prescribed specific mechanisms for the calculation, assessment and collection of fees by the Insurance Commissioner from health insurers to fund a study by the University of California of the efficacy of benefits prescribed by legislative mandate. The Insurance Commissioner was required by California Health and Safety Code Sections 127660-127762 (in conjunction with the Department of Managed Care) to provide up to two million dollars [\$2,000,000] to fund this study through assessments on health insurers for the Fiscal Years 2002-3, through 2005-6.

In September of 2006 the California Legislature amended the Health & Safety Code to require that the study of mandated legislative benefits be continued through the end of Fiscal Year 2009-2010 and that the Insurance Commissioner continue to assess health insurers to fund the study. Accordingly, the Insurance Commissioner now proposes to amend the regulation so that it is fully consistent with amended California Health and Safety Code Section 127662. These regulations are intended to implement, interpret and make specific that amended provision of the California Health and Safety Code.

**HEARING DATE, TIME AND LOCATION**

No public hearing is scheduled for this rulemaking. Pursuant to California Government Code section 11346.8(a) any person (or their authorized representative) may request that such a hearing be held. To request a hearing, submit the request in writing and direct the request to Debra A. Chaum at the address indicated below. Such request must be made no later than 5:00 p.m. on June 25, 2007.

**PRESENTATION OF WRITTEN AND/OR ORAL  
COMMENTS; CONTACT PERSONS**

Debra A. Chaum, Senior Staff Counsel  
California Department of Insurance, Legal Division  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4115

George Teekell  
(415) 538-4390

**DEADLINE FOR WRITTEN COMMENTS**

All written materials [including e-mail transmissions] must be received by the Insurance Commission-

er, addressed to the contact person and address designated above, no later than 5:00 p.m. on July 9, 2007. 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 that they are sent to the following e-mail address: [chaumd@insurance.ca.gov](mailto:chaumd@insurance.ca.gov).

**ACCESS TO HEARING ROOMS**

Please contact the contact person designated above.

**INFORMATIVE DIGEST**

**SUMMARY OF EXISTING LAW AND POLICY  
STATEMENT OVERVIEW**

California Health and Safety Code Sections 127760–2 became effective as law on January 1, 2002. This statutory scheme required the University of California to prepare an analysis and systematic review of health benefits currently mandated by Legislature to determine if legislatively mandating that health insurers provide certain health benefits is in the public interest.

The health benefits to be reviewed were specified at California Health and Safety Code Section 127760(c) and include such important benefits as bone marrow testing for prospective donors, infertility treatments, hearing aids, and treatment for substance related disorders. California Health and Safety Code Section 1277662(a) requires that the California Department of Insurance and Department of Managed Care provide up to two million dollars towards the cost of this review by assessing health insurers and health care service plans for the costs of the study. Although the referenced statute requires the Department of Insurance to fund a portion of the above described study, there is no formula set forth for the computation of each individual health insurer's fee. Additionally, the enabling statutes do not specify any mechanism or procedure for the assessment or collection of the required fee.

The Commissioner has determined that the adoption of this regulation is necessary in order to effectively administer California Health and Safety Code Sections 127762. The amendment to the regulation proposed herein would essentially prescribe the manner in which each health insurer continues to calculate and pay the assessment as originally required by California Health

and Safety Code Sections 127662 for the Fiscal Years 2006–7, 2007–8, 2008–9 and 2009–10.

**Effect of Proposed Action**

The major effects of the regulations are as follows:

**Proposed California Code of Regulations section 2218.63(b)**

California Health and Safety Code Section 127662(as amended in 2006) requires that the Insurance Commissioner assess health insurers to fund a study of legislatively mandated benefits for the Fiscal Years 2006–7 through Fiscal Year 2009–10.

California Code of Regulations Subsection 2218.63 (b) provides that invoices issued pursuant to regulations shall assess a fee calculated from each health insurer for the Fiscal Years 2002–3, 2003–4; the subsection goes on to provide that separate invoices shall be issued for the Fiscal Years 2004–5 and 2005–6, respectively.

The Commissioner proposes to amend subsection 2218.63(b) so that it correctly reflects legislative change made to California Insurance Code Section 127662 by requiring the Commissioner to assess health insurers the prescribed statutory assessment for the Fiscal Years 2006–7, 2007–8, 2008–9 and 2009–10.

Additionally, the Commissioner has eliminated the provision of the regulation that requires that separate invoices shall be issued for the Fiscal Years 2004–5 and 2005–6, as the scope of the amended statute is prospective only and does not require both prospective and retroactive accounting methodologies.

The purpose of this subsection is to implement the amended statutory subsection and to clarify and specify that the health insurers are obligated pay the assessment prescribed by the enabling statute through Fiscal Year 2009–10.

**MANDATES**

These 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 that 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 do not have a significant, statewide adverse economic impact directly affecting business or the ability of California businesses to compete with businesses in other states.

POTENTIAL COST IMPACT ON PRIVATE  
PERSONS OR ENTITIES

The Commissioner has made an initial determination that a representative private person or entity may incur additional expenses as a result of these regulations. A fully detailed analysis of the additional expense contemplated is set forth in the rulemaking file. In summary the Statistical Analysis Division of the Department of Insurance has determined that the cost of the contemplated assessment of health insurers will be eleven cents per covered life for the Fiscal Year 2006–7 and potentially twelve cents per covered life for the Fiscal Years 2007–8, 2008–9 and 2009–10.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

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 the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendment to the regulations will have no direct impact on small businesses as the entities regulated by these regulations are health insurers and are specifically excluded from the definition of small business as set forth in the California Government Code.

COMPARABLE FEDERAL LAW

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

TEXT OF REGULATIONS AND INITIAL  
STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the regulations. Upon 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 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, 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 at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

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 in the leftmost column the link entitled ‘Legal.’ Click on it. On the ‘Legal’ page select 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 (the Department’s regulation file number for these regulations) in the search field. Alternatively, search using as your search term the section number of a code section that the regulations implement. [For instance, “127660”], or search by keyword [“revised mandated benefits analysis”]. 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 Mandated Benefits Analysis Regulations 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 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 14. DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

**Title 14 of the California Code of Regulations**

[Notice Published May 25, 2007]

<u>County Name</u>	<u>Hearing Date and Time</u>	<u>Hearing Location</u>	<u>Local Contact Person</u>
Alameda	July 10, 10:00 AM	Dublin City Library, 200 Civic Plaza, Dublin, CA 94586	Eric Wood (408) 778-8620
Alpine	June 19, 3:00 PM	Turtle Rock Park Community Center, 17300 Hwy 89, Markleeville, CA 96120	Gianni Muschetto (530) 647-5234
Amador	June 20, 3:00 PM	Sutter Creek Community Building, 33 Church Street, Sutter Creek, CA 95685	Gianni Muschetto (530) 647-5234

**NOTICE OF PROPOSED RULEMAKING**

**Fire Hazard Severity Zones, 2007**

The California Department of Forestry and Fire Protection (CAL FIRE) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

CAL FIRE proposes to amend the following sections of Title 14, Chapter 7. Fire Protection, Subchapter 3 Fire Hazard, Article 1. Fire Hazard Severity, of the California Code of Regulations (14 CCR):

**§1280. Fire Hazard Severity Zones**

**PUBLIC HEARINGS**

CAL FIRE will hold a series of public hearings in every county with State Responsibility Areas described below pursuant to PRC 4205. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. CAL FIRE requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to CAL FIRE during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by CAL FIRE and shall be made available upon request.

The hearing locations, dates, starting time, and local contact person for all hearings are shown below:

**CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 21-Z**

<u>County Name</u>	<u>Hearing Date and Time</u>	<u>Hearing Location</u>	<u>Local Contact Person</u>
Butte	June 27, 3:00 PM	Butte County Employment Center, Andes Rm., 78 Table Mountain Rd., Oroville	Jeff Harter (530) 538-7111
Calaveras	June 25, 3:00 PM	Calaveras Works and Human Services Agency, Sequoia Room, 509 E St., Charles (Hwy 49), San Andreas, CA 95249	Rich Strazzo (209) 754-2725
Colusa	June 27, 1:00 PM	Williams City Hall, 810 E St., Williams, CA 95987	Frank Kemper (707) 967-1408
Contra Costa	July 16, 10:00 AM	The Veterans Memorial, 3780 Mt. Diablo, Lafayette, CA 94549	Eric Wood (408) 778-8620
Del Norte	June 18, 1:00 PM	Del Norte County Board of Supervisors Chambers, 981 H Street, Crescent City, CA	Jim Moranda (707) 726-1202
El Dorado	TBA	El Dorado County Board of Supervisors Board Room, 330 Fair Lane, Placerville, CA 95667	Gianni Muschetto (530) 647-5234
Fresno	July 9, 9:00 AM	Clovis Memorial Building, 453 Hughes Ave., Clovis, CA	Brian Newlin (559) 485-7500
Glenn	July 12, 3:00 PM	Board of Supervisors Hearing Room Glenn County Courthouse, Willows, CA	Chuck Schoendienst (530) 528-5102
Humboldt	June 20, 1:00 PM	Humboldt County Board of Supervisors Chambers, 535 5th Street, Eureka, CA	Jim Moranda (707) 726-1202
Imperial	June 20, 9:00 AM	1078 Dogwood Rd., Suite 104, Heber, CA	Daryll Pina (619) 590-3129
Inyo	June 20, 6:00 PM	Board of Supervisors Room County Administrative Center, 224 North Edwards, Independence, CA 93526	Paul Camarena (909) 881-6928
Kern	July 18, 1:00 PM	Kern County Board of Supervisors Chambers, 1115 Truxtun Ave., First Floor, Bakersfield, CA 93301	David Goodell (661) 330-0151
Kings	July 10, 9:00 AM	Kings County Government Center/ multi-Purpose Room, 1400 W. Lacey Blvd., Hanford, CA	Brian Newlin (559) 485-7500
Lake	June 19, 1:00 PM	South Lake Fire Protection District Board Rm. 21095, Hwy 175, Middletown, CA 95461	Frank Kemper (707) 967-1408
Lassen	July 11, 4:00 PM	Lassen County Fairgrounds, 200 Russell Ave., Susanville, CA 96130	Rob Cobb (530) 257-5575
Los Angeles	July 19, 9:00 AM	Los Angeles County Board of Supervisors Hearing Room	J. Lopez (818) 890-5783
Madera	July 17, 6:00 PM	Madera County Resource Management Agency, The Madera Rm., 2037 W. Cleveland Ave., Madera CA 93637	Tracy Cheek (209) 966-3622
Marin	July 17, 10:00 AM	Marin County Civic Center Dr., Rm 329, San Rafael, CA 94903	Scott Alber (415) 499-6566
Mariposa	July, 12, 6:00 PM	Mariposa County Government Center, Board of Supervisors Chambers, 51000 Bullion St., Mariposa, CA 95338	Tracy Cheek (209) 966-3622

**CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 21-Z**

<b><u>County Name</u></b>	<b><u>Hearing Date and Time</u></b>	<b><u>Hearing Location</u></b>	<b><u>Local Contact Person</u></b>
Mendocino	July 12, 2:00 PM	Mendocino County Board of Supervisor Chambers, 501 Low Gap Road, Rm 1070, Ukiah, CA	Larry Grafft (707) 459-7420
Merced	July 10, 6:00 PM	County Administration Building, 3rd Floor Board Rm, 2222 M St., Merced, CA 95340	Tracy Cheek (209) 966-3622
Modoc	July 19, 4:00 PM	Alturas City Hall, 200 North St., Alturas, CA 96101	Rob Cobb (530) 257-5575
Mono	June 19, 7:00 PM	Sierra Center Mall Social Services Conference Room 3rd floor, 452 Old Mammoth Rd., Mammoth, CA 93546	Paul Camarena (909) 881-6928
Monterey	July 16, 6:00 PM	Richard W. Nutter Agricultural Center Conference Room, 1432 Abbott Street, Salinas, CA 93901	Catey Trenner (831) 333-2600
Napa	July 11, 10:00 AM	County Board of Supervisor's Chamber, 1195 Third St., Napa, CA 94559	Frank Kemper (707) 967-1408
Nevada	July 12, 9:00 AM	Eric Rood Center, 950 Maidu Ave., Nevada City, CA 95959	Kathleen Edwards (530) 265-1253
Orange	July 24, 5:00 PM	Orange County Fire Authority Headquarters Board Room, 1 Fire Authority Rd., Irvine, CA	Laura Blaul (714) 573-6018
Placer	July 24, 2:00 PM	Truckee Donner Public Utility District, 11570 Donner Pass Rd., Truckee, CA 96160	Doug Rinella (530) 277-2315
Placer	July 11, 12:30 PM	Placer County Community Development Resources Agency, Planning Commission Rm., 3091 County Center Dr., Auburn, CA 95603	Brad Albertazzi (530) 745-3375 or Bob Eichotz (530) 745-3574
Plumas	June 28, 4:00 PM	Chester Veterans Hall, 500 Stone Rd., Chester, CA 96020	Rob Cobb (530) 257-5575
Riverside	July 10, 6:00 PM	Ben Clark Training Center Auditorium, 3409 Plummer Ave., Riverside, CA 92518	Ken Twardowski (951) 659-3337
Sacramento	August 1, 10:00 AM	Resources Building Auditorium, 1416 9th St., Sacramento, CA	Chris Zimny (916) 653-9418
San Benito	July 17, 6:00 PM	San Benito County Board of Supervisors, 481 4th St., 1st Floor, Hollister, CA 95023-3840	Catey Trenner (831) 333-2600
San Bernardino	June 29, 6:00 PM	Arrowhead Regional Medical Center (Oak Room), 400 N. Pepper Ave., Colton, CA 92324	Paul Camarena (909) 881-6928
San Diego	June 21, 10:00 AM	Pacific Coast Hearing Room, 5201 Ruffin Road, Suite B, San Diego, CA 92123	Daryll Pina (619) 590-3129
San Diego	June 21, 2:00 PM	Pacific Coast Hearing Room, 5201 Ruffin Road, Suite B, San Diego, CA 92123	Daryll Pina (619) 590-3129
San Joaquin	June 27, 3:00 PM	Clements Fire District Station 61, 18901 E. Highway 88, Clements, CA 95227	Rich Strazzo (209) 754-2725
San Luis Obispo	July 12, 1:00 PM	Veterans Memorial Building, 801 Grand Ave., San Luis Obispo, CA	Denny O'Neill (805) 543-4244

**CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 21-Z**

<u>County Name</u>	<u>Hearing Date and Time</u>	<u>Hearing Location</u>	<u>Local Contact Person</u>
San Mateo	July 9, 3:00 PM	San Mateo County Government Center Hall of Justice and Records Board's Chamber, 400 County Center Hall of Justice, Redwood City, CA 94063-1655	John Martinez (831) 335-6728
Santa Barbara	July 18, 3:00 PM	County Administration Building Board Hearing Room, Fourth Floor, 105 East Anapamu Street, Santa Barbara, CA 93101	Chris Hahn (805) 681-5554
Santa Clara	June 21, 6:30 PM	Campbell Community Center, 1 West Campbell, CA 95008	Eric Wood (408) 778-8620
Santa Cruz	July 12, 1:00 PM	Santa Cruz Board's Chambers Governmental Center Building, 701 Ocean Street, Room 525, Santa Cruz, CA 95060	John Martinez (831) 335-6728
Shasta	July 5, 1:00 PM	Shasta County Board of Supervisor Chambers, 1450 Court Street, Redding, CA	Scott McDonald (530) 225-2406
Sierra	July 25, 10:00 AM	Sierra County Board of Supervisors Chamber, 100 Courthouse Square, Downieville, CA 95939	Kathleen Edwards (530) 265-1253
Siskiyou	June 27, 10:00 AM	Miners Inn Convention Center, 122 E. Miner Street, Yreka, CA 96097	Ron Bravo (530) 842-3516
Solano	July 12, 10:00 AM	Cordelia Fire Protection District Assembly Hall, 2155 Cordelia Road, Fairfield, CA 94534	Frank Kemper (707) 967-1408
Sonoma	July 18, 10:00 AM	Sonoma County Board of Supervisor's Chambers, 575 Administrative Dr., Room 102A, Santa Rosa, 95403	Frank Kemper (707) 967-1408
Stanislaus	June 28, 3:00 PM	Stanislaus County OES Logistic Room, 3507 Oakdale Rd., Modesto, CA 95356	Rich Strazzo (209) 754-2725
Tehama	July 11, 3:00 PM	Board of Supervisors Board Room Tehama County Courthouse, Red Bluff, CA	Chuck Schoendienst (530) 528-5102
Trinity	July 6, 9:00 AM	Weaverville Fire Department, 100 Bremer Street, Weaverville, CA	Scott McDonald (530) 225-2406
Tulare	July 20, 3:00 PM	Tulare County Board of Supervisor's Chambers, 2800 West Burnet, Visalia, CA 93291	Bill Hoover (559) 358-7122
Tuolumne	June 26, 3:00 PM	Tuolumne County Ambulance and Fire Admin. Building-Training Room, 18440 Striker Court, Sonora, CA 95370	Rich Strazzo (209) 754-2725
Ventura	July 2, 10:00 AM	Ventura County Government Center Hall of Administration Board of Supervisors Hearing Room, 800 S. Victoria Ave., Ventura, CA 93009	Christina Jamison (805) 947-8527
Yolo	June 21, 1:00 PM	Woodland City Fire Department Station 3, 1550 Spring Lake Ct., Woodland, CA 95776	Frank Kemper (707) 967-1408
Yuba	July 13, 10:00 AM	Marysville County Government Center, 915 8th Street, Marysville, CA	Matt Furtado (530) 749-5649

ADA Notice

Pursuant to the Americans with Disabilities Act, individuals who because of a disability need special assistance to attend or participate in (the meeting), may request assistance (see contacts above). Requests should be made one week in advance whenever possible.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to CAL FIRE. The written comment period ends at 5:00 P.M., on Tuesday, July 31, 2007. CAL FIRE will consider only written comments received at the Department office by that time (in addition to those written comments received at the public hearing). CAL FIRE requests, but does not require, that persons who submit written comments to CAL FIRE reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Christopher Zimny  
Regulations Coordinator  
California Department of Forestry and Fire  
Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

California Department of Forestry and Fire  
Protection  
Resources Building  
1416 9<sup>th</sup> St., Room 1517  
Sacramento, CA 95818

Written comments may also be sent to CAL FIRE via facsimile at the following phone number:

(916) 653-8957

Written comments may also be delivered via e-mail at the following address:

chris.zimny@fire.ca.gov

AUTHORITY AND REFERENCE

Under the authority of Public Resources Code (PRC) Sections 4202-4204, CAL FIRE is amending Article 1, Chapter 7, to Title 14 California Code of Regulations.

References include Sections 4202-4204 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Department of Forestry and Fire Protection (CAL FIRE) is proposing amendments to the regulation in 14 CCR, Section 1280, which designates Fire Hazard Severity Zones (FHSZ) in State Responsibility Area (SRA). Within this section are referenced maps titled "Maps of the Fire Hazard Severity Zones (FHSZ) in State Responsibility Areas of California". These maps are being updated as part of the proposal pursuant to California Public Resources Code (PRC) Sections 4201-4204.

Fire Hazard Severity Zones are geographical areas (lands) designated pursuant to PRC Sections 4201-4204 and classified as Very High, High or Moderate in State Responsibility Area (SRA). Lands are grouped into these classes in accordance with the severity of wildfire hazard expected to prevail in those areas.

The zones are designated so that measures may be identified which will reduce the potential for losses to life, property and resources from wildfire. Building standards are effectuated by the proposed FHSZ maps, meaning some special fire resistant building code requirements will depend on the hazard zone in which the building is located.

While CAL FIRE creates fire hazard severity maps for the entire State, the maps/zones proposed for adoption in this regulation apply to SRA.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

CAL FIRE has determined the proposed action will have the following effects:

- **Costs or savings to any State agency:** None
- **Cost to any local agency or school district that must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:** None
- **Mandate on Local Agencies or School Districts, including reimbursable state mandate:** None
- **Other non-discretionary cost or savings imposed upon local agencies:** None
- **Cost or savings in federal funding to the State:** None
- **Significant Statewide Adverse Economic Impact Directly Affecting Business, including ability of California Businesses to compete with businesses in other states:** None
- **Cost impacts on representative private persons or businesses:** The Department is not aware of



any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- **Significant effect on housing costs:** None
- **Adoption of these regulations will not:** (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- **Effect on small business:** None. The regulation does not impose any new fire prevention standards.
- The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report that applies to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a) (13), CAL FIRE must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of CAL FIRE 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

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Christopher Zimny  
 Regulations Coordinator  
 California Department of Forestry and Fire  
 Protection  
 P.O. Box 944246  
 Sacramento, CA 94244-2460

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, phone number (916) 653-5602 at the above address.

The regulation, maps, and Geographic Information System data for the maps can be electronically viewed and downloaded at: <http://www.fire.ca.gov/wildland.php>

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

CAL FIRE has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

CAL FIRE will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address.

California Department of Forestry and Fire  
 Protection  
 Resources Building  
 Room 1517  
 1416<sup>9</sup>th St.  
 Sacramento, CA 94816  
 Attention: Christopher Zimny  
 Tel: (916) 653-9418

**All of the above referenced information is also available on the CAL FIRE website at: <http://www.fire.ca.gov/wildland.php>**

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CAL FIRE may adopt the proposed regulations substantially as described in this notice. If CAL FIRE makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before CAL FIRE adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from CAL FIRE.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this

notice. CAL FIRE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by section 1050, of the Fish and Game Code and to implement, interpret or make specific section 1050 of said Code, proposes to add Section 704, Title 14, California Code of Regulations, relating to the Automated License Data System—License Buyer Surcharge.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Legislature and Control Agencies gave the Department of Fish and Game (DFG) approval to purchase and implement the new Automated License Data System (ALDS). The contract for this system, signed on July 12, 2006, requires the outsourced contractor to design, develop, implement and operate the ALDS through December 31, 2013. The DFG is working with the contractor on the system design phase of this project. This regulation change proposal is the second of several proposals to allow DFG to use the new system.

Pursuant to Section 1050 of the California Fish and Game Code, this regulatory package seeks to implement a license buyer surcharge of three percent for recreational anglers and hunters. The surcharge would be added to recreational licenses, tags, permits, reservations or other entitlements purchased through the ALDS at all sales channels including DFG offices, License Agent locations, the Internet and telephone. For example, the price of a 2007 Resident Hunting License is \$35.50. If purchased under ALDS the customer would pay an additional three percent surcharge of \$1.07 for a total of \$36.57. (Note: The total price of \$36.57 does not include the five percent License Agent handling fee). This surcharge would allow DFG to supplement the monetary obligation of this contract and mitigate the need to further impact the Fish and Game Preservation Fund.

According to the ALDS Project Funding plan, the total cost of the ALDS project from July 1, 2007, through the duration of the contract on December 31, 2013, is \$30.8 Million. DFG will recover \$9.5 Million from staff reductions and expenses eliminated after implementation of the ALDS; \$3.7 Million from the California De-

partment of Child Support Services in reimbursements for participation in the State License Match System (SLMS); and \$2.9 Million of earned interest income and accelerated license sales revenues made possible by the ALDS. In addition, the three percent license buyer surcharge will provide additional revenue of approximately \$16.2 Million.

This funding plan also includes a budget reserve of approximately \$250,000 per year to be utilized for unanticipated costs and system modifications to facilitate ongoing statute or regulatory changes. At the conclusion of the contract, December 31, 2013, DFG will own all ALDS hardware and software rights to operate the system without a contractor.

### **RESEARCH CONDUCTED ON LICENSE BUYER SURCHARGE**

In March 2005, DFG conducted an opinion survey of likely license buyers during the Long Beach Sports Show. Below is a summary of our findings:

- The majority of customers were anglers only. Only 11 percent of customers were big game hunters and 9 percent were waterfowl hunters.
- Approximately 75 percent of customers indicated they support DFG's plan to automate the licensing system.
- Approximately 86 percent of customers indicated their willingness to pay an additional fee per license towards an automated licensing system.

### **BENEFITS OF THE ALDS**

The implementation of the ALDS provides DFG the ability to:

- Increase efficiencies, streamline processes and enhance customer services.
- Increase the accuracy and timely reporting of license sales revenues.
- Meet the increased demand for relevant and scientifically defensible data for resources management purposes.
- Provide online, real time access for all DFG offices and law enforcement dispatch centers.
- Allow participation in multi-State and Agency projects, e.g., Hunter Education and law enforcement compacts.
- Create licensee databases to improve resource management decisions, identify customer opinions and attitudes, develop marketing strategies, and retain or restore hunter and angler participation.
- Meet Federal and State data collection and reporting mandates not currently achieved, e.g., the SLMS

- Offer new and related State and Federal services to a broader range of customers, such as, State Park Day Use Permits, Electronic Federal Duck Stamps and National Forest Adventure Passes.

The ALDS also provides the following benefits to license customers:

- Increases access to license items by making more items available for sale at License Agent locations, the Internet and the telephone.
- Streamlines the license process by eliminating the current manual paper based issuance process making it quicker and easier to buy a license.
- Subsequent year purchases, including duplicate licenses sales, will be faster and easier as customer data will be stored and retrieved instantly eliminating the need for customers to fill out paperwork for every purchase.
- Ensures customers are properly licensed.
- Allows customers to enter drawings and obtain drawing results at License Agent locations and via the Internet.

In addition, the ALDS provides the following benefits to License Agents:

- Reduces the risk of untimely and un-collectible license sales revenues.
- Eliminates cumbersome manual issuance and accounting of license inventory.
- Eliminates the risk of running out of license inventory.
- Increases revenue potential as items now only available at DFG offices, will be available for sale at License Agent locations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Truckee Donner Public Utility District Board Room, 11570 Donner Pass Road, Truckee, California, on June 8, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bridgeport Memorial Hall, 75 North School Street, Bridgeport, California, on July 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 9, 2007 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 10, 2007. All comments must be received no later than July 13, 2007, at the hearing in Bridgeport, CA. If you would like copies of any modifi-

cations to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Mr. Richard Reyes, License and Revenue Branch, Department of Fish and Game, phone (916) 928-6899, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

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

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

#### **Impact of Regulatory Action**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

These changes will allow for the automation of the current manual processes involved with the selling/issuing licenses and collection of revenue.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses

or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

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

Licensed buyers of recreational items would pay a three percent surcharge on all licenses, tags, permits, reservations or other entitlements purchased through the ALDS at all sales channels including DFG offices, License Agent locations, the Internet and telephone. For example, the price of a 2007 Resident Hunting License is \$35.50. If purchased under ALDS, the customer would pay an additional three percent surcharge of \$1.07 for a total of \$36.57. (Note: The total price of \$36.57 does not include the five percent License Agent handling fee).

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 14. FISH AND GAME COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, and 220 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 204, 205, 206, and 220 of said Code, proposes to amend Section 29.85, Title 14, California Code of Regulations, relating to sport fishing for crabs.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Currently, subsection 29.85(a)(1), Title 14, CCR, states Dungeness crab may not be taken or possessed in San Francisco Bay and San Pablo Bay, plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge. This closure has been in place for many years.

The intent of this regulation is to limit the take of Dungeness crab inside San Francisco Bay where there are a large number of small juvenile Dungeness crabs. The Bay serves as a rookery for the juvenile crabs.

Sport Dungeness crab fishers commonly launch their boats from boat ramps inside of San Francisco Bay and go out into ocean waters outside the Golden Gate Bridge. These people legally take their limits of Dungeness crabs, place their crabs into a container on their boats, then drive back into the San Francisco Bay to the launch ramp and remove their boats from the water. Since possession of Dungeness crabs is prohibited in San Francisco Bay, this practice is in violation of regulations.

This section needs to be reworded to clearly state that it is illegal to possess Dungeness crabs taken from San Francisco Bay or San Pablo Bay plus all of their tidal bays, sloughs, and estuaries between the Golden Gate Bridge and Carquinez Bridge, but that it is not illegal to possess Dungeness crabs taken lawfully from outside the Bay in ocean waters.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Truckee Donner Public Utility District Board Room, 11570 Donner Pass Road, Truckee, California, on Friday, June 8, 2007, at

8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the County Administration Building, Board of Supervisors Hearing Room, 105 East Anapamu Street, Fourth Floor, Santa Barbara, California, on Friday, August 10, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 7, 2007. All comments must be received no later than August 10, 2007, at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California, 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Assistant Chief Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 653-4094, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations pre-

scribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action

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

- (a) **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**  
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this proposed regulation change does not involve business practices.
- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:** None.
- (c) **Cost Impacts on a Representative Private Person or Business:**  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** None.
- (e) **Nondiscretionary Costs/Savings to Local Agencies:** None.
- (f) **Programs Mandated on Local Agencies or School Districts:** None.
- (g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:** None.
- (h) **Effect on Housing Costs:** None.

Effect on Small Business

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

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has

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

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 203.1, 205, 206, 208, 215, 220, 240, 355, 3000, and 3270, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, 356, 3000, 3270, 3500 and 4304 of said Code, proposes to amend sections 251.7, 257, 300 and 600, Title 14, California Code of Regulations, relating to Possession of Game Birds, Resident Small Game Defined, Seasons and Bag Limits for Upland Game Birds and Regulations for Licensed Game Bird Clubs.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

1. Possession, Transportation, and Importation of Game Birds

Current regulations do not require resident game birds, once killed, to be kept in a condition where the species can be identified. Most migratory game birds are required to have a fully feathered wing or head attached while in the field or being transported. Regulations require that pheasants be kept in a condition where sex can be determined. In some locations, hunting seasons for quail are different than hunting seasons for different species in the same area. Unless there is a requirement to maintain a way of readily identifying the carcass of a game bird in the field, enforcement of species specific regulations is difficult. This proposal would change subsection 251.7(b) to require that a head or feathered wing be retained on all game birds while they are being transported.

2. Resident Small Game Defined (addition of Eurasian collared-doves), and Season Bag Limit for Doves

Current wording of Section 257 does not list Eurasian collared-doves as a resident small game species. This dove has become established in much of the U.S., including southern California,

and is considered by some to be an invasive species, since its range and population are expanding rapidly. Because it is not specifically listed as a resident game species in Section 257, it is considered a non-game species and may not be taken. Chinese spotted doves and ringed turtle-doves are listed in Section 257 as small game species. This proposal would add Eurasian collared-doves to Section 257, which would eliminate the unnecessary protection of them while providing additional opportunity for hunters.

In addition, this proposal would add Eurasian-collared doves to subsection 300(b), and include them in the existing season and bag limit for doves.

3. Sage Grouse Hunting Permits

Existing regulations [subsection 300(a)(1)(D)4.] allow 125 two-bird permits for the East Lassen Zone, 50 two-bird permits for the Central Lassen Zone, 20 one-bird permits for the North Mono Zone, and 35 one-bird permits for the South Mono Zone. Under the current regulatory cycle, the Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department is proposing a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on strutting ground counts conducted in April.

To allow the Department to recommend appropriate hunting permit quotas which reflect the results of population surveys, ranges of permit quotas are proposed at this preliminary stage of the regulation review process. The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone.

4. Youth Hunting Season for Turkeys

This proposal is to add a youth spring hunting season for turkey. Under this proposal, hunters with junior hunting licenses would be allowed to hunt with any method authorized for the taking of turkey during the extended archery season for turkeys. The Department believes that, since only bearded turkeys (the vast majority of which are males) would be legal to take during this season, turkey populations would not be adversely affected. Under current regulations, roughly ten

percent of the estimated turkey population statewide is taken by hunters annually. The proposed youth hunting season is not expected to add substantially to the annual harvest.

5. Licensed Game Bird Clubs — Shooting Hours

Shooting hours for taking domestically reared game birds on licensed game bird clubs are from one-half hour before sunrise to one-half hour after sunset [subsection 600(a)(11)(A)]. This has caused confusion for hunters and some difficulty for Department Enforcement personnel, since shooting hours for waterfowl and most other upland game birds end at sunset. Also, shooting hours for pheasants begin at 8:00, not one-half hour before sunrise. This proposal is to make shooting hours for domestically reared game birds on licensed game bird clubs consistent with shooting hours for upland game birds in general.

6. A change is proposed to correct the printing error which inadvertently changed the closing date of the General Quail Season [subsection 300(a)(1)(B)1.a.].
7. Minor editorial changes are proposed for clarity and consistency.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Truckee Donner Public Utility District Board Room, 11570 Donner Pass Road, Truckee, California, on June 8, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bridgeport Memorial Hall, 75 North School Street, Bridgeport, California, on July 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 9, 2007 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 10, 2007. All comments must be received no later than July 13, 2007, at the hearing in Bridgeport, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box

944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Mr. Rob Allen, Enforcement, Department of Fish and Game, phone (916) 651-9953, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

**Availability of Modified Text**

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

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

**Impact of Regulatory Action**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant impact to businesses.

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

None.

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

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

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

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE OF PROPOSED REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Department of Corrections and Rehabilitation**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Section 3282 in the California Code of Regulations (CCR), Title 15 concerning inmate confidential telephone calls.

**PUBLIC HEARING**

Date and Time: July 12, 2007 — 9:00 am to 10:00 am  
Place: Corrections Standards Authority  
Large Conference Room  
660 Bercut Drive, West Entrance  
Sacramento, CA 95814  
Purpose: To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close, July 12, 2007, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 341-7390**

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

**Kelly Medina  
Regulation and Policy Management Branch  
Telephone (916) 341-7326**

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

**Don Price, CCII  
Division of Adult Institutions  
Telephone (916) 322-1843**

**LOCAL MANDATES**

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

**FISCAL IMPACT STATEMENT**

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



- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

**EFFECT ON HOUSING COSTS**

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

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

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

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

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

**EFFECT ON SMALL BUSINESSES**

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

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

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

**CONSIDERATION OF ALTERNATIVES**

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

private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

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

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

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT**

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

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the

CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

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

- This action amends provisions governing confidential calls between inmates and attorneys within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Section 3282 is being amended to specify and standardize requirements to be met for confidential phone calls between Attorneys and Inmates.
- These regulations are recommended by the Office of the Inspector General based on a confidential phone call that was granted between an attorney and inmate without following proper procedure, and are necessary to specify and standardize the process that attorney must complete in order to receive approval for a confidential phone call with an inmate. This will provide clarity, consistency and standardization on regulations governing confidential calls for the Department of Corrections and Rehabilitation.
- These regulations will update current language relating to inmate/attorney confidential phone calls. In addition, these regulations provide new language governing the process by which an attorney must complete in order receive approval for a confidential phone call with an inmate.

**GENERAL PUBLIC INTEREST**

**FISH AND GAME COMMISSION**

**NOTICE OF FINDING, FINDING AND STATEMENT OF REASON**

**(Denying Petition to List Scott Bar Salamander)**

NOTICE IS HEREBY GIVEN, that, pursuant to the provisions of Section 2074.2 of the California Fish and

Game Code, the California Fish and Game Commission (“Commission”), at its April 12, 2007 meeting in Bodega Bay, rejected the Petition to List the Scott Bar Salamander (*Plethodon asupak*) (“SBS”) submitted by the Environmental Protection Information Center, the Center for Biological Diversity, and the Klamath–Siskiyou Wildlands Center. This rejection is based on a finding that the petitioned action does not provide sufficient information to indicate that the petitioned action may be warranted because the SBS is already protected under the California Endangered Species Act (CESA; Fish and Game Code section 2050 *et seq.*)

NOTICE IS ALSO GIVEN that, at its May 3–4 meeting in San Diego, the Commission adopted the following formal statement of reasons (findings of fact and law) outlining the basis for rejection of the Petition.

**BACKGROUND**

June 2005. Article published in *Herpetologica* identifying SBS as a separate species from the listed Siskiyou Mountain Salamander (“SMS”). Previously SBS, though not called that, was thought to be a sub–population of the SMS.

January 12, 2006. Department of Fish and Game (DFG) staff send notification to California Department of Forestry and Fire Protection (CDFFP) indicating that SBS is a “genetically different species” from SMS and “[a]s such, there are no prohibitions against take as there are for (SMS)”

March 1, 2006. DFG sends another communication to CDFFP similar to the above but also stating that SBS is not endangered, rare or threatened pursuant to the California Environmental Quality Act.

March 16, 2006. The organizations that submitted the Petition file a lawsuit in Siskiyou County Superior Court challenging DFG and CDFFP’s position that SBS is not currently protected under CESA, later dismissing the action without prejudice on May 30, 2006.

April 10, 2006. The Commission receives a petition to list SBS from the above–referenced organizations. The Commission returns the Petition as incomplete on April 19, 2006.

April 25, 2006. The U.S. Fish and Wildlife Service (“FWS”) publishes notice of its 90–day finding regarding SMS and SBS under ESA. The FWS rejects both petitions at the candidacy stage, finding there is not substantial information indicating that the listing may be warranted.

August 24, 2006. The petitioning organizations file another lawsuit, this time in San Francisco Superior Court, challenging DFG’s position that SBS is not currently listed under CESA.

September 28, 2006. The petitioning organizations submit the Petition to the Commission to list SBS under

CESA, noting in a May 1, 2006 cover memo that their position is that SBS is “currently protected under CESA.”

October 12, 2006. The Commission sends a letter to the petitioning organizations acknowledging receipt of the Petition to list SBS, indicating that the Petition is complete. The Commission forwards the Petition to DFG the same day.

October 27, 2006. The Commission publishes notice of receipt of the Petition in the California Regulatory Notice Register.

January 12, 2007. The San Francisco Superior Court issues an order against DFG holding that “[b]y virtue of its having been accorded protection as a subgroup of a listed, protected species, the Scott Bar salamander’s protection under [CESA] cannot be withdrawn by the [Department] without action first being taken by the California Fish and Game Commission.”

January 19, 2007. A federal court sets aside the FWS’ 90–day finding under ESA.

January 25, 2007. The petitioning organizations submit a letter to the Commission highlighting the state and federal court actions and asserting that the “SBS Petition should be held in abeyance pending proper consideration of the (SBS)’s current protection” under CESA.

February 2, 2007. Commission formally receives DFG’s 90–day report regarding the Petition. DFG recommends that the Commission reject the petition based on a finding that there is not sufficient information to indicate that the petition action may be warranted.

April 12, 2007. Commission rejects the Petition because the petitioned action is not warranted.

## STATUTORY REQUIREMENT

The responsibility for deciding whether a species should be added or removed from the endangered species list, otherwise known as listing or delisting, rests with the Commission. (Fish & G. Code, § 2070.) The Commission makes these decisions pursuant to the provisions of California Endangered Species Act, Fish and Game Code Section 2050 *et seq.* (CESA)

To be accepted by the Commission, a petition to add or remove a species from the endangered and threatened species list must include sufficient scientific information that the listing or delisting may be warranted. (Fish & G. Code, § 2072.3, Cal. Code Regs., tit. 14, § 670.1, subs. (d) and (e).) The petition must include information regarding the species’ population trend, range, distribution, abundance and life history; factors affecting the species’ ability to survive and reproduce; the degree and immediacy of the threat to the species; the availability and sources of information about the species; information about the kind of habitat necessary

for survival of the species; and a detailed distribution map. (Fish & G. Code, § 2072.3, Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1).) In deciding whether it has sufficient information to indicate the petitioned action may be warranted, the Commission is required to consider the petition itself, the Department’s written evaluation report, and comments received about the petitioned action. (Fish & G. Code, § 2074.2.)

The requisite standard of proof to be used by the Commission in deciding whether the petitioned action may be warranted (i.e. whether to accept or reject a petition) was described in *Natural Resources Defense Council v. Fish and Game Commission* (1994) 28 Cal.App. 4<sup>th</sup> 1104 [hereinafter *NRDC*]. In *NRDC*, a case where the petitioned action was listing of a species, the court determined that “the section 2074.2 phrase ‘petition provides sufficient information to indicate that the petitioned action may be warranted’ means that the amount of information, when considered in light of the Department’s written report and the comments received, that would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur . . .” (*NRDC, supra*, 28 Cal.App. 4<sup>th</sup> at page 1125.) This “substantial possibility” standard is more demanding than the low “reasonable possibility” or “fair argument” standard found in the California Environmental Quality Act, but is lower than the legal standard for a preliminary injunction, which would require the Commission to determine that a listing is “more likely than not” to occur. (*Ibid.*)

In determining whether the petitioned action “may be warranted,” the Commission must consider not only the petition and the evaluation report prepared on the petition by the Department, but other evidence introduced in the proceedings. The Commission must decide this question in light of the entire record.

## REASONS FOR FINDING

At its meeting on April 12, 2007, DFG notified the Commission that it stood by its earlier recommendation that the petitioned action was not warranted. According to the Department, in its substantive, biological review of the Petition there was not sufficient information for the Commission to conclude that the petitioned action may be warranted. (See January 23, 2007 evaluation report by DFG.)

However, DFG advised the Commission of the background of the species listed above.

According to DFG, the known range of SMS when originally listed covered approximately six square miles in northern Siskiyou County. Over time, numerous additional occurrences of salamanders identified as SMS were discovered and the range of SMS was expanded to approximately 380 square miles. The sala-

manders now identified as SBS occupy about 106 square miles of that range. The currently identified range of SBS does not overlap the range for SMS as it was documented at the time of the original listing. However, since SBS was previously believed to be SMS, SBS has received the protections of a listed species under CESA.

Once SBS was described as a distinct species from SMS in 2005, DFG believed that until such time as the Commission acted to place SBS on the list, it could not be treated as a listed species. The San Francisco Superior Court advised DFG that its position was incorrect. It mandated that DFG treat the SBS as a protected species until the Commission took some action as to the species.

#### FINAL DETERMINATION BY COMMISSION

The Commission has weighed all of the evidence in the administrative record, including the conclusions of the organizations submitting the Petition that the petitioned action is not warranted because the species is currently protected under CESA. In its May 1, 2007 letter to the Commission, the petitioning organizations stated that “[i]t is our position that the [SBS] is currently protected under CESA, and should remain so protected until the Commission has taken some action to clarify the status of this recently recognized species.” Similarly, in a January 25, 2007 letter to the Commission, the organizations stated that “the [SBS] retains the protection that it previously enjoyed under CESA as a subpopulation of the listed [SMS] unless and until the Commission takes action, in accordance with CESA’s procedures, to remove that protection.”

In addition to these letters, the Commission has considered all of the other relevant documents contained in its administrative record. Weighing this evidence, the Commission has determined that the petitioned action is not warranted because SBS is currently a protected species under CESA. SBS was thought to be SMS until the scientific article in 2005 identified SBS as a separate species. Publication of the 2005 article produced merely a taxonomic change. It did not change the legal status of the salamanders under CESA, and SBS continues to have CESA protections.

The Commission acknowledges that DFG has submitted a petition to delist the SMS. This action is currently under consideration by the Commission. As of the date of these Findings, the Commission is awaiting receipt of a CEQA environmental document for its consideration of DFG’s recommended action. Should DFG determine that SBS should also be delisted, it will need to take the appropriate actions under CEQA and CESA to properly bring that issue before the Commission.

The Commission further finds that because this designation is merely a taxonomic change, it is appropriate to add the species to the list of threatened species through a technical change to the California Code of Regulations, Title 14. Should the Office of Administrative Law determine that this is not simply a technical change, the Commission staff is hereby directed to take such other actions as are appropriate to add SBS to CESA’s list.

### **DECISION NOT TO PROCEED**

#### **DENTAL BOARD OF CALIFORNIA**

##### **NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION**

The Dental Board of California has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on March 30, 2007, OAL File # Z-07-0320-06, concerning Title 16, Sections 1021, 1028, 1028.1, 1028.4, 1028.5 and 1028.6, Application for Law and Ethics Exam for Dental Licensure.

The Dental Board intends to renote this regulatory package in the near future.

### **DISAPPROVAL DECISIONS**

#### **DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS**

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

#### **BOARD OF EDUCATION**

##### **STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW**

AGENCY: BOARD OF EDUCATION

ACTION: Amend sections 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069 and 3070 of Title 5 of the California Code of Regulations

**DECISION OF DISAPPROVAL  
OF REGULATORY ACTION**

(Government Code section 11349.3)

OAL File No. 07-0323-02 S

**BACKGROUND**

The Board of Education (Board) proposed the amendment of standards for state certification of non-public schools with the goal of making them conform to provisions of the federal Individuals with Disabilities Education Act, various other changes to laws, and the requirements imposed on public schools as a result of the Williams settlement. On March 23, 2007, the regulations were submitted to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA) and on May 4, 2007, OAL disapproved them. This Decision of Disapproval explains the reasons for OAL's action.

Date: May 11, 2007

David Potter

Senior Staff Counsel

For: Susan Lapsley  
Director

Original: Marsha Bedwell, General Counsel

Cc: Debra Strain, Regulations Coordinator

**SUSPENSION OF  
ACTION REGARDING  
UNDERGROUND REGULATIONS**

**OFFICE OF ADMINISTRATIVE LAW**

**SUSPENSION OF ACTION REGARDING  
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the  
California Code of Regulations)**

**CTU 07-0306-07, Department of Corrections and  
Rehabilitation:**

On February 27, 2007, The Office of Administrative Law (OAL) received a petition challenging Administrative Bulletin 91/15 issued by the Department of

Corrections and Rehabilitation (CDCR) as an alleged underground regulation. The Administrative Bulletin dealt with the transfer of inmates.

On May 14, 2007, CDCR certified to the OAL that the Administrative Bulletin had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

**BOARD OF EQUALIZATION**

Interest and Penalties

In this "changes without regulatory effect" filing, the State Board of Equalization amends a Sales and Use Tax regulation pertaining to "interest and penalties" to include provisions relating to the new penalty for "failure to timely remit collected sales tax reimbursement or use tax" as contained in Revenue and Taxation Code section 6597.

Title 18

California Code of Regulations

AMEND: 1703

Filed 05/15/07

Effective 05/15/07

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

**CALIFORNIA STUDENT AID COMMISSION**

Grade Point Average filing deadline and ensuing 20-day Appeal Period

These amendments to Title 5 section 30023(c) change the grace period deadline by which the grade point average must be submitted. Pursuant to these amendments, CSAC will now allow the student to certify that circumstances beyond the student's control caused the late submission of the grade point average. The amendments extend the time to submit a grade point average to seventy-five days for the March 2 deadline for applicants for entitlement awards. The September 2 deadline and twenty day grace period for competitive grant applications remain unchanged.

Title 5  
California Code of Regulations  
AMEND: 30023(c)  
Filed 05/11/07  
Effective 05/11/07  
Agency Contact: Sanjay Singh (916) 526-8217

**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**Senate Bill 1453 — Mandatory Residential Aftercare Pilot Program**

Senate Bill 1453 (2006) requires CDCR to allow non-violent and non-serious inmates who have successfully completed an in-prison substance abuse treatment program to participate in a 150-day community based residential substance abuse treatment program prior to being paroled. It is intended to reduce costs on the prison system, recidivism and crime. The current Print Only submission is for a Pilot Program instituted pursuant to Penal Code section 5058.1 and therefore has a very limited review by OAL.

Title 15  
California Code of Regulations  
ADOPT: 3999.4  
Filed 05/15/07  
Effective 05/15/07  
Agency Contact: Shelley Alarid (916) 324-1959

**DEPARTMENT OF PERSONNEL ADMINISTRATION**

**Employee Merit Awards**

Department of Personnel Administration made amendments to the State Merit Award Program to increase the cash award for employee suggestions that are adopted by the program to eliminate or reduce state expenditures or improve state operations. The amendment increases the cash award from 10% to 20% in subdivision (b)(3) of Title 2, California Code of Regulations, section 599.644.

Title 2  
California Code of Regulations  
AMEND: 599.664  
Filed 05/14/07  
Effective 06/13/07  
Agency Contact: Marilyn Moran (916) 324-0522

**FISH AND GAME COMMISSION**

**Lake Davis Sport Fishing**

Current sport fishing requirements for Lake Davis are governed by the Sierra District general regulations. Statewide regulations require that any northern pike taken by an angler must be immediately killed and retained until the Dept. is notified (within 24 hrs.) and collects

them. The Dept. approved a project to eradicate northern pike (*Esox lucius*) from Lake Davis in the fall of 2007. These regulatory changes: 1) temporarily increase the daily bag limit from 5 to 10 trout per day, and 2) require any northern pike caught at Lake Davis to be immediately killed and returned to the lake, rather than be turned over to the Dept. Because of the implementation of a pike eradication plan that includes a pesticide (rotenone), most fish in the lake will die. The amendment to the regulation would immediately liberalize the limit for trout in the reservoir to maximize use by anglers prior to the eradication project. The regulation would still require all pike to be immediately killed and returned to the water in Lake Davis and to the Dept. from other waters.

Title 14  
California Code of Regulations  
AMEND: 5.51, 7.50(b)(53.8)  
Filed 05/10/07  
Effective 05/10/07  
Agency Contact: Sherrie Koell (916) 653-4899

**FISH AND GAME COMMISSION**

**Ocean Salmon Sport Fishing**

This action adopts the 2007 season starting and ending dates for ocean salmon sport fishing in California waters.

Title 14  
California Code of Regulations  
AMEND: 27.80  
Filed 05/10/07  
Effective 05/10/07  
Agency Contact: Sherrie Koell (916) 653-4899

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Land-Side Fire Protection, Update of NFPA Standards**

On September 15, 2004, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), issued a Final Rule for Fire Protection in Shipyard Employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Included in the regulations adopted was section 1915.507 of title 29 of the Code of Federal Regulations (CFR) on land-side fire protection. On February 22, 2006, the California Occupational Safety and Health Standards Board (OSHSB) added regulations substantially the same as those federal regulations, including section 8397.16 of title 8 of the California Code of Regulations (CCR) on land-side fire protection. However, eleven of those NFPA standards have been updated since the final federal rule was published. On October 17, 2006 OSHA promulgated standards that updated those national consensus standards in OSHA's Standard

for Fire Protection in Shipyard Employment. This regulatory action revises section 8397.16 of title 8 on land-side fire protection systems to make the same updates to the same NFP documents incorporated by reference in 29 CFR 1915.507. Pursuant to Labor Code section 142.3(a)(3), this filing is not subject to review by the Office of Administrative Law nor any other provision contained in Articles 5 and 6 of the Administrative Procedure Act.

Title 8  
 California Code of Regulations  
 AMEND: 8397.16  
 Filed 05/16/07  
 Effective 05/16/07  
 Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN DECEMBER 13, 2006 TO  
 MAY 16, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations 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**

05/14/07 AMEND: 599.664  
 05/08/07 AMEND: div. 8, ch. 48, sec. 53700  
 05/08/07 ADOPT: 1185.2, 1185.3, 1185.4  
 AMEND: 1185, 1185.01, 1185.02,  
 1185.03, 1185.1  
 04/30/07 AMEND: 1859.124.1  
 04/25/07 AMEND: 1859.83, 1859.202, 1866  
 04/16/07 AMEND: 18401  
 04/04/07 AMEND: 28010 REPEAL: 36000  
 03/27/07 AMEND: 59560  
 03/20/07 ADOPT: 18746.3  
 03/15/07 AMEND: div. 8, ch. 102, section 59100  
 03/14/07 AMEND: div. 8, ch. 73, section 56200  
 03/01/07 AMEND: 21922  
 02/28/07 AMEND: 714  
 02/16/07 AMEND: 1859.2, 1859.76, 1859.83,  
 1859.163.1, 1859.167, 1859.202, 1866  
 02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566,  
 2567  
 01/26/07 ADOPT: 599.550, 599.552, 599.553,  
 599.554 AMEND: 599.500

01/19/07 ADOPT: 18531.62, 18531.63, 18531.64  
 AMEND: 18544  
 01/11/07 AMEND: 1894.4, 1896.12  
 01/09/07 AMEND: 18707.1  
 01/09/07 ADOPT: 18530.3  
 01/09/07 ADOPT: 18534  
 01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106  
 12/22/06 AMEND: 21906  
 12/18/06 AMEND: 18703.4, 18730, 18940.2,  
 18942.1, 18943  
 12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,  
 1859.78.5  
 12/18/06 ADOPT: 18421.3  
 12/18/06 AMEND: 18545  
 12/18/06 AMEND: 18312, 18316.5, 18326,  
 18401, 18521, 18537.1, 18704.5,  
 18705.5, 18730, 18746.2  
 12/14/06 ADOPT: 18707.10  
 12/13/06 ADOPT: 20108, 20108.1, 20108.12,  
 20108.15, 20108.18, 20108.20,  
 20108.25, 20108.30, 20108.35,  
 20108.36, 20108.37, 20108.38,  
 20108.40, 20108.45, 20108.50,  
 20108.51, 20108.55, 20108.60,  
 20108.65, 20108.70, 20108.75, 20108.80

**Title 3**

05/07/07 AMEND: 6860  
 05/07/07 AMEND: 3433  
 05/03/07 ADOPT: 3035 REPEAL: 3035, 3035.1,  
 3035.2, 3035.3, 3035.4, 3035.5, 3035.6,  
 3035.7, 3035.8, 3035.9  
 04/25/07 AMEND: 3433(b)  
 04/23/07 AMEND: 3591.20  
 04/20/07 ADOPT: 3434  
 04/20/07 AMEND: 3591.20(a)  
 04/03/07 AMEND: 3591.20(a), 3591.20(b)  
 04/02/07 AMEND: 752, 796.6, 1301  
 03/28/07 AMEND: 3591.2(a)  
 03/27/07 ADOPT: 1446.9, 1454.16  
 03/21/07 ADOPT: 3591.20  
 03/15/07 ADOPT: 1371, 1371.1, 1371.2  
 03/07/07 AMEND: 3423(b)  
 03/06/07 AMEND: 3700(c)  
 02/15/07 ADOPT: 499.5, 513, 513.5 AMEND:  
 498, 499, 500, 501, 502, 504, 505, 509,  
 510, 511, 512, 512.1, 512.2, 514, 515,  
 516, 517, 525, 551, 552, 553, 554, 604.1  
 REPEAL: 499.5, 503, 506, 508, 512.3,  
 527, 536, 537, 538, 539, 540, 541, 543,  
 544, 546, 547, 550  
 02/14/07 AMEND: 3700(c)  
 02/08/07 AMEND: 3433(b)  
 02/08/07 AMEND: 6170, 6172, 6200

**CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 21-Z**

02/07/07 AMEND: 6170, 6172, 6200  
01/31/07 AMEND: 3591.12(a)  
01/24/07 AMEND: 3591.13(a)  
01/18/07 AMEND: 3433(b)  
01/18/07 AMEND: 3433(b)  
01/18/07 AMEND: 3800.1, 3800.2  
01/18/07 AMEND: 3423(b)  
01/09/07 AMEND: 3433(b)  
01/08/07 AMEND: 3591.2(a)  
01/08/07 AMEND: 3591.6(a)  
01/05/07 AMEND: 3406(b)  
01/05/07 AMEND: 6625  
01/05/07 AMEND: 3433(b)  
01/03/07 AMEND: 3424(b)  
12/20/06 AMEND: 3433(b)  
12/20/06 AMEND: 3423(b)  
12/19/06 ADOPT: 6310, 6312, 6314 AMEND:  
6170

**Title 4**

05/08/07 AMEND: 1433  
05/07/07 AMEND: 1606  
04/24/07 ADOPT: 9071, 9072, 9073, 9074, 9075  
04/19/07 AMEND: 10176, 10177, 10178, 10179,  
10180, 10181, 10182, 10183, 10188  
03/13/07 ADOPT: 7075, 7076, 7077, 7078, 7079,  
7080, 7081, 7082, 7083, 7084, 7085,  
7086, 7087, 7088, 7089, 7090, 7091,  
7092, 7093, 7094, 7095, 7096, 7097,  
7098, 7099 REPEAL: 7000, 7001, 7002,  
7003, 7004, 7005, 7006, 7007, 7008,  
7009, 7010, 7011, 7012, 7013, 7014,  
7015, 7016, 7017  
02/08/07 ADOPT: 12550, 12552, 12554, 12556,  
12558, 12560, 12562, 12564, 12566,  
12568, 12572  
02/08/07 ADOPT: 12341  
01/31/07 AMEND: 12590  
01/30/07 ADOPT: 12460, 12461, 12462, 12463,  
12464, 12466  
01/30/07 AMEND: 12101, 12301.1, 12309  
01/30/07 AMEND: 12358  
01/26/07 AMEND: 1433  
01/17/07 ADOPT: 523  
01/11/07 AMEND: 1536

**Title 5**

05/11/07 AMEND: 30023(c)  
05/07/07 ADOPT: 30910, 30911, 30912, 30913,  
30914, 30915, 30916, 30917  
04/23/07 ADOPT: 30710, 30711, 30712, 30713,  
30714, 30715, 30716, 30717, 30718  
04/17/07 AMEND: 18013, 18054, 18068  
04/09/07 ADOPT: 11962, 11962.1  
04/06/07 AMEND: 41301

03/29/07 AMEND: 42356  
03/19/07 AMEND: 41550  
03/19/07 AMEND: 41301  
03/01/07 AMEND: 19816, 19851, 19852, 19853  
02/28/07 AMEND: 80028, 80487  
02/16/07 ADOPT: 11987, 11987.1, 11987.2,  
11987.3, 11987.4, 11987.5, 11987.6,  
11987.7  
02/08/07 ADOPT: 1000, 1000.1, 1000.2, 1000.3,  
1000.4, 1000.5, 1000.6, 1000.7  
01/17/07 ADOPT: 58707 AMEND: 58704, 58770,  
58771, 58773, 58774, 58776, 58777,  
58779 REPEAL: 58706, 58775  
01/17/07 ADOPT: 55151, 55151.5 AMEND:  
55002, 55150, 58160  
01/10/07 AMEND: 55806

**Title 8**

05/16/07 AMEND: 8397.16  
04/27/07 AMEND: 1801, 8416  
04/26/07 ADOPT: 10225, 10225.1, 10225.2  
04/24/07 AMEND: 5004, 5047, 8379  
04/20/07 AMEND: 5148(c)  
04/20/07 AMEND: 1620, 1626, 1629  
04/18/07 AMEND: 20299, 20363, 20407  
03/29/07 AMEND: 3664(a)  
03/27/07 AMEND: 3291, 3292, 3295, 3296  
03/06/07 AMEND: 1529, 1532, 1532.1, 1535,  
5144, 5190, 5198, 5200, 5202, 5207,  
5208, 5210, 5211, 5213, 5214, 5217,  
5218, 5220, 8358  
03/02/07 ADOPT: 1731 AMEND: 1730  
03/01/07 AMEND: 1541  
02/28/07 AMEND: 9789.40  
02/21/07 AMEND: 9780, 9783  
02/15/07 AMEND: 9789.11  
12/29/06 AMEND: 1598, 1599  
12/27/06 AMEND: 3385  
12/21/06 AMEND: 5031  
12/15/06 AMEND: 5006.1

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05/01/07 ADOPT: 3100, 3200.010, 3200.020,  
3200.030, 3200.040, 3200.050,  
3200.060, 3200.070, 3200.080,  
3200.090, 3200.100, 3200.110,  
3200.120, 3200.130, 3200.140,  
3200.150, 3200.160, 3200.170,  
3200.180, 3200.190, 3200.210,  
3200.220, 3200.230, 3200.240,  
3200.250, 3200.260, 3200.270,  
3200.280, 3200.300, 3200.310, 3300,  
3310, 3315, 3320, 3350, 3360, 3400,  
3410, 3500, 3505, 3510, 3520, 3530,  
3530.10, 3530.20, 3530.30, 3530.40,  
3540, 3610, 3615, 3620, 3620.05,



	3620.10, 3630, 3640, 3650 REPEAL:	2644.18, 2644.19, 2644.20, 2644.21,
	3100, 3200.000, 3200.010, 3200.020,	2644.23, 2646.3, 2646.4, 2648.4
	3200.030, 3200.040, 3200.050,	REPEAL: 2642.4, 2643.2, 2644.9,
	3200.060, 3200.070, 3200.080,	2644.11
	3200.090, 3200.100, 3200.110,	12/29/06 AMEND: 2696.1, 2696.2, 2696.3,
	3200.120, 3200.130, 3200.140,	2696.5, 2696.6, 2696.7, 2696.9, 2696.10
	3200.150, 3200.160, 3310, 3400, 3405,	REPEAL: 2696.4, 2696.8
	3410, 3415	12/29/06 ADOPT: 5327, 5357.1, 5358, 5358.1
12/29/06	ADOPT: 3100 3200.010, 3200.020,	AMEND: 5350, 5352
	3200.030, 3200.040 3200.050, 3200.060,	12/29/06 AMEND: 2052.1, 2052.4
	3200.070, 3200.080, 3200.090,	12/29/06 AMEND: 2651.1, 2661.1, 2661.3,
	3200.100, 3200.110, 3200.120,	2662.1, 2662.3, 2662.5
	3200.130, 3200.140, 3200.150,	12/29/06 AMEND: 2632.5(c)
	3200.160, 3200.170, 3200.180,	12/29/06 AMEND: 2222.10, 2222.11, 2222.12,
	3200.190, 3200.210, 3200.220,	2222.14, 2222.15, 2222.16, 2222.17,
	3200.230, 3200.240, 3200.250,	2222.19 REPEAL: 2222.13
	3200.260, 3200.270, 3200.280,	12/27/06 AMEND: 2498.6
	3200.300, 3200.310, 3300, 3310, 3315,	12/26/06 ADOPT: 2698.80, 2698.81, 2698.82,
	3320, 3350, 3360, 3400, 3405, 3410,	2698.83, 2698.84, 2698.85, 2698.86,
	3415, 3500, 3505, 3510, 3520, 3530,	2698.87, 2698.88, 2698.89, 2698.89.1
	3530.10, 3530.20, 3530.30, 3530.40,	AMEND: 2698.80, 2698.81, 2698.82,
	3540, 3610, 3615, 3620, 3620.05,	2698.83, 2698.84, 2698.85, 2698.86
	3620.10, 3630, 3640, 3650 REPEAL:	12/22/06 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4,
	3100 3200.010, 3200.020, 3200.030,	2548.5, 2548.6, 2548.7, 2548.8
	3200.040 3200.050, 3200.060, 3200.070,	12/20/06 ADOPT: 2614, 2614.1, 2614.2, 2614.3,
	3200.080, 3200.090, 3200.100,	2614.4, 2614.5, 2614.6, 2614.7, 2614.8,
	3200.110, 3200.120, 3200.130,	2614.9, 2614.10, 2614.11, 2614.12,
	3200.140, 3200.150, 3200.160, 3310,	2614.13, 2614.14, 2614.15, 2614.16,
	3400, 3405, 3410, 3415	2614.17, 2614.18, 2614.19, 2614.20,
		2614.21, 2614.22, 2614.23, 2614.24,
		2614.25, 2614.26, 2614.27
		12/19/06 AMEND: 2690.90, 2690.91, 2690.92,
		2690.93, 2690.94
		12/13/06 ADOPT: 2534.40, 2534.41, 2534.42,
		2534.43, 2534.44, 2534.45, 2534.46
<b>Title 10</b>		
05/01/07	AMEND: 2716.1, 2790.1.5, 2810.5	
	REPEAL: 2716, 2790.1, 2810	
04/26/07	ADOPT: 5357, 5357.1, 5358, 5358.1	
	AMEND: 5350, 5352	
04/25/07	AMEND: 250.30	
04/25/07	AMEND: 2697.6, 2697.61	
04/24/07	AMEND: 2498.6	
04/16/07	AMEND: 2318.6, 2353.1, 2354	
03/23/07	AMEND: 2695.8(b)(2)	
03/09/07	AMEND: 2498.6	
03/06/07	AMEND: 260.230, 260.231, 260.236.1,	
	260.241.4, 260.242 REPEAL:	
	260.231.2, 260.236.2	
01/23/07	ADOPT: 2183, 2183.1, 2183.2, 2183.3,	
	2183.4 REPEAL: 2691.18, 2691.19	
01/10/07	AMEND: 3528	
01/08/07	AMEND: 2698.52(c), 2698.53(b),	
	2698.56(c)	
01/03/07	ADOPT: 2642.4, 2643.8, 2644.24,	
	2644.25, 2644.26, 2644.27, 2644.50	
	AMEND: 2642.5, 2642.6, 2642.7,	
	2643.6, 2644.2, 2644.3, 2644.4, 2644.5,	
	2644.6, 2644.7, 2644.8, 2644.10,	
	2644.12, 2644.15, 2644.16, 2644.17,	
		2644.18, 2644.19, 2644.20, 2644.21,
		2644.23, 2646.3, 2646.4, 2648.4
		REPEAL: 2642.4, 2643.2, 2644.9,
		2644.11
		12/29/06 AMEND: 2696.1, 2696.2, 2696.3,
		2696.5, 2696.6, 2696.7, 2696.9, 2696.10
		REPEAL: 2696.4, 2696.8
		12/29/06 ADOPT: 5327, 5357.1, 5358, 5358.1
		AMEND: 5350, 5352
		12/29/06 AMEND: 2052.1, 2052.4
		12/29/06 AMEND: 2651.1, 2661.1, 2661.3,
		2662.1, 2662.3, 2662.5
		12/29/06 AMEND: 2632.5(c)
		12/29/06 AMEND: 2222.10, 2222.11, 2222.12,
		2222.14, 2222.15, 2222.16, 2222.17,
		2222.19 REPEAL: 2222.13
		12/27/06 AMEND: 2498.6
		12/26/06 ADOPT: 2698.80, 2698.81, 2698.82,
		2698.83, 2698.84, 2698.85, 2698.86,
		2698.87, 2698.88, 2698.89, 2698.89.1
		AMEND: 2698.80, 2698.81, 2698.82,
		2698.83, 2698.84, 2698.85, 2698.86
		12/22/06 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4,
		2548.5, 2548.6, 2548.7, 2548.8
		12/20/06 ADOPT: 2614, 2614.1, 2614.2, 2614.3,
		2614.4, 2614.5, 2614.6, 2614.7, 2614.8,
		2614.9, 2614.10, 2614.11, 2614.12,
		2614.13, 2614.14, 2614.15, 2614.16,
		2614.17, 2614.18, 2614.19, 2614.20,
		2614.21, 2614.22, 2614.23, 2614.24,
		2614.25, 2614.26, 2614.27
		12/19/06 AMEND: 2690.90, 2690.91, 2690.92,
		2690.93, 2690.94
		12/13/06 ADOPT: 2534.40, 2534.41, 2534.42,
		2534.43, 2534.44, 2534.45, 2534.46
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		04/19/07 ADOPT: 64.5
		04/19/07 ADOPT: 64.6
		04/19/07 ADOPT: 64.4
		04/18/07 ADOPT: 64.3
		03/06/07 AMEND: 1070, 1082
		02/02/07 ADOPT: 9070, 9071, 9072, 9073, 9076,
		9077, 9078 AMEND: 1005, 1018, 1055
		REPEAL: 1011
		02/02/07 ADOPT: 999.40
		01/30/07 AMEND: 20
		01/25/07 AMEND: 30.5
		01/25/07 AMEND: 30.1
		01/19/07 AMEND: 1005, 1007, 1080
		12/21/06 ADOPT: 80.3
		12/21/06 AMEND: 48.6
		12/21/06 AMEND: 1070, 1081, 1082

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05/01/07 ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, and Article 15 text

04/26/07 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462

04/26/07 AMEND: 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465

04/12/07 ADOPT: 2775, 2775.1, 2775.2, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789 AMEND: 2430, 2431, 2433, 2434, 2438

03/26/07 ADOPT: 182.00, 182.01, 182.02, Form REG 195 (REV. 2/2007) AMEND: Form REG 256 (REV. 9/2005)

02/09/07 AMEND: 2702, 2703, 2704, 2706, 2707, 2709

01/18/07 AMEND: 1961, 1976, 1978

01/16/07 ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188

12/27/06 ADOPT: 1300 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425

12/13/06 AMEND: 553.70

**Title 13, 17**

12/27/06 ADOPT: 93116.3.1 AMEND: 2452, 2456, 2461, 93115, 93116.2, 93116.3

**Title 14**

05/10/07 AMEND: 27.80

05/10/07 AMEND: 5.51, 7.50(b)(53.8)

05/07/07 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72 REPEAL: 4970.00, 4970.01, 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, 4970.22, 4970.23, 4970.24, 4970.25, 4970.26, 4970.27, 4970.28, 4970.29, 4970.30, 4970.31, 4970.32

05/03/07 ADOPT: 125.1 AMEND: 125

04/30/07 AMEND: 1257

04/13/07 ADOPT: 18751.2.1, Form CIWMB 303a, Form CIWMB 303b AMEND: 18751.2 REPEAL: Form CIWMB 303

04/02/07 AMEND: 679

03/27/07 AMEND: 11900

03/27/07 AMEND: 11945

03/26/07 AMEND: 2305, 2310, 2320

03/21/07 AMEND: 7.50

03/20/07 AMEND: 790, 815.01, 815.02, 815.03, 815.04, 815.05, 815.06, 815.07, 815.08, 815.09, 816.01, 816.02, 816.03, 816.04, 816.05, 816.06, 817.02, 817.03, 818.01, 818.02, 818.03, 819.01, 819.02, 819.03, 819.04, 819.06, 819.07, 820.01, 825.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.04, 826.05, 826.06, 827.01, 827.02

03/20/07 AMEND: 11945

03/01/07 AMEND: 10121, 11900(a)(5)

02/28/07 ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701

02/23/07 AMEND: 671.5

02/16/07 AMEND: 10214, 10381, 10500, 10620, 11002, 11003, 11005

02/13/07 AMEND: 53.03, 149, 149.1

02/08/07 AMEND: 880

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02/05/07	ADOPT: 2990, 2995, 2997 AMEND: 2125, 2518	02/05/07	ADOPT: 3999.3
01/18/07	ADOPT: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57 AMEND: 1.91, 27.60, 27.65, 27.83 (amend and renumber to 27.51), 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701 REPEAL: 27.67, 27.82	01/18/07	ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0
12/28/06	ADOPT: 25231	12/19/06	ADOPT: 3413.1 AMEND: 3413
12/26/06	AMEND: 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1712, 1714, 1720, 1721, 1721.2, 1721.3, 1721.3.1, 1721.4, 1721.5, 1721.6, 1721.7, 1721.8, 1721.9, 1722, 1722.1.1, 1722.3, 1722.4, 1722.5, 1722.7, 1723, 1723.5, 1723.7, 1723.8, 1723.9, 1724 1724.1, 1724.3, 1724.4, 1724.6, 1724.8, 1724.9, 1724.10, 1740.1, 1740.3, 1740.5, 1741, 1742, 1743, 1744, 1744.2, 1744.3, 1744.4, 1744.5, 1744.6, 1745, 1745.8, 1745.10, 1746.2, 1747, 1747.1, 1747.2, 1747.3, 1747.5, 1747.7, 1747.8, 1747.10, 1748.2, 1748.3, 1760, 1771, 1774, 1776, 1778, 1779, 1821, 1830, 1831, 1832, 1850, 1854, 1855, 1856, 1857, 1858, 1863, 1865, 1881, 1881.5, 1882, 1914, 1920.1, 1920.2, 1920.3, 1931, 1931.1, 1931.2, 1931.5, 1932, 1933.1, 1933.2, 1933.3, 1935.1, 1935.2, 1936, 1937.1, 1941, 1942, 1942.1, 1942.2, 1950.1, 1954, 1960, 1961, 1962, 1963, 1966, 1971, 1981, 1981.2, 1995.1, 1996.8, 1997.1, 1997.2, 1997.3, 1997.4, 1997.5, 1998.2	<b>Title 16</b>	
		05/04/07	ADOPT: 2516.5, 2518.7, 2576.7 AMEND: 2502, 2516, 2526, 2526.1, 2530, 2533, 2540.3, 2540.4, 2542.2, 2542.3, 2542.4, 2542.5, 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2547.2, 2547.3, 2547.4, 2547.5 2562, 2575, 2581, 2581.1, 2585, 2587, 2592.3, 2592.4, 2593, 2593, 2593.1, 2593.2, 2593.3, 2593.4
		04/27/07	AMEND: 1387, 1390.3
		04/20/07	AMEND: 2032.4, 2034, 2036, 2036.5
		04/09/07	REPEAL: 356.1
		04/09/07	AMEND: 1388.6, 1381.5
		04/09/07	AMEND: 640, 643
		04/03/07	AMEND: 4202
		04/03/07	AMEND: 1399.101
		03/26/07	ADOPT: 1784
		03/26/07	AMEND: 919
		03/23/07	AMEND: 1399.151.1, 1399.160.2, 1399.160.3, 1399.160.4, 1399.160.5, 1399.160.6, 1399.160.7, 1399.160.9, 1399.160.10
		03/20/07	AMEND: 1803
		03/19/07	REPEAL: 942, 943, 944, 945, 946, 947, 948, 949, 950.6, 950.7, 966
		02/28/07	ADOPT: 1396.5
		02/23/07	REPEAL: 1712.2
		02/15/07	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
		02/14/07	ADOPT: 1399.360 AMEND: 1399.302
		02/08/07	AMEND: 1397.12
		02/02/07	AMEND: 3356
		02/01/07	AMEND: 70
		01/31/07	AMEND: 884
		01/23/07	AMEND: 3305, 3306, 3307, 3308, 3309, 3310, 3315, 3316, 3320, 3321
		01/11/07	ADOPT: 2475
		01/10/07	AMEND: 974
		12/27/06	ADOPT: 1713 AMEND: 1717
		12/20/06	AMEND: 1397.61(b)
		12/18/06	ADOPT: 980.2, 980.3 AMEND: 980.1
<b>Title 14, 27</b>		<b>Title 17</b>	
03/14/07	ADOPT: 21660.1, 21660.2, 21660.3, 21660.4, 21666 AMEND: 17388.3, 17388.4, 17388.5, 18077, 18083, 18104.1, 18104.2, 18104.7, 18105.1, 18105.2, 18105.9, 21563, 21570, 21580, 21620, 21650, 21660, 21663, 21665, 21675, 21685 REPEAL: 17383.10, 17388.6	05/04/07	ADOPT: 96100
12/19/06	AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231	04/26/07	ADOPT: 93116.3.1 AMEND: 93115, 93116.2, 93116.3
<b>Title 15</b>		04/18/07	ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5,
05/15/07	ADOPT: 3999.4		
05/02/07	AMEND: 3276(e)		
04/19/07	AMEND: 3084.1, 3391		
04/18/07	AMEND: 2600.1		
04/18/07	ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3355.1, 3358		
02/23/07	AMEND: 3000, 3315, 3323, 3341.5		

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03/01/07 AMEND: 30346.3, 30350.3	04/23/07 ADOPT: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4
02/28/07 ADOPT: 100500	04/20/07 ADOPT: 2708(d)-1(a), 2708(d)-1(b), 2708(d)-1(c)
02/16/07 AMEND: 6540	04/19/07 AMEND: 5065, 5101, 5108
01/09/07 AMEND: 93000	04/17/07 ADOPT: 40622, 40635.1, 40635.2, 40648, 40660, 40661, 40733, 40752 AMEND: 40603, 40635, 40743, 40747 REPEAL: 40753
01/08/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77	04/13/07 ADOPT: 66267.10 AMEND: 66264.1, 66265.1, 66270.1
<b>Title 18</b>	03/20/07 AMEND: 926-3, 926-4, 926-5
05/15/07 AMEND: 1703	03/20/07 ADOPT: 69106 AMEND: 69100, 69101, 69102, 69103, 69104, 69106 (renumber to 69107), 69107 (renumber to 69108)
04/25/07 AMEND: 1620	03/12/07 AMEND: 4400(ee) REPEAL: 4407, 4425, 4441.5
04/10/07 AMEND: 1655	02/28/07 AMEND: 92001, 92002, 92003, 92004, 92005, 92006, 92007, 92008, 92009, 92010, 92011, 92012, 92101, 92201, 92202, 92301, 92302, 92303, 92304, 92305, 92306, 92307, 92308, 92309, 92310, 92311, 92312, 92313, 92401, 92501, 92601, 92602, 92603, 92604, 92701, 92702
04/10/07 AMEND: 1566	02/23/07 AMEND: 100540
03/30/07 AMEND: 1571	02/22/07 ADOPT: 51003.1 AMEND: 51003, 51003.3
03/22/07 ADOPT: 4500, 4501, 4502, 4503, 4504, 4505, 4506, 4507, 4508, 4509, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4700, 4701, 4702, 4703	02/22/07 AMEND: 100066, 100079
03/08/07 AMEND: 1602	01/30/07 AMEND: 12705
01/23/07 AMEND: 25110	01/30/07 AMEND: 2601.1
01/03/07 AMEND: 1610	01/29/07 AMEND: 12000
01/03/07 AMEND: 1705.1	01/22/07 AMEND: 143-1
<b>Title 19</b>	01/17/07 ADOPT: 86072.1 AMEND: 83064, 83072, 84072, 84079, 84172, 84272, 86072, 89372, 89379
03/28/07 AMEND: 906.2	01/03/07 ADOPT: 101115 AMEND: 101115
02/28/07 ADOPT: 574.4, 574.5, 574.6 AMEND: 557.1, 561.2, 565.2, 566, 568, 573, 574.1, 574.2, 574.3, 574.4, 574.5, 574.6, 575.1, 575.3, Table 4, 575.4, 578.1, 591.5, 594.3, 595.1, 596.1. 596.2 REPEAL: 574.4, 574.5, 574.6	12/29/06 ADOPT: 66260.202
12/28/06 ADOPT: 574 REPEAL: 597, 597.1, 597.2, 597.3, 597.4, 597.9, 603, 603.1, 603.2, 603.4, 603.5, 604, 604.1, 604.2, 604.3, 604.4, 604.5, 605, 605.2, 606, 606.1, 606.2, 606.4, 607, 607.1, 608, 608.1, 608.2, 608.3, 608.4, 608.5, 608.6, 609, 609.1, 609.2, 609.3, 609.4, 609.5, 609.6, 609.7, 610, 612, 613, 614.2, 614.4	12/29/06 AMEND: Appendix X of Chapter 11 of Division 4.5
<b>Title 20</b>	12/27/06 ADOPT: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4
03/28/07 AMEND: 1002, 1201, 1207, 1208, 1209, 1209.5, 1216, 1217, 1702, 1708, 1709.7, 1710, 1716, 1717, 1720, 1720.3, 1720.4, 1721, 1744, 1747, 2012-App B REPEAL: 1219, 1720.5, 1720.6	12/13/06 ADOPT: 82003, 82005, 82006, 82007, 82010, 82012, 82017, 82017, 82019, 82019.1, 82020, 82021, 82023, 82024, 82025, 82026, 82027, 82028, 82029, 82030, 82031, 82034, 82035, 82036, 82040, 82042, 82044, 82046, 82051, 82052, 82053, 82054, 82055, 82055.1, 82056
02/22/07 AMEND: 17.1, 17.4	<b>Title 22, MPP</b>
12/26/06 AMEND: 1.161	02/23/07 ADOPT: 86500, 86501, 86505, 86505.1, 86506, 86507, 86508, 86509, 86510,
12/14/06 AMEND: 1602, 1602.1, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	
<b>Title 21</b>	
03/05/07 ADOPT: 1520.12	

	86511, 86512, 86517, 86518, 86519, 86519.1, 86519.2, 86520, 86521, 86522, 86523, 86524, 86526, 86527, 86528, 86529, 86529, 86531, 86531.1, 86531.2, 86534, 86535, 86536, 86540, 86542, 86544, 86545, 86546, 86552, 86553, 86554, 86555, 86555.1, 86558, 86559, 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, 86580, 86586, 86587, 86587.1, 86587.2, 86588, MPP 11-400c, 11-402, 45-101(c), 45-202.5, 45-203.4, 45-301.1	01/09/07 ADOPT: 3908 01/05/07 ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2, 499.6.3 AMEND: 499.1, 499.2, 499.3, 499.4, 499.4.1, 499.5, 499.6, 499.6.1, 499.7, 499.8, REPEAL: 499.6.2 01/04/07 ADOPT: 3989.4 12/22/06 AMEND: 3912
01/17/07	ADOPT: 86072.1 AMEND: 83064, 83072, 84072, 84079, 84172, 84272, 86072, 89372, 89379	<b>Title 25</b> 04/05/07 ADOPT: 7065.5 12/26/06 ADOPT: 1433.1 AMEND: 1002, 1016, 1105, 1106, 1110, 1134, 1216, 1254, 1317, 1330, 1338, 1338.1, 1428, 1433, 1498, 1504, 2002, 2016, 2105, 2106, 2110, 2118, 2134, 2216, 2254, 2317, 2330, 2428, 2498, 2504
12/13/06	ADOPT: 82003, 82005, 82006, 82007, 82010, 82012, 82017, 82017, 82019, 82019.1, 82020, 82021, 82023, 82024, 82025, 82026, 82027, 82028, 82029, 82030, 82031, 82034, 82035, 82036, 82040, 82042, 82044, 82046, 82051, 82052, 82053, 82054, 82055, 82055.1, 82056	<b>Title 27</b> 04/13/07 ADOPT: 15186, 15187, and 15188 AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15187.1 (renumber to 15189), 15190, 15200, 15210, 15220 (amendment and renumbering of 15210(b) to 15220(a)), 15240, 15241, 15250, 15260, 15270, 15280, 15290
<b>Title 23</b>		<b>Title 28</b> 01/24/07 ADOPT: 1330.67.04 REPEAL: 1300.67.8(f)
05/01/07	AMEND: 645	
04/25/07	AMEND: 3983	
04/06/07	AMEND: 737, 768, 769, 770, 771, 852	
03/23/07	ADOPT: 3989.6	
03/20/07	AMEND: 2913	
02/20/07	ADOPT: 3939.24	
02/20/07	AMEND: 3671, 3711, 3712, 3713, 3719.18	
02/06/07	ADOPT: 3939.23	
01/29/07	AMEND: 3833.1	
01/18/07	ADOPT: 3917	<b>Title MPP</b> 02/05/07 AMEND: 30-757, 30-761 01/24/07 ADOPT: 22-901 AMEND: 22-001, 22-002, 22-003, 22-004, 22-009, 22-045, 22-049, 22-050, 22-053, 22-054, 22-059, 22-061, 22-063, 22-064, 22-065, 22-069, 22-071, 22-072, 22-073, 22-077, 22-078, 22-085 REPEAL: 22-074, 22-075, 22-076