ARNOLD SCHWARZENEGGER, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

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 1. OFFICE OF ADMINISTRATIVE LAW

NOTICE OF PROPOSED RULEMAKING

TITLE 1, CALIFORNIA CODE OF REGULATIONS ADOPT SECTIONS 50, 52 AND 54, AND AMEND SECTION 55, REGARDING EMERGENCY REGULATIONS

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Office of Administrative Law (OAL) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on April 3, 2007, at 10:00 a.m. in Room 112 of the State Capitol, Sacramento, California 95814.

Following the public hearing the Office of Administrative Law may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento CA, 95814.

Comments may also be submitted by facsimile (FAX) at (916) 323–6826 or by e–mail to staff@oal.ca.gov. Comments must be submitted prior to 5:00 p.m. on April 3, 2007.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 11342.4 and 11349.1 of the Government Code, and to implement, interpret or make specific sections 11342.545, 11346.1, 11349.1, 11349.3, and 11349.6 of the Government Code, the Office of Administrative Law is considering changes to Division 1 of Title 1 of the California Code of Regulations as follows: Adoption of sections 50, 52, and 54 and amendment of section 55.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2006 the Legislature passed and the Governor signed AB 1302 (Jerome Horton), a bill that, among other things, amended sections 11346.1 and 11349.6 of the Government Code — the law governing how state agencies adopt emergency regulations. The changes in law enacted by AB 1302 took effect on January 1, 2007. AB 1302 contains an uncodified section providing that the changes it enacts regarding emergency regulations apply only to emergency regulations initially submitted to OAL on or after 1/1/07.

AB 1302 requires an agency adopting emergency regulations to provide five working days advance public notice of the adoption (Government Code § 11346.1(a)(2)). It also mandates that OAL wait five calendar days from receiving an emergency prior to taking action on it in order to permit public comment on the proposal (Government Code § 11349.6(b)). Advance public notice is not required when "the emergency situation clearly poses such an immediate serious harm that delaying action to allow public comment would be inconsistent with the public interest."

The statute, however, provides no definition or guidance as to what circumstances do and what do not satisfy this "immediate, serious harm" standard. The proposed regulation clarifies this statute by requiring an agency submitting emergency regulations to OAL without providing prior public notice to demonstrate that a delay of 12 days will cause substantial harm and that the proposed regulation can be reasonably expected to prevent or alleviate that harm.

AB 1302 changed the initial effective period for emergency regulations and modified the law governing readoption of emergency regulations. Emergency regulations initially submitted to OAL prior to 1/1/07 are effective for 120 days. They may be readopted with OAL's approval for additional periods of 120 days. There is no statutory limit to the number of times an emergency regulation may be readopted. There are no

statutory standards guiding OAL's decision as to whether a request to readopt should be granted or denied. Under AB 1302, emergency regulations are initially effective for 180 days. OAL may approve not more than two readoptions of an emergency regulation, each for a period of 90 days. AB 1302 also established a standard for when an emergency regulation should be readopted by providing that readoption is permissible only when "the agency has made substantial progress and proceeded with diligence" to adopt the emergency regulations on a permanent basis.

The proposed regulations clarify an ambiguity in the AB 1302 scheme. They provide that the 5–day advance public notice of the adoption required by section 11346.1(a)(2) of the Government Code is not required for readoption of an emergency regulation.

AB 1302 imposes a new requirement in justifying the use of the emergency regulation process. It provides that when "the situation identified in the finding of emergency existed and was known by the agency adopting the emergency regulation in sufficient time to have been addressed through nonemergency regulations . . . the finding of emergency shall include facts explaining the failure to address the situation through nonemergency regulations." The proposed regulation clarifies this statute by specifying that this explanatory statement is required whenever the situation identified in a finding of emergency existed and was known to the rulemaking agency 270 days or more prior to the submission of the emergency regulation to OAL. The period of 270 days, approximately 9 months, was selected based upon OAL's experience under the pre–AB 1302 law that the large majority of emergency regulations are adopted as permanent regulations in 240 days or less.

Finally, the proposed regulations make conforming changes to title 1, Cal. Code Regs. section 55, to accommodate statutory changes enacted by AB 1302. Section 55 is the current regulation governing OAL review of public comments on emergency regulations. Under prior law, OAL review of public comments was functionally permissive rather than mandatory. Under AB 1302 OAL is mandated to review public comments "except when the emergency situation addressed by the regulations clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest." The proposed regulations modify section 55 to accommodate this changed statutory scheme.

There are no comparable provisions of federal law related to this proposal.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESSES

The OAL has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal applies only to the procedures followed by state agencies in the adoption of emergency regulations. It has no impact at all on any entity that is not a state agency as defined in section 11000 of the California Government Code.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The OAL has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

EFFECT ON HOUSING COSTS

None

ALTERNATIVES

The OAL must determine that no reasonable alternative considered by the agency, or that has otherwise

been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Bill Gausewitz
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323–6221

or

Melvin Fong
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 324–7952

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Office of Administrative Law at 300 Capitol Mall, Suite 1250, Sacramento, CA 95814. These documents may also be viewed and downloaded from the OAL website at www.oal.ca.gov.

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

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

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

WEBSITE ACCESS

Materials regarding this proposal can be found at www.oal.ca.gov.

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: Castaic Lake Water District
M–S–R Public Power Agency
San Joaquin Valley Unified Air Pollution Control District
Tahoe Forest Hospital District

A written comment period has been established commencing on **February 9, 2007**, and closing on **March 26, 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 representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

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

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

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

ments must be received no later than **March 26, 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 respective 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. STATE PERSONNEL BOARD

NOTICE OF PROPOSED REVISION OF REGULATIONS AND STATEMENT OF REASONS

California Code of Regulations
Title 2. Administration
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 1.5. Personal Services Contracts
Article 6. Procedures that Apply to Contracts
Under Government Code section 19130(a)

DATE: **February 8, 2007**

TO: **ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET**

SUBJECT: **PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)**

AUTHORITY

Under authority established in Government Code (GC) section 18701 and Public Contract Code (PCC) section 10337, the State Personnel Board (SPB) proposes to amend Title 2 of the California Code of Regulations (2 CCR), sections 547.69 through 547.71, which provides for procedures utilized by the SPB to review proposed cost savings personal services contracts under GC section 19130, subdivision (a).

REFERENCE

These regulations are amended to implement, interpret, and/or make specific GC sections 19130(a), 19131, 19134, and PCC section 10337.

PUBLIC HEARING

Date and Time: April 3, 2007, from 8:45 a.m. to 9:15 a.m.

Place: State Personnel Board
First Floor Auditorium
801 Capitol Mall
Sacramento, CA 95814

Purpose: To receive written and/or oral comments about this action.

WRITTEN PUBLIC COMMENT PERIOD

The attached proposed revisions reflect changes made as the result of written and oral public comments received by the SPB at its January 9, 2007, meeting, concerning the proposed regulations promulgated by the SPB on November 9, 2006. The written public comment period will close Monday, March 26, 2007, at 5:00 p.m. This comment period allows time for SPB staff to provide copies of any written comments to the five–member State Personnel Board (Board) for consideration at the time of the hearing. Any person may submit written comments about the proposed amendments. To be considered by the Board, the appropriate person identified below must receive written comments before the close of the written public comment period.

Written comments may be submitted to:

Senior Staff Counsel Bruce A. Monfross
State Personnel Board
801 Capitol Mall, MS 53
Sacramento, CA 95814

or to: bmonfross@spb.ca.gov
or faxed to his attention at: (916) 653–4256.

AVAILABILITY OF PROPOSED TEXT AND STATEMENT OF REASONS/CONTACT PERSONS

Copies of the express terms of the proposed action, the Statement of Reasons, and all of the information upon which this proposal is based are available for review upon request to Bruce Monfross. The rulemaking file is available for review during normal business hours at SPB, 801 Capitol Mall, Sacramento, CA 95814. Additional information or questions regarding the substance of the proposed action should be directed to Bruce Monfross, as specified above. Questions regarding the regulatory process in conjunction with this regulation should be directed to Bruce Monfross at SPB, 801 Capitol Mall, MS 53, Sacramento, CA 95814, or by telephone at (916) 653–1456 or TDD (916) 653–1498.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

If any substantial and sufficiently related changes are made to the text as a result of comments received during the public comment period, SPB will make the full text of the changed regulations available for at least 15 days before the date the regulations are permanently amended.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

GC section 18216 specifies that regulations concerning contracting out shall be subject to the Administrative Procedure Act (Chapter 3.5 (commencing with GC section 11340) of Part 1 of Division 3).

GC section 18701 authorizes the Board to prescribe, amend, and repeal regulations for the administration and enforcement of the Civil Service Act (GC section 18500 *et seq*.).

GC section 19130, subdivision (a), permits state governmental entities to enter into personal services contracts on the grounds that the contract will result in recognized cost savings to the state, subject to specified statutory requirements.

GC section 19131 requires a state agency proposing to enter into a personal services contract pursuant to the provisions of GC section 19130(a), to first notify the Board of its intention to do so, after which the Board is required to notify any employee organization affected by the proposed contract to request that the SPB review the contract for compliance with all legal requirements.

GC section 19134 provides specified criteria that must be satisfied before the Board can approve a personal services contract entered into under GC section 19130(a) for persons providing janitorial and housekeeping services, custodians, food service workers, laundry workers, window cleaners, and security guard services.

PCC section 10337 authorizes the Board to establish such standards and controls over approval of personal services contracts entered into pursuant to the provisions of GC section 19130 as are necessary to assure that the contract is consistent with merit employment principles and those requirements contained in Article VII of the California Constitution.

The purpose of the proposed regulations is to provide guidance to state agencies and employee organizations regarding what information must be provided to the Board in those cases where the Board is reviewing proposed cost–savings contracts. Existing statutes and regulations do not provide sufficient specificity as to what specific information must be provided to the Board, thereby creating confusion and uncertainty as to whether a proposed personal services contract can be justified as a cost–savings contract.

In addition, the State Civil Service Act previously required each state agency and department to establish an effective affirmative action program with specified components, and to establish goals and timetables designed to overcome any identified underutilization of minorities and women in their respective organizations. Existing law further required the Board to conduct specified activities in this regard, and GC section 19130,

subdivision (a)(4), mandated that personal services contracts entered into under GC section 19130, subdivision (a), could not adversely impact the state's affirmative action efforts.

Portions of those affirmative action provisions have, however, subsequently been held to be in violation of the California Constitution and the United States Constitution. As a result, existing regulations relating to GC section 19130, subdivision (a)(4), must be revised to come into compliance with existing equal employment opportunity laws.

IMPACT ON SMALL BUSINESSES

It is anticipated that the proposed amendments will have a nominal impact on small businesses. Although the proposed amendments will require small businesses to provide more detailed information concerning their costs associated with those personal services contracts they enter into with the state, those businesses should already have ready access to the requested information in order for the business to be able to make a reasoned bid for the contract.

LOCAL MANDATE

SPB has determined that the proposed action imposes no mandate on local agencies or school districts and, therefore, requires no reimbursement pursuant to GC section 17561.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies:

The proposed regulations will involve no additional costs to any state agency. It is anticipated that the proposed regulations will enable state agencies to better ascertain whether a personal services contract that it proposes to enter into will, in fact, result in recognized savings to the state.

Impact on Housing Costs:

No impact.

Costs or Savings in Federal Funding to the State:

No impact.

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

No impact.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies:

No impact.

Cost Impact on Private Persons or Businesses:

It is anticipated that the proposed amendments will have a nominal impact on businesses, including sole proprietorships. Although the proposed amendments will require businesses to provide more detailed information concerning their costs associated with those personal services contracts they enter into with the state, those businesses should already have ready access to the requested information in order for the business to be able to make a reasoned bid for the contract.

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESS

SPB has made an initial determination that the proposed action will have no significant statewide adverse economic impact directly effecting businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The adoption of the proposed action should neither create nor eliminate jobs in the state, nor result in the elimination or expansion of existing businesses in the state, nor create or expand businesses in the state.

ALTERNATIVES STATEMENT

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

FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law pursuant to GC section 11346.9, and shall include a Final Statement of Reasons for the amendments. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

ACCESSING INFORMATION REGARDING THIS RULEMAKING FILE ON THE STATE PERSONNEL BOARD WEBSITE

The text of the proposed amendments, the Notice of Proposed Amendment of Regulations and Statement of Reasons can be viewed at www.spb.ca.gov.

STATEMENT OF REASONS

The purpose of the proposed regulations is to provide greater guidance to state agencies and employee orga-

nizations regarding what information must be provided to the Board in those cases where the Board is reviewing proposed cost–savings contracts under Government Code section 19130, subdivision (a). Existing statutes and regulations do not provide sufficient specificity as to what exact information must be provided to the Board, thereby creating confusion, uncertainty, and needless litigation concerning whether a proposed personal services contract can be justified as a cost–savings contract.

In addition, the State Civil Service Act previously required each state agency and department to establish an effective affirmative action program with specified components, and to establish goals and timetables designed to overcome any identified underutilization of minorities and women in their respective organizations. Existing law further required the Board to conduct specified activities in this regard, and GC section 19130, subdivision (a)(4), mandated that personal services contracts entered into under GC section 19130, subdivision (a), could not adversely impact the state's affirmative action efforts.

Portions of those affirmative action provisions have, however, subsequently been held to be in violation of the California Constitution and the United States Constitution. As a result, existing regulations relating to GC section 19130, subdivision (a)(4), must be revised to come into compliance with existing equal employment opportunity laws.

LAURA M. AGUILERA
Assistant Executive Officer

Attachment: Proposed Text of Amended Regulations

California Code of Regulations
Title 2. Administration
Divison 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 1.5. Personal Services Contracts

Article 6. Procedures that Apply to Contracts Under Government Code Section 19130(a)

§ 547.69 State Agency Notice of Intent to Execute Cost Savings Personal Services Contract.

(a) Any state agency proposing to execute a contract pursuant to Government Code section 19130(a), shall file with the board a Notice of Intent to Execute Personal Services Contract.

(b) The Notice of Intent shall include the following:

(1) A complete copy of the proposed contract;

(2) The following information with respect to those civil service employees who would otherwise perform the services to be rendered under the contract:

(A) The number of civil service employees in each classification who would otherwise perform the services;

(B) The number of hours required for each civil service employee to perform the services;

(C) The base hourly wage, as set forth in the State of California Civil Service Pay Scale, that the agency would be required to pay civil service employees to perform those services to be rendered under the contract.

(i) The cost of any employee benefits, as set forth in section (b)(2)(D), direct overhead costs, as set forth in section (b)(2)(E), indirect overhead costs, as set forth in section (b)(2)(F), or any other costs, shall not be included in the base hourly wage calculation, unless specifically authorized by this section;

(ii) The cost of any recruitment or retention pay bonus or differential, or any geographic pay bonus or differential, that the agency is required by law or collective bargaining agreement to pay to employ civil service employees to perform those services to be rendered under the contract, shall be calculated as part of the base hourly wage. If the bonus or differential is disbursed as a lump sum payment, the cost of the bonus or differential shall be amortized over the term of the proposed contract. The cost of any remuneration paid to an employee due to the employee possessing specialized skills or abilities (e.g., bilingual verbal and written skills), shall not be included as part of the base hourly wage, unless the specialized skill or ability is a prerequisite for employment in the civil service position that performs those services to be rendered under the contract. The state agency shall provide detailed, factual information concerning its assertion that it is required to pay any recruitment or retention pay bonus or differential, or any geographic pay bonus or differential, or that it incurs any additional costs to compensate individuals with specialized skills or abilities, in order to employ civil service employees to perform those services to be rendered under the contract.

(D) The hourly cost of employee benefits the agency would be required to provide to each civil service employee to perform those services to be rendered under the contract.

(i) For those proposed contracts not subject to the provisions of Government Code section 19134, employee benefits shall be itemized and limited to the following: health insurance premiums; dental insurance premiums; vision insurance premiums; employer contributions to employee retirement plans, including social security; paid holidays; sick leave benefits; and vacation leave benefits. For purposes of this section, hourly benefit costs shall be derived by calculating the annual cost per employee for each specified benefit, divided by the number of hours each employee is employed on an annual basis. The state agency shall also disclose the basis for, and methodology utilized, in arriving at its conclusions as to the annual cost for each specified employee benefit;

(ii) For those proposed contracts subject to the provisions of Government Code section 19134, hourly benefit costs shall be established using rates based on single employee, employee plus one dependent, and employee plus two or more dependents, or the costs may be based on a blended rate, as set forth in the "Personal Services Contract Pay Rates" published by the Department of Personnel Administration. To the extent that the hourly benefit rates established by the Department of Personnel Administration consist of items that would otherwise be categorized under the base hourly wage, direct overhead cost, or indirect overhead cost provisions of this section, the agency may only include those items as hourly benefit costs;

(E) The hourly cost of direct overhead costs the state agency would incur if it employed civil service employees to perform those services to be rendered under the contract.

(i) For purposes of this section, direct overhead costs shall be itemized and include, but not be limited to, the following: workers compensation insurance budget costs; unemployment insurance budget costs; disability insurance budget costs; additional rent and utilities that would only be incurred if the services in question were performed by the civil service; additional equipment and materials needed to perform those services to be rendered under the contract that would only be incurred if the services in question were performed by the civil service; uniforms; training mandated by law or otherwise required by the agency; background investigations, medical examinations, or drug testing, mandated by law or otherwise required by the agency; and reimbursement for licenses, certificates, or similar requirements needed before a civil service employee can perform those services to be rendered under the contract. For purposes of this section, hourly direct overhead costs shall be derived by calculating the annual cost per employee for each specified direct overhead cost, divided by the number of hours each employee is employed on an annual basis. The state agency shall also disclose the basis for, and methodology utilized, in arriving at its conclusions as to the annual cost for each specified direct overhead cost;

(ii) The cost of any equipment claimed as a direct overhead cost shall be amortized over the reasonable expected life span of the equipment. The cost of any uniforms claimed as a direct overhead cost shall be amortized over the reasonable expected life span of the uniform, except in those instances where the civil service employee receives an annual uniform allowance, in which case the annual uniform allowance shall be allowed as a direct overhead cost. The cost of any background investigation, medical examination, drug test, training, license, certificate, or similar requirement required before a civil service employee can commence performance of those duties to be performed under the contract, that are claimed as a direct overhead cost, shall be amortized over the duration of the contract.

(F) The hourly cost of indirect overhead costs the state agency would incur if civil service employees were to perform those services to be rendered under the contract. Indirect costs shall not be included unless the cost can be attributed solely to the function in question and would not exist if that function were not performed in state service.

(i) For purposes of this section, indirect overhead costs shall be itemized and include, but not be limited to, the following: the pro rata share of existing administrative salaries and benefits (including managers who do not directly supervise the civil service employees performing those services to be rendered under the contract, human resources staff who process the recruitment, hiring, and separation of the civil service employees performing those services to be rendered under the contract, and executive management staff who have oversight of the program(s) impacted by the contract), rent,

utilities, equipment costs and materials. For purposes of this section, hourly indirect overhead costs shall be derived by calculating the annual pro rata cost per employee for each specified indirect overhead cost incurred as a result of the agency performing those services to be rendered under the contract, divided by the number of hours each employee is employed on an annual basis. The state agency shall also disclose the basis for, and methodology utilized, in arriving at its conclusions as to the annual cost for each specified indirect overhead cost;

(G) The total hourly cost, based on those costs set forth in subdivisions. (C) through (F), the state agency would incur for each civil service employee, if civil service employees were to perform those services to be rendered under the contract.

(H) A statement explaining why existing civil service employees cannot be re–directed or otherwise utilized to perform those services to be rendered under the contract.

(3) The following information with respect to the contract employees who are to perform the services to be rendered under the contract:

(A) The number of employees required to perform each of the services to be rendered under the contract;

(B) The number of hours each employee shall perform services under the contract;

(C) The base hourly wage that will be paid to each contract employee performing a function under the contract that would otherwise be performed by the civil service.

(i) The contractor shall verify that the cost of any employee benefits, as set forth in section (b)(3)(D), direct overhead costs, as set forth in section (b)(3)(E), or any other costs incurred by the contractor, shall not be included in the base hourly wage calculation, unless specifically authorized by this section. The contractor shall also verify that it is in compliance with all applicable state and federal labor laws;

(ii) The cost of any recruitment or retention pay bonus or differential, or any geographic pay bonus or differential, that the contractor is required to pay to employ private employees to perform those services to be rendered under the contract, shall be calculated as part of the base hourly wage. If the bonus or differential is disbursed as a lump payment, the cost of the bonus or differential shall be amortized over the term of the proposed contract. The cost of any remuneration paid to an employee due to the employee possessing specialized skills or abilities (e.g., bilingual verbal and written skills), shall not be included as part of the base hourly wage, unless the specialized skill or ability is a prerequisite to perform those services to be rendered under the contract. The state agency shall provide detailed, factual information concerning its assertion that the contractor is required to pay any recruitment or retention pay bonus or differential, or any geographic pay bonus or differential, or that the contractor incurs any additional costs to compensate individuals with specialized skills or abilities, in order to employ private employees to perform those services to be rendered under the contract.

(D) The hourly cost of employee benefits that will be provided to each contract employee.

(i) For those proposed contracts not subject to the provisions of Government Code section 19134, employee benefits shall be itemized and limited as set forth in section (b)(2)(D)(i), supra;

(ii) For those proposed contracts subject to the provisions of Government Code section 19134, hourly benefit costs shall be established as set forth in Section (b)(2)(D)(ii), supra;

(iii) Pursuant to Government Code section 19134, subdivision (d), if, in lieu of proving actual benefits as listed in subdivision (b)(3)(D)(ii) of this section, the private contractor intends to provide a cash equivalent, the amount of the cash equivalent shall be equal to the applicable determination under subdivision (b)(3)(D)(ii) of this section;

(E) The hourly cost of direct overhead costs the private contractor will incur for each employee employed under the contract.

(i) For purposes of this section, direct overhead costs shall be itemized and include, but not be limited to, those items set forth in Section (b)(2)(E)(i) and (ii), supra;

(F) The total hourly amount the private contractor will charge the state agency for each contract employee to perform those services to be rendered under the contract.

(G) The annual costs the state agency will incur for activities related to inspection, supervision and monitoring activities to ensure proper administration of the contract. Inspection, supervision, and monitoring costs shall include, but not be limited to, the pro rata share of existing administrative salaries and benefits necessary for supervising and monitoring the contract, including costs associated with personnel supervision, invoice review, and the contract

bidding process. Inspection, supervision and monitoring costs shall also include additional security or other risk costs incurred by the agency as a result of the contract. The state agency shall disclose the basis for, and methodology utilized, in arriving at its conclusions as to the annual contract inspection, supervision and monitoring costs, and specify the number of hours expended annually by agency staff, on a position–by–position basis, on contract inspection, supervision and monitoring duties;

(4) The industry level hourly wage for those services to be rendered under the contract. The term "industry level hourly wage" as used in this section means the prevailing hourly rate of pay for the type of work in question in the local area where the contract would be let, as measured by reliable and statistically representative wage surveys such as those conducted by the Department of Industrial Relations or the Bureau of Labor Statistics. In the event that the most recent relevant wage survey data published by the Department of Industrial Relations differs from the wage survey data published by the Bureau of Labor Statistics, the board shall rely upon the wage survey data published by the Department of Industrial Relations, unless the wage survey data published by the Bureau of Labor Statistics is based on more recent information.

(5) That the contract will not result in the displacement of civil service employees.

(A) For purposes of this section, displacement shall be limited to: layoff; involuntary demotion; involuntary transfer to a new class; involuntary transfer to a new location requiring a change of residence, and as defined in Department of Personnel Administration regulations; and time base reductions. Displacement does not include: changes in shifts or days off; reassignment to other positions within the same class and general geographic location;

(6) That the contract will not have an adverse impact on State Equal Employment Opportunity efforts, as set forth in Section 547.74;

(7) That the contract was awarded through a publicized, competitive bidding process;

(8) That the contract includes specific provisions pertaining to the qualifications of the staff who will perform each aspect of the work under the contract, as well as assurances that the contractor's hiring practices meet applicable nondiscrimination standards;

(9) That the potential for future economic risk to the state from potential contractor rate increases is minimal.

(10) That the contract is with a firm.

(A) A firm means a corporation, partnership, nonprofit organization, or sole proprietorship; and

(11) That the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the state government.

(c) The board shall, within 5 days of receipt of the Notice of Intent to Execute Personal Services contract, forward a copy of the Notice to the employee organization(s) that represent(s) those civil service employees who would otherwise perform those duties to be rendered under the contract.

[Authority cited: Section 18701, Government Code. Reference: Sections 18670, 19130, 19131, 19134, Government Code; 10337, Public Contract Code.]

§ 547.70 Employee Organization's Request for Review.

(a) Any employee organization that receives notification from the board, pursuant to Government Code section 19131, of a state agency's Notice of Intent to Execute Personal Services contract shall, within 15 days of the date of such notice having been mailed to the employee organization, be entitled to file with the board and to serve upon the state agency, a request for review of the contract for compliance with the requirements of Government Code section 19130(a). The employee organization's request for review shall identify the contract to be reviewed and include the following:

(1) Specific and detailed factual information that demonstrates how the contract fails to meet the conditions specified in Government Code section 19130(a); and

(2) Documentary evidence and/or declarations in support of the employee organization's position.

(b) The employee organization shall file a proof of service with the board that states when and how it served a copy of its request for review upon the state agency.

[Authority cited: Section 18701, Government Code. Reference: Sections 18670, 19130, 19131, 19134, Government Code; 10337, Public Contract Code.]

§ 547.71 State Agency Reply.

(a) Within 10 days after receipt of service of the employee organization's request for review, the state agency may file with the board and serve upon the employee organization and the proposed contractor(s) a written reply to the employee organization's request.

(b) The state agency shall file a proof of service with the board that states when and how it served a copy of its reply upon the employee organization and the proposed contractor(s).

[Authority cited: Section 18701, Government Code. Reference: Sections 18670, 19130, 19131, 19134, Government Code; 10337, Public Contract Code.]

§ 547.~~69~~ *72* Undercut of State's Wage in Cost–Savings Based Contracts.

When a Personal Services Contract is based on cost savings, a contractor's wages shall be at or above the industry's level and shall not undercut the State's pay rate for comparable work by more than 15%, except that if in a nonmetropolitan area of the State the contractor's rate of pay is more than 15% below the state rate, the contract may be approved if the contractors rate of pay is closer to the State rate than it is to the comparable industry rate in the local area. In no case shall a contractor's wages be more than 25% below the State's pay rate. Comparison of wages for this purpose shall not include the cost of benefits.

(a) Comparison of the contractor's and State's hourly rates will be made as follows:

(1) For contracts of one year or less duration, comparison shall be to the first step of the salary range of the class designated as the type of work performed by the Personal Services Contract except for classes with a special in–grade salary adjustment (SISA). In this case, comparison shall be made to the midpoint between the first and second steps.

(2) For contracts with durations of over one year up to two years, comparison shall be to the midpoint between the first and second steps of the salary range of the class designated as the type of work performed by Personal Services Contract except for classes with a SISA. Comparison in this case shall be made to the second step.

(3) For contracts with durations of over two years, comparison shall be to the second step of the salary range of the class designated as the type of work performed by Personal Services Contract.

(b) Cost–savings based Personal Services Contracts with duration of more than one year shall contain a clause indicating that in the event of an increase in the State's pay rates, the contractor's wage rate will be reviewed and adjusted in subsequent years of the contract so as not to exceed the relationship with State and industry rates identified in the first paragraph of this section.

(c) The term "industry rate" as used in this section means the prevailing *hourly* rate of pay for the type of work in question in the local area where the contract would be let, as measured by reliable and statistically representative wage surveys such as those conducted by the Bureau of Labor Statistics or the Department of Industrial Relations. *In the event that the most recent relevant wage survey data published by the Department of Industrial Relations differs from the wage survey data published by the Bureau of Labor Statistics, the board shall rely upon the wage survey data published by the Department of Industrial Relations, unless the wage survey data published by the Bureau of Labor Statistics is based on more recent information.*

[Note: Authority cited: section 18701, Government Code. Reference: Section 19130(a)(2).]

§ 547.~~71~~ *73* Amount of Savings.

(a) Savings generated through cost–savings based personal services contracting must justify the size and duration of the contracting agreement. To do so, such contracts must meet one of the following criteria:

(1) Achieve a savings of 10% or more compared to the cost of performing the same function within the civil service over the duration of the contract; or

(2) Achieve a savings of at least $50,000, in terms of 1988 dollars, per year compared to the cost of performing the same function within the civil service over the duration of the contract, provided that the savings equal at least 5% of the comparable civil service cost. The $50,000 standard shall be adjusted at the beginning of each fiscal year to reflect changes in the California Consumer Price Index as reported by the Department of Industrial Relations, and the adjusted figure shall be communicated by Board staff to all departments.

(b) Such savings need not be attained during each year of a multiyear contract, providing the overall savings meet one of the aforestated requirements.

[Note: Authority cited: Section 18701, Government Code. Reference: Sections 19130(a)(5) and 19130(a)(6), Government Code.]

§ 547.~~70~~ *74* ~~Affirmative Action~~ Equal Employment Opportunity Impact.

~~(a) For a department to be able to consider cost savings based contracts, all of the following equal employment/affirmative action criteria must be met:~~

~~(1) The contract will not impact a key position in an affirmative action target class or a key location for affirmative action hiring.~~

~~(2) The department is making reasonable progress toward meeting affirmative action goals and timetables identified by the department under the provisions of Government Code Section 19797.~~

~~(3) The department can continue to make reasonable progress toward meeting affirmative action goals and timetables absent the positions affected by the contract.~~

~~(4) The contractor is in compliance with the statutes and regulations administered by the Department of Fair Employment and Housing.~~

~~(b) An "affirmative action target class" as used in this section is defined as any class of positions which:~~

~~(1) a department has identified for focused recruitment purposes because there is underutilization as defined in Government Code Section 19791(c);~~

~~(2) has entry level minimum qualifications; and~~

~~(3) has at least five vacancies anticipated during the year.~~

~~(c) A position in an affirmative action target class or a location for affirmative action hiring that is specifically identified in the department's most recent affirmative action plan as required by Government Code Section 19797 is considered to be a "key position" or "key location."~~

~~(d) "Reasonable Progress" as used in this rule is defined as hiring that is proportionately at least equal to overall hiring in the State civil service for the occupation covered by the contract.~~

No state agency may enter into a cost savings contract under Section 19130, subdivision (a) unless the agency can establish:

(a) Approval of the contract will not unreasonably interfere with the ability of the agency to comply with its equal employment opportunity plan; and

(b) The contractor is in compliance with the statutes and regulations administered by the Department of Fair Employment and Housing.

[Note: Authority cited: Section 18701, Government Code. Reference: Sections 11135–11139.~~5~~*8*, 19130(a)(4), 19130(a)(8), 19790, 19791, 19793, *19794*, ~~and~~ 19797 *and 19798.5*, Government Code; and Section 1431, Labor Code.]

TITLE 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Board of Registered Nursing, 1625 N. Market Blvd., Ste N217, Sacramento, California, at 10:00 A.M., on March 28, 2007. Written comments must be received by the Board of Registered Nursing at its office not later than 5:00 p.m. on March 26, 2007 or must be received by the Board at the hearing. Written comments may be submitted by mail at the address listed above, by e–mail alcidia_valim@dca.ca.gov, or by fax at (916) 574–8637. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148 and 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Board of Registered Nursing is considering changes to Division 14 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Sections 125.9 and 148 permit the Board of Registered Nursing to establish, by regulation, a citation and fine system. The maximum fine amount authorized by statute was increased from $2500 to $5000 effective January 2004. The regulatory proposal amends Section 1435.2, increasing the maximum fine amount that the Board of Registered Nursing may impose to $5000, specifying the circumstances under which the higher fine could be imposed, and making other nonsubstantive changes.

The regulatory proposal affects registered nurses and unlicensed individuals who violate the Nursing Practice Act; it does not affect small businesses.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

The Board has determined that the proposed regulatory action would have no significant statewide adverse

economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The proposal would have minimal cost impact on registered nurses or unlicensed individuals who are issued a citation by the Board. Specifically, citations include fines that range from $100 to $5000.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The regulatory proposal affects only registered nurses and unlicensed individuals who have been issued a Board citation and assessed a fine for a violation that meets specified criteria.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Registered Nursing at 1625 N. Market Blvd., Ste N217, Sacramento, California.

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

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person, named below.

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

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Alcidia Valim at (916) 574–7684; or fax to (916) 574–8637; or e–mail to alcidia_valim@dca.ca.gov.

The backup contact person is Geri Nibbs at (916) 574–7682, or fax to (916) 574–8637; or email to geri_nibbs@dca.ca.gov.

The person designated to respond to questions on the substance of the regulatory proposal is Geri Nibbs.

Website Access: Materials regarding this proposal can be found at the Board's website: www.rn.ca.gov.

TITLE 17. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking Title 17, California Code of Regulations

SUBJECT: Organized Camps, R–15–97

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Health Services (Department) is authorized to adopt regulations for organized camps pursuant to Health and Safety Code (H&S Code) section 18897.2.

The existing organized camp regulations, sections 30700 through 30753, inclusive, of Title 17 of the California Code of Regulations, establish minimum standards for organized camps and regulate the operation of these camps. The Department is proposing adoption of new organized camp regulations and the amendment or repeal of existing organized camp regulations.

This proposal is made upon recommendation of the California Conference of Directors of Environmental Health and the California Camping Advisory Council. The Council represents all classifications of organized camping in California to whom the regulations apply. The American Camp Association's Accreditation Standards for Camp Programs and Services (2007 edition) were considered in the development of this regulatory proposal as permitted in H&S Code section 18897.2.

The proposed regulations would adopt new sections 30704, 30712, and 30713; amend sections 30700, 30701, 30702, 30703, 30710, 30711, 30714, 30720, 30721, 30722, 30723, 30730, 30735, 30736, 30740, 30741, 30750, 30751, 30752, and 30753; and repeal sections 30715, 30724, and 30734.1 in Title 17, California Code of Regulations, in order to update existing organized camping regulations to reflect current health and safety practice standards and organized camping operations.

Documents incorporated by reference: The following documents are incorporated as reference as they would be too cumbersome, unduly expensive, or impractical to publish these documents into regulation.

- Section HR–Human Resources, Standard HR–4 Staff Screening, Accreditation Standards for Camp Programs and Services (2007 Edition), published by American Camp Association, Martinsville, Indiana, pages 149 through 150.
- The program description sections of the Accreditation Standards for Camp Programs and Services (2007 Edition), the American Camp Association, identified as:

  1) PD Program — "Design and Activities", pages 167 through 200

  2) PA Program — "Aquatics", pages 201 through 238

  3) PC Program — "Adventure/Challenge", pages 239 through 258

  4) PH Program — "Horseback Riding", pages 259 through 274

  5) PT Program — "Trip and Travel", pages 275 through 298
- California Bulletin 74–81 (December 1981), "Well Water Standards", Chapter II and Appendices A, B, and C published by the Department of Water Resources, State of California Resources Agency.
- California Bulletin 74–90 (June 1991), "Well Water Standards" published by the Department of Water Resources, State of California Resources Agency.
- Public Utilities Commission, General Order No. 95 (January 2006), "Rules for Overhead Electrical Line Construction".

Document relied upon: Accreditation Standards for Camp Programs and Services, American Camp Association (2007 Edition).

AUTHORITY

Sections 18897.2 and 100275, Health and Safety Code.

REFERENCE

Section 18897.2 and 18897.6, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on March 30, 2007, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1–800–735–2929, if you have a TDD; or 1–800–735–2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand–delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899–7413. It is requested but not required that written comments sent by mail or hand–delivered be submitted in triplicate; or
2. By fax transmission: (916) 440–7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R–15–97" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at http://www.applications.dhs.ca.gov/regulations/.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to pro-

vide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Glenn Takeoka, Chief, Environmental Health Services Section, at (916) 449–5693.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations, at (916) 440–7673, or to the designated backup contact person, Linda Tutor, at (916) 440–7695.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R–15–97.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at http://www.applications.dhs.ca.gov/regulations/ and then clicking on the "Select CDHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440–7695 (or California Relay at 711/1–800–735–2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

FISCAL IMPACT ESTIMATE

A. Fiscal Effect on Local Government: $992 to $9,920 related to criminal background check of camp counselors for campgrounds operated by local governments.

B. Fiscal Effect on State Government: $210,080 to $274,080 related to criminal background checks by the Department of Justice for camp counselors.

C. Fiscal Effect on Federal Funding of State Programs: None.

D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: An average cost of $992 annually related to criminal background check of camp counselors for campgrounds.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

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

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

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

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any effect in this area in that there would not be any significant change in camp requirements or personnel needed for compliance with the proposed regulations.
2. The creation of new businesses or the elimination of existing businesses within the State of California. The impact pact of these regulations will be insignificant.
3. The expansion of businesses currently doing business within the State of California. The impact of these regulations will be insignificant.

The Department has determined that the regulations would affect small businesses. The amendments in this proposal will have a minimal effect on small businesses. The criminal background checks for camp counselors is presently required by the organized camps and is an established industry standard.

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

ADDITIONAL STATEMENTS AND COMMENTS

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

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

For individuals with disabilities, the Department will provide assistive services such as sign–language interpretation, real–time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899–7413, voice (916) 440–7673 and/or California Relay 711/1–800–735–2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Proposed Rulemaking
Title 22, California Code of Regulations

SUBJECT: Interim Enhanced Surface Water Treatment Rule, R–20–01

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (USEPA) under the Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Water Act (Health & Saf. Code, div. 104, pt. 12, ch. 4, § 116270 et seq.)

On December 16, 1998, the USEPA promulgated the Interim Enhanced Surface Water Treatment Rule (63 Fed. Reg. 69478; amended Jan. 16, 2001, 66 Fed. Reg. 3770), as required by the Safe Drinking Water Act Amendments of 1996 (SDWAA), which provides increased public protection against microbial pathogens, specifically the protozoan *Cryptosporidium*. Additionally, on June 8, 2001 the USEPA promulgated the Filter Backwash Recycling Rule (66 Fed. Reg. 31086), also as required by the SDWAA.

California has been granted "primacy" for the enforcement of the SDWAA. To receive and maintain primacy, states must promulgate regulations that are no less stringent than the federal regulations. The Department is proposing these regulations to fulfill the federal primacy requirements.

California currently requires water suppliers to filter and disinfect surface water and groundwater under the influence of surface water. (Cal. Code Regs., tit. 22, div. 4, ch. 17, § 64650 et seq.) Pursuant to federal primacy requirements and Health and Safety Code (H&S Code) section 116375, the Department proposes the following regulations that would reduce turbidity limits and increase monitoring requirements for surface water treatment facilities.

The Department proposes the following amendments to chapter 17, division 4, title 22, California Code of Regulations (CCR).

- To amend the following to update references to outdated section numbers:
  — Section 64651.10
  — Section 64658(a)
  — Section 64662(b)
- To amend the following to correct typographical errors:
  — Section 64651.53
  — Sections 64652.5(a) and (c)
  — Sections 64654(c)(1), (2), and (3)
  — Section 64660(b)(1)
  — Section 64664(e) (formerly (d)), references to operating criteria specified in sections

64660(b)(6) and (8) replaced with sections 64660(b)(7) and (9).

- To amend the following to consistently use the term *Giardia lamblia* in lieu of *Giardia*, Giardia lamblia, and *Giardia* lamblia:
  — Section 64650(a)
  — Section 64651.50
  — Section 64652(a)(1)
  — Sections 64652.5(e), (e)(4), (k)(1), and (l)
  — Sections 64653(b) and (f)
  — Section 64654(a)
  — Section 64660(b)(5)(A)
- To amend the following to accommodate the insertion of new subsections:
  — Former section 64652(d) is re–assigned as 64652(e)
  — Former sections 64655(b)–(d) are re–assigned as 64655(e)–(g)
  — Section 64655(e) (formerly (b)) is amended to update new section references
  — Former sections 64664(d) and (e) are re–assigned as 64664(e) and (f)
- To revise chapter 17 by adopting the following, pursuant to federal primacy requirements:
  — Section 64651.21 Definition of comprehensive performance evaluation
  — Section 64651.34 Definition of disinfection profile
  — Section 64651.38 Definition of filter profile
  — Section 64651.88 Definition of uncovered finished water storage facility
  — Section 64652(d)
  — Section 64653(c)(3)
  — Section 64653.5
  — Section 64655(h)
  — Section 64657 General requirements
  — Section 64657.10 Criteria for avoiding filtration
  — Section 64657.20 Disinfection profiling and benchmarking
  — Section 64657.30 Filtration
  — Section 64657.40 Filtration sampling
  — Section 64657.50 Supplemental reporting and recordkeeping
  — Section 64660(b)(5)(C)
  — Section 64664(g)
- To revise chapter 17 by amending the following, pursuant to federal primacy requirements:
  — Section 64650(a)
  — Section 64651.50
  — Sections 64652.5(a) and (i)
  — Section 64653(f)
  — Sections 64662(a)(1) and (b)
  — Sections 64666(a) and (b)

The following proposed amendments contain additional requirements or provisions that are not found in the Federal Register:

- To amend section 64651.60 to correct the definition and update the reference to the approved analytical methods.
- To amend section 64654(b)(2) to clarify compliance requirements.
- To amend section 64655 to provide a more appropriate title for the section.
- To adopt section 64655(b), requiring the monthly monitoring of source water for total coliform and either fecal coliform or *E. coli* bacteria.
- To adopt section 64655(c), requiring the daily monitoring of settled water for turbidity.
- To adopt section 64655(d), requiring the monitoring of recycled backwash water for turbidity and flow.
- To amend section 64661(a) to clarify that all treatment plants shall operate under an approved operations plan.
- To amend section 64661(b) to require the inclusion of a filter media inspection program in the operations plan.
- To amend section 64663(a) to include Department notification whenever monitoring conducted pursuant to section 64657.40 indicates a combined filter effluent in exceedance of 5.0 Nephelometric Turbidity Units (NTU).
- To amend section 64663(b) to include Department notification whenever samples collected pursuant to section 64657.40 exceeds 1 NTU for more than 1 hour or 1.0 NTU for more than 8 hours.
- To adopt section 64664(d) to require in the monthly report the inclusion of analytical results of raw and process water samples collected pursuant to sections 64655(a)–(d).
- To amend section 64664(e) (formerly 64664(d)) to include violations of performance standards specified in section 64657.30.
- To amend section 64666(c) to refer to sections 64463.1 and 64463.4 as a whole, as opposed to specific subsections within those sections.

The net effect would be that:

- Suppliers using an approved surface water source and serving at least 10,000 people would be required to provide at least 99 percent removal of *Cryptosporidium* oocysts, which would be accomplished through the attainment of more stringent turbidity standards.
- Suppliers using an approved surface water source and serving at least 10,000 people would be required to determine their annual average concentration of total trihalomethanes (TTHM) and haloacetic acids (HAA) (five), and if the annual averages exceed or equal either 0.064 mg/L or 0.048 mg/L respectively, the supplier would be required to conduct disinfection profiling and calculate a benchmark.
- All suppliers using an approved surface water source would be required to:
  - Provide the Department with information about filter backwash recycle flows and return such flows to the headworks of the treatment plant.
  - Conduct monthly source water monitoring for bacterial concentrations.
  - Conduct daily monitoring of settled water turbidity.
  - Conduct monitoring of recycled backwash water for turbidity and flow.
  - Include a filter media inspection program in the operations plan.

Adoption of these requirements would satisfy the federal primacy requirements related to the adoption of regulations at least as stringent as the federal.

Documents Incorporated by Reference

The following documents are incorporated by reference in the regulations as it would be too cumbersome, unduly expensive, or impractical to publish these documents into regulation.

1) 40 Code of Federal Regulations parts 141.172(a), (b), and (c) (63 Fed. Reg. 69477 (December 16, 1998)), "Interim Enhanced Surface Water Treatment Rule".

2) 40 Code of Federal Regulations parts 141.172(a) and (b) (66 Fed. Reg. 3769 (January 16, 2001)), "Revisions to the Interim Enhanced Surface Water Treatment Rule and Stage 1 Disinfectants and Disinfection Byproducts Rule".

3) 40 Code of Federal Regulations part 141.74(a)(1) (67 Fed. Reg. 65888 (October 29, 2002)), "Approval of Analytical Methods for Chemical and Microbiological Contaminants".

4) "Optimizing Water Treatment Plant Performance Using the Composite Correction Program", EPA Handbook, Chapter 4, pages 21–65, Office of Research and Development, U.S. Environmental Protection Agency; EPA/625/6–91/027 (revised August 1998).

AUTHORITY

Sections 100275 and 116375, Health and Safety Code.

REFERENCE

Sections 116270, 116275, 116375, 116385, 116390, 116400, 116525, 116530, 116535, 116540, 116550, 116625, 116735 and 116750, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on March 30, 2007, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1–800–735–2929, if you have a TDD; or 1–800–735–2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand–delivered to the Office of Regulations, California Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899–7413. It is requested but not required that written comments sent by mail or hand–delivered be submitted in triplicate; or
2. By fax transmission: (916) 440–7714; or
3. By email to regulation@dhs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R–20–01" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at http://www.applications.dhs.ca.gov/regulations/.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to

Michael G. McKibben, P.E., Senior Engineer, Standards and Technology Unit, Drinking Water Program, at (619) 525–4023.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations, at (916) 440–7673, or to the designated backup contact person, Linda Tutor, at (916) 440–7695.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R–20–01.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at http://www.applications.dhs.ca.gov/regulations/ and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440–7695 (or California Relay at 711/1–800–735–2929), or email regulation@dhs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

FISCAL IMPACT ESTIMATE

A. Fiscal Effect on Local Government: $44,430,980.

B. Fiscal Effect on State Government: $1,022,740.

C. Fiscal Effect on Federal Funding of State Programs: None.

D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. For a representative private person or business an annual cost of $198,000 is estimated. The total estimated cost to private persons and businesses that operate public water systems is $14,035,600 annually to implement the IESWTR requirements already in effect and enforced by USEPA. Most water systems have chosen to comply with the State–only requirements already.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

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

However, if they were to incur costs, those costs would be of the following nature:

First, some local agencies would incur costs in their operation of public water systems. These costs would not be the result of a "new program or higher level of service" within the meaning of Article XIIIB, Section 6 of the California Constitution because they apply generally to all individuals and entities that operate public water systems in California and do not impose unique requirements on local governments. Therefore, no state reimbursement of these costs would be required.

Second, some local agencies could incur additional costs in discharging their responsibility to enforce the new regulations for the small public water systems (under 200 service connections) that they regulate. However, the Department has determined that any increase in the local agency costs resulting from enforcing this regulation would be insignificant. Furthermore, local agencies are authorized to assess fees to pay reasonable expenses incurred in enforcing statutes and regulations related to small public water systems, H&S Code section 101325. Therefore, no reimbursement of any incidental costs to local agencies in enforcing this regulation would be required, Government Code section 17556(d).

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting busi-

ness, including the ability of California businesses to compete with businesses in other states.

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

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any change in water system or regulatory personnel needed for compliance with the proposed requirements.
2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the proposed regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

The Department has determined that the proposed regulations would not affect small business, since Government code Chapter 3.5, Article 2, section 11342.610 excludes drinking water utilities from the definition of small business.

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

ADDITIONAL STATEMENTS AND COMMENTS

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

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

For individuals with disabilities, the Department will provide assistive services such as sign–language interpretation, real–time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899–7413, voice (916) 440–7673 and/or California Relay 711/1–800–735–2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication February 9, 2007
PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Monitoring and research of Santa Cruz long–toed salamander.

The Department of Fish and Game ("Department") received a proposal on January 8, 2007, from Mr. Mark Allaback and Mr. David Laabs of Biosearch Associates in Santa Cruz, California, requesting authorization to take Santa Cruz long–toed salamander (*Ambystoma macrodactylum croceum*) (SCLTS), a Fully Protected amphibian, for research purposes, consistent with the protection and recovery of the species.

The applicants are required to have a Scientific Collecting Permit (SCP) to take a protected species of amphibian. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

With cooperation from the U.S. Fish and Wildlife Service, California Department of Fish and Game, and California Department of Transportation (CalTrans), Mr. Allaback and Mr. Laabs are planning to conduct population studies in 2007–08 for the State and Federally–endangered Santa Cruz long–toed salamander (*Ambystoma macrodactylum croceum*) at the Valencia Lagoon project site in Santa Cruz County, California. The purpose of these studies is to determine the relative abundance and activity patterns of SCLTS at the Valencia Lagoon breeding pond, which is managed by the California Department of Fish and Game (CDFG), and an associated drainage channel, which is administered by the California Department of Transportation (Caltrans).

A pitfall trap/drift fence array will be installed that is operational prior to the first significant rain in the fall of 2007. Drift–fencing will be placed in regularly spaced segments encircling the pond ~3–20 feet above the high water line such that between 50% and 75% of the pond perimeter is sampled. Trap spacing will be ~30 feet around the pond. In addition, a linear fence extending

~1000 feet along the Caltrans drainage channel from the pond to near the Freedom Boulevard Exit ramp will be monitored. Trap spacing will be 50 feet along the drainage channel drift fence. A population estimator (e.g. Lincoln–Peterson) shall be used to generate an estimate of the size of the breeding adult population. Data from pitfall trapping will also be used to determine if there are obvious patterns of migratory movements to and from the pond or drainage channel. In addition, aquatic sampling with nets and minnow traps will be conducted at Valencia Lagoon Pond and drainage channel on at least three occasions in both 2007 and 2008. It is anticipated that aquatic sampling each year will be initiated between 15 March and 15 April and continue into at least June. Visits will be approximately 3–4 weeks apart. Minnow traps will initially be placed in May and may also be monitored later in the season.

Wildlife Biologists Mark Allaback and David Laabs of Biosearch Associates and field assistants Sara Higgins and Chad Steiner will perform the field work.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As these amphibians are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5050, the Department may authorize take of Fully Protected Amphibian after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibian, it would issue the authorization on or after March 1, 2005, for a term of three years. Contact: Wildlife Programs Branch, 1812 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

FISH AND GAME COMMISSION

NOTICE OF RECONSIDERATION OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on June 25, 2004, received a petition from the Central Coast Forest Association and Big Creek Lumber Company to delist coho salmon (*Oncorhynchus kisutch*) south of San Francisco from the Endangered Species list.

Pursuant to Section 2073 of the Fish and Game Code, on July 2, 2004, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. The Department's evaluation and recommendation relating to the petition were received by the Commission at its February 3, 2005, meeting in San Diego. At that meeting, the Commission found that the petition to delist the Coho Salmon south of San Francisco as an endangered species did not provide sufficient information to indicate that the petitioned action may be warranted. At its March 17, 2005, meeting in Oakland, the Commission ratified its findings of February 3, 2005, to reject the petition to delist coho salmon south of San Francisco as an endangered species.

As a result of court action, the Commission was directed to reconsider the petition. The Commission will reconsider the petition and the Department's evaluation and recommendation at its March 1, 2007, meeting in Arcata. Interested parties may contact John Carlson, Jr., Executive Director of the Commission for information on the petition or to submit information to the Commission relating to the petitioned species.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

PETITIONER

Lee Peyton, V–14724.

AUTHORITY

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections (CDC), Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the

CDCR 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. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

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.

AVAILABILITY OF PETITION

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

SUMMARY OF PETITION

Petitioner requests the CDCR to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, by repealing Subsection 3332(f), regarding "Management Cases".

DEPARTMENT DECISION

The Director of Corrections and Rehabilitation denies the petition to amend regulations in Title 15, Division 3, by repealing Subsection 3332(f) of the CCR.

The Petitioner requests that the Department amend regulations that pertain to the administration and supervision of detention units by repealing the specific subsection that pertains to management cases. The Petitioner also requests for a public hearing to be conducted on the subject matter of management cases in accordance with Government Code sections 11340.6, 11340.7, and 11346.8.

Petitioner acknowledges his placement in a management unit at High Desert State Prison. As noted in Subsection 3332(f) of the CCR, an inmate who persists in unduly disruptive, destructive or dangerous behavior and who will not heed or respond to orders and warnings to desist from such activity, may be placed in a management cell on an order of the unit's administrator. An inmate who requires management cell placement for longer than 24 hours will be considered for transfer to a psychiatric management unit or other housing appropriate to the inmate's disturbed state.

The Department contends that if an inmate's behavior is such that it poses a threat to himself, staff, other inmates, or to the safety and security of the institution, the Department is responsible to separate that inmate from the general population, and place that inmate in a safe and secure setting to allow for an evaluation of the cause of such behavior. While it is understandable that an innate may not prefer being housed in a management unit, it is an important penological tool to minimize violence from a disruptive inmate. By logical extension, many of the inmate's privileges must be reduced, including personal property such as clothing or toiletry items, to minimize the risk of injury the inmate may inflict upon himself or others. Once the inmate's behavior comports to acceptable institutional behavior, the inmate will be considered for alternative placement.

The Department contends that Title 15, Division 3, Subsection 3332(f) of the CCR, regarding management cases, is currently sufficient to ensure that inmates who exhibit dangerous or destructive behavior may be separated from the general population and housed in a management unit for the safety and security of the inmate, staff, other inmates, and the institution. Additionally, an inmate that feels that the "management case" rules have been misapplied in his case may utilize the appeal process as the appropriate remedy.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

PETITIONER

Reno Rios, E–33173.

AUTHORITY

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections (CDC), Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides

that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR 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. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

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.

AVAILABILITY OF PETITION

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

SUMMARY OF PETITION

Petitioner requests the CDCR to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, by promulgating what he contends are now underground regulations pertaining to gang management cases.

DEPARTMENT DECISION

The Director of Corrections and Rehabilitation denies the petition to amend regulations in Title 15, Division 3, by promulgating new regulations pertaining to gang management cases and the gang validation process.

Petitioner is a Hispanic inmate who at various times during his incarceration has been classified as a Northern Hispanic, a Southern Hispanic, and a Border Brother. After numerous appeals, he was finally correctly classified as a Mexican National. Petitioner has also been validated as a Mexican Mafia (EME) associate, to which Petitioner has filed appeals claiming he is not affiliated or associated with any gang within prison or outside of prison. Petitioner claims his validation is the result of staff conspirators developing false documentation to support this false gang validation. Petitioner states that the development of this false documentation constitutes an underground regulation, and the regulations that pertain to the classification and documentation process for identifying and validating inmates affiliated or associated with a prison gang must be amended. Petitioner has attached copies of a number of documents that were used in the development of his gang validation in support of his contention that the Department has utilized an underground regulation to complete this process.

The Department notes that Petitioner did solicit information from the Office of Administrative Law (OAL) regarding the correct process by which Petitioner could petition the Department regarding what he perceived to be an underground regulation. Petitioner did provide a complete description of what he perceived to be an underground regulation pertaining to the classification and documentation process for identifying and validating inmates affiliated or associated with a prison gang, a process primarily detailed in California Code of Regulations (CCR), Title 15, Division 3, subsection 3378(c). The Department notes this subsection was recently amended, with the amended text operative effective May 25, 2006, pursuant to Government Code section 11343.4, Register 2006, No. 21. As such, this amended regulation was adopted correctly pursuant to the Administrative Procedures Act and reviewed carefully by the OAL prior to being filed with the Secretary of State. The Department contends that there is no nexus between what Petitioner describes is an underground regulation in California Code of Regulations (CCR), Title 15, Division 3, and the gang validation process described in subsection 3378(c). Rather, it would appear that Petitioner is protesting the application of the regulation, not its content or how it was adopted. As such, Petitioner is utilizing the petition process to raise personal grievances with how the regulation is being applied, or to try to challenge the merits of the policy in the regulation, by making generalized criticisms.

Petitioner also included numerous copies of documents issued to him regarding his validation as a gang member that he feels are evidence of an underground regulation. The Department again does not see the nexus between the documentation provided and the existence of an underground regulation. Rather, the Department feels that this documentation provides very well documented evidence derived from a variety of confidential sources that Petitioner is an active EME associate functioning under the gang's policies, procedures, and guidelines to benefit the gang.

The Department contends that all decisive evidence of definitive characteristics of gang related activity or connection will be documented and placed in the respective inmate's Central File. This may include written material evidencing gang affiliation, tattoos and symbols, photographs, staff documentation, visual or

audible observation indicating gang affiliation, association, informants, offenses, legal documents, visitors, and/or communications. While it is understandable that an inmate may strive to be disassociated from the label of being a validated gang member, it serves no valid penological interest for correction officials at any level to develop false reports of any nature.

The Department contends that Title 15, Division 3, Subsection 3378(c) of the CCR, regarding the documentation of critical case information, specifically as it relates to the gang validation process, is currently sufficient to ensure that inmates who exhibit any affiliation or association with a prison gang be separated from the general population and housed in a management unit for the safety and security of the inmate, staff, other inmates, and the institution.

DECISION NOT TO PROCEED

BOARD OF ACCOUNTANCY

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The California Board of Accountancy has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on March 31, 2006, OAL File # Z–06–0321–05, concerning Title 16, Section 70.

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.

CALIFORNIA GAMBLING CONTROL COMMISSION
General Provisions and Forms

This filing makes the following changes without regulatory effect to six incorporated by reference forms: deleting a no longer in service post office address, revising the cashiering portion and including a date that a check is cashed and combining the instructions and application form into one form. The affected forms are CGCC 021, 022, 023, 025, 026 and 039. (Agency File Number CGCC–GCA–2006–8.)

Title 4
California Code of Regulations
AMEND: 12101, 12301.1 and 12309
Filed 01/30/07
Effective 03/01/07
Agency Contact:
Heather Cline–Hoganson (916) 274–6328

CALIFORNIA GAMBLING CONTROL COMMISSION
Conflict of Interest Code

The California Gambling Control Commission is adopting its conflict of interest code currently found at titel 4, section 12590, California Code of Regulations. Its prior citation was title 2, div. 8, ch. 95, sec. 58400, California Code of Regulations. This adoption was approved for filing by the Fair Political Practices Commission on January 8, 2007.

Title 4
California Code of Regulations
AMEND: 12590
Filed 01/31/07
Effective 03/02/07
Agency Contact: Pam Ramsey (916) 263–8111

CALIFORNIA GAMBLING CONTROL COMMISSION
Forms and Fees

This change without regulatory effect amends the amount of annual license fees to be paid based on the number of tables at the gambling establishment on the form "CGCC–024" pursuant to recent statutory changes (Stats. 2006, c. 721, sec. 1 (AB 1620), eff. 1/1/2007) and updates the revision date of the form in the regulation text.

Title 4
California Code of Regulations
AMEND: 12358
Filed 01/30/07
Effective 01/30/07
Agency Contact:
Heather Cline–Hoganson (916) 274–6328

CALIFORNIA GAMBLING CONTROL COMMISSION
Program for Responsible Gambling

This regulatory action directs gambling establishments to post information about problem gambling and to train their employees about the nature and symptoms

of problem gambling and assisting patrons in obtaining information about problem gambling programs. The regulations also allow persons to "opt–out" of receiving direct–mail marketing brochures which may entice them into gambling establishments and would allow persons to block themselves in advance from the opportunity to cash checks or obtain credit from a gambling establishment. Individuals could also exclude themselves from one particular cardroom or from all cardrooms in California. A penalty may be assessed for any cardroom that does not comply with the regulation.

Title 4
California Code of Regulations
ADOPT: 12460, 12461, 12462, 12463, 12464, 12466
Filed 01/30/07
Effective 03/05/07
Agency Contact:
Heather Cline–Hoganson (916) 274–6328

CALIFORNIA HORSE RACING BOARD
Applications for Licensure to Conduct

This action would impose a requirement for the use of a polymer synthetic racing surface at all facilities that conduct continuous Thoroughbred horse racing for four weeks or more in a calendar year.

Title 4
California Code of Regulations
AMEND: 1433
Filed 01/26/07
Effective 02/25/07
Agency Contact: Harold Coburn (916) 263–6397

CAL–PERS
Prefunding Plan for Health Care Coverage for Annuitants

This regulatory action is to clarify and make specific the law related to the Public Employees' Medical and Hospital Care Act (PEMHCA). These regulations define terms, provide for how an employer contracts with CalPERS, provide that CalPERS is to determine the amount of administrative costs and expenses to be paid by each participating employer, and specify the terms and conditions that must be included in the contract. These terms and conditions include the methodology and assumptions used to calculate the actuarial accrued liability for health care coverage, the method of payments to and disbursements from the plan, the reporting requirements, the method for allocating investment income, the circumstances for transfer of assets into or out of the plan, and the conditions under which the plan may be terminated.

Title 2
California Code of Regulations
ADOPT: 599.550, 599.552, 599.553, 599.554
AMEND: 599.500
Filed 01/26/07
Effective 01/26/07
Agency Contact: Barbara Galli (916) 795–4098

CONTRACTORS STATE LICENSE BOARD
Assessment of Civil Penalties

This amendment of 16 CCR §884 is to adjust the maximum civil penalty amount that can be assessed to an individual who violates the Contractors License Law. Currently the maximum amount is set at $2000, but the legislature amended Business & Professions Code §7099.2 to increase the statutory limit to $5000. In this rulemaking package CSLB is amending §884 to increase the minimum and maximum fines that can be assessed depending on the B&P Code section violated.

Title 16
California Code of Regulations
AMEND: 884
Filed 01/31/07
Effective 03/02/07
Agency Contact: Betsy Figueria (916) 255–3369

DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Eradication Area

This regulatory action is the Certificate of Compliance for the emergency filing that added Alameda County to the list of guava fruit fly eradication areas. (Prior OAL File Number 06–1004–03E; DFA File Numbers PH0665 and PH0693.)

Title 3
California Code of Regulations
AMEND: 3591.13(a)
Effective 01/24/07
Filed 01/24/07
Agency Contact: Stephen Brown (916) 654–1017

DEPARTMENT OF FOOD AND AGRICULTURE
Peach Fruit Fly Eradication Area

In this Certificate of Compliance regulatory action, the Department of Food and Agriculture amends its regulation pertaining to the "peach fruit fly eradication area" to include Los Angeles County as an eradication area.

Title 3
California Code of Regulations
AMEND: 3591.12(a)
Filed 01/31/07
Effective 01/31/07
Agency Contact: Stephen Brown (916) 654–1017

DEPARTMENT OF JUSTICE
Revision of Contractors Surety Bond Form

This print only filing is the Department of Justice's approval and printing of a revised Contractor's Bond form in the Title 11 listing of approved surety bonds.

Title 11
California Code of Regulations
AMEND: 30.1
Filed 01/25/07
Effective 01/25/07
Agency Contact:
Randall Borcherding (415) 703–5509

DEPARTMENT OF JUSTICE
Bond of Qualifying Individual

This print only filing is the Department of Justice's approval and printing of a revised "Bond of Qualifying Individual" form in the Title 11 listing of approved surety bonds.

Title 11
California Code of Regulations
AMEND: 30.5
Filed 01/25/07
Effective 01/25/07
Agency Contact:
Randall Borcherding (415) 703–5509

DEPARTMENT OF JUSTICE
Conflict of Interest Code Amendments

The California Department of Justice is amending their conflict of interest code found at title 11, section 20, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on January 2, 2007.

Title 11
California Code of Regulations
AMEND: 20
Filed 01/30/07
Effective 03/01/07
Agency Contact: Ted Prim (916) 324–5481

DEPARTMENT OF MANAGED HEALTH CARE
Language Assistance Programs

This regulatory action adopts requirements for language assistance programs for health care service plans.

Title 28
California Code of Regulations
ADOPT: 1330.67.04 REPEAL: 1300.67.8
Filed 01/24/07
Effective 02/23/07
Agency Contact: Emilie Alvarez (916) 445–9960

DEPARTMENT OF SOCIAL SERVICES
Division 22 State Hearing Amendments

This action amends Department of Social Services MPP Division 22 state administrative hearing procedures for review of county welfare department actions in administering public social services programs, such as CalWORKs, food stamps, and Medi–Cal. Amended regulations are effective 1–24–07.

Title MPP
California Code of Regulations
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
Filed 01/24/07
Effective 01/24/07
Agency Contact: Alison Garcia (916) 657–2586

EMPLOYMENT DEVELOPMENT DEPARTMENT
Disability Insurance Definitions

The California Employment Development Department is amending section 2601–1, title 22, California Code of Regulations. Sections 5020 through 5121 were either amended, renumbered or repealed in File No. 98–1231–07S (Register 99, No. 6). Therefore, it was necessary to change the cross reference in subsection (n) to conform to those changes made in the aforementioned file.

Title 22
California Code of Regulations
AMEND: 2601–1
Filed 01/30/07
Effective 03/01/07
Agency Contact: Laura Colozzi (916) 654–7712

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Specific Regulatory Levels Posing No Significant Risk

Effective December 8, 2006 the Office of Environmental Health Hazard Assessment removed 5 nitro–o–anisidine from the list of chemicals known to cause cancer. This resulted in 5 nitro–o–anisidine and its "no significant risk level" ("NSRL") contained in Section 12705 , subsection (d) (3) no longer being applicable effective December 8, 2006.This filing makes the following changes without regulatory effect: it removes 5 nitro–o–anisidine and its NSRL from being in print in Section 12705, corrects the spelling of "trans –2 [(Dimethylamino) methylimino]–5–[2–(5–nitro–2–furyl) vinyl]–1,3,4–oxadiazole" and corrects spacing between the listed chemicals.

Title 22
California Code of Regulations
AMEND: 12705
Filed 01/30/07
Effective 03/01/07
Agency Contact: Cynthia Oshita (916) 322–2068

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment is amending section 12000, title 22, California Code of Regulations. This particular section contains the list of chemicals that are known to the state to cause cancer or reproductive toxicity and is exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 25249.8.

Title 22
California Code of Regulations
AMEND: 12000
Filed 01/29/07
Effective 12/08/06
Agency Contact: Cynthia Oshita (916) 322–2068

STATE WATER RESOURCES CONTROL BOARD
Change without Regulatory Effect

This is a nonsubstantive action correcting a reference to the appropriate Code of Federal Regulations citation concerning notice of intent.

Title 23
California Code of Regulations
AMEND: 3833.1
Filed 01/29/07
Effective 01/29/07
Agency Contact: Erin Mahaney (916) 341–5187

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN AUGUST 30, 2006 TO JANUARY 31, 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

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	ADOPT: 18534
01/09/07	AMEND: 18707.1
01/09/07	ADOPT: 18530.3
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: 18545
12/18/06	ADOPT: 18421.3
12/18/06	AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
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
11/06/06	AMEND: 18216, 18421.1
11/03/06	AMEND: 1859.73.2
10/31/06	AMEND: 559.500, 559.501, 559.503, 559.504, 559.505, 559.507, 559.508, 559.509, 559.510, 559.511, 559.512, 559.513, 559.515, 559.516, 559.517
10/12/06	AMEND: 714
09/27/06	AMEND: 18754
09/07/06	AMEND: 21904, 21905
09/05/06	AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1

Title 3

01/31/07	AMEND:3591.12(a)
01/24/07	AMEND: 3591.13(a)
01/18/07	AMEND: 3423(b)
01/18/07	AMEND: 3800.1, 3800.2
01/18/07	AMEND: 3433(b)
01/18/07	AMEND: 3433(b)
01/09/07	AMEND: 3433(b)
01/08/07	AMEND: 3591.6(a)
01/08/07	AMEND: 3591.2(a)
01/05/07	AMEND: 3406(b)
01/05/07	AMEND: 3433(b)
01/05/07	AMEND: 6625

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
12/06/06 AMEND: 3591.6
12/06/06 AMEND: 3700(c)
11/30/06 ADOPT: 6128 AMEND: 6130
11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)
10/27/06 ADOPT: 765 AMEND: 760.4, Article 3.5
10/19/06 AMEND: 3591.6(a)
10/12/06 ADOPT: 3424
10/12/06 AMEND: 3433(b)
10/12/06 AMEND: 3433(b)
10/06/06 AMEND: 3700(c)
10/06/06 AMEND: 3591.13(a)
10/05/06 AMEND: 3589
10/05/06 AMEND: 3433(b)
10/02/06 AMEND: 3591.6(a)
09/19/06 AMEND: 3433(b)
09/12/06 AMEND: 3406(b)
09/12/06 AMEND: 3591.12(a)
09/08/06 AMEND: 3423(b)
09/07/06 AMEND: 3433(b)
09/05/06 AMEND: 3406(b)

Title 4

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
12/05/06 AMEND: 1582
11/22/06 AMEND: 1544 & 1658
11/16/06 ADOPT: 2422.1
11/03/06 AMEND: 10152, 10153, 10155, 10159, 10160, 10161, 10162
10/24/06 AMEND: 1486
10/16/06 AMEND: 1733
09/26/06 AMEND: 1976.8

Title 5

01/10/07 AMEND: 55806
11/13/06 AMEND: 18013, 18054
11/08/06 AMEND: 850, 851, 852, 853, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 870 REPEAL: 850.5, 880, 881, 882, 883, 884, 886, 887, 888, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901
10/26/06 AMEND: 30023(c)
10/23/06 ADOPT: 11991, 11991.1, 11991.2
10/16/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
09/29/06 ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831
09/15/06 REPEAL: 18074.1(b), (c), (d), 18074.3, 18074.4, 18074.5, 18074.6
08/30/06 ADOPT: 15566, 15567, 15568 REPEAL: 15569

Title 8

12/29/06 AMEND: 1598, 1599
12/27/06 AMEND: 3385
12/21/06 AMEND: 5031
12/15/06 AMEND: 5006.1
11/14/06 AMEND: 6368
11/14/06 AMEND: 3482, 5161, 5178
11/08/06 AMEND: 17000 Appendix
11/02/06 AMEND: 3650
10/18/06 AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33
09/29/06 AMEND: 341, 341.1
09/25/06 AMEND: 4920
09/21/06 ADOPT: 10001, 10002, 10003
09/19/06 ADOPT: 1532.2, 5206, 8359 AMEND: 5155

Title 9

12/29/06 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, 3200.080, 3200.090, 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, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650
11/21/06 AMEND: 9100
09/25/06 ADOPT: 3400

Title 10

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
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 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
12/29/06 ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
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
11/15/06 AMEND: 2697.6, 2697.61
11/09/06 AMEND: 2498.5
11/09/06 AMEND: 2534.27, 2534.28
10/24/06 ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
10/16/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17
10/10/06 AMEND: 2498.4.9
10/03/06 AMEND: 2498.5
10/02/06 AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19
09/20/06 AMEND: 2318.6, 2353.1
09/14/06 AMEND: 3528

Title 11

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: 1070, 1081, 1082
12/21/06 AMEND: 48.6
10/13/06 AMEND: 30.5
10/13/06 AMEND: 30.1

Title 13

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
12/06/06 ADOPT: 2022, 2022.1
12/01/06 ADOPT: 2479
11/13/06 AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446
11/13/06 AMEND: 2445.2(a)
10/30/06 ADOPT: 118.00
10/27/06 AMEND: 423.00
10/16/06 AMEND: 1956.8, 2404, 2424, 2425, 2485
10/05/06 AMEND: Section 1

09/14/06 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22

09/11/06 ADOPT: 2467.8, 2467.9 AMEND: 2467, 2467.1, 2467.2, 2467.3, 2467.4, 2467.5. 2467.6, 2467.7, Incorporated Documents REPEAL: 2467.8, Incorporated Test Method 512

09/07/06 AMEND: 1956.1, 1956.8, 2023.1, 2023.4

Title 13, 17

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

12/06/06 ADOPT: 2299.1, 93118

Title 14

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

12/28/06 ADOPT: 25231

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

12/19/06 AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231

12/05/06 AMEND: 2305, 2310, 2320

12/01/06 AMEND: 163, 164

11/27/06 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9. 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33

11/27/06 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

11/22/06 AMEND: 939.15, 959.15

11/16/06 AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9

11/14/06 AMEND: 5101, 5104

11/07/06 AMEND: 11900

11/02/06 AMEND: 183

10/19/06 AMEND: 632(b)(72)

10/11/06 AMEND: 895, 895.1, 1038, 1038(f)

10/06/06 AMEND: 670.2

09/20/06 AMEND: 895.1, 898, 914.8, [934.8, 954.8], 916, [936, 956], 916.2 [936.2, 956.2], 916.9, [936.9, 956.9], 916.11, [936.11, 956.11], 916.12, [936.12, 956.12], 923.3, [943.3, 963.3], 923.9, [943.9, 963.9]

09/19/06 AMEND: 502

09/15/06 AMEND: 851.8, 851.23, 851.51.1, 851.85, 852.3, 851.4, 851.10, 851.10.1

08/31/06 AMEND: 27.80

Title 15

01/18/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0

12/19/06 ADOPT: 3413.1 AMEND: 3413

12/04/06 AMEND: 3041.2, 3053, 3177, 3331, 3375

11/03/06 AMEND: 3084.1

11/03/06 AMEND: 3375.2, 3377.1

10/06/06 ADOPT: 2275

10/03/06 ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3358

Title 16

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
12/07/06 ADOPT: 1793.8 AMEND: 1793.7
12/05/06 AMEND: 1397.12
11/16/06 AMEND: 1397.60, 1397.61, 1397.62
11/16/06 AMEND: 1351.5, 1352
11/16/06 AMEND: 28
11/16/06 ADOPT: 1399.170.20.1 AMEND: 1399.151.1
11/15/06 AMEND: 4120, 4121, 4161, 4162
11/15/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034
11/08/06 AMEND: 4130
11/02/06 AMEND: 3394.6
10/31/06 AMEND: 100, 102, 109, 111, 117, 136
10/26/06 AMEND: 345
10/17/06 AMEND: 928
10/11/06 AMEND: 3303.2, 3340.15, 3340.18, 3340.32, 3340.42, 3394.5
10/03/06 AMEND: 70
09/28/06 AMEND: 1399.156.4
09/26/06 AMEND: 1579
09/12/06 AMEND: 384
09/07/06 ADOPT: 1399.391
08/31/06 ADOPT: 1727.1

Title 17

01/09/07 AMEND: 93000
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
11/27/06 AMEND: 94010, 94011, 94167, and Incorporated Documents
11/07/06 AMEND: 54342, 56076
11/06/06 AMEND: 1000600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610
10/26/06 AMEND: 2500, 2505
10/17/06 AMEND: 93102.5
10/12/06 ADOPT: 6500.1, 6500.5, 6500.19, 6500.25, 6500.28, 6500.31, 6500.35, 6500.39, 6500.45, 6500.46, 6500.57, 6500.59, 6500.65, 6500.67, 6500.69, 6500.70, 6500.74, 6500.77, 6500.80, 6501.2, 6502, 6504.2, 6504.4, 6504.6, 6506.2, 6506.6, 6506.8, 6506.10, 6506.12
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10/05/06 ADOPT: 100001, 100002, 100003, 100004
10/04/06 AMEND: 57310(b)(3), 57332(c)(3)(A), 57332(9)(A)2.a
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01/03/07 AMEND: 1610
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11/13/06 AMEND: 1699, 1802
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