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Action /Information Item

Grants and Programs Committee

Adoption of Proposed Regulations for the State Nursing Assumption Program of Loans for Education (SNAPLE)

The California Student Aid Commission (CSAC) is required by California Education Code 69616-69617 to adopt rules and regulations for the purpose of administering the SNAPLE. After consultation with stakeholders which included the nursing community, postsecondary institution representatives, and the Office of Statewide Health Planning and Development (OSHPD), CSAC staff developed proposed SNAPLE regulations designed to implement the new program.

CSAC staff incorporated recommendations made at the February 3, 2006, stakeholders meeting and gathered feedback and suggestions from nursing program and financial aid representatives. On February 10, 2006, revised draft regulations were shared with all stakeholder attendees, members of the Grant Advisory Committee (GAC), segmental nursing program representatives and legislative staff members. On February 21, 2006, the Commission held a GAC teleconference for committee members to discuss the SNAPLE regulatory process and provide more feedback.

On February 21, 2006, the CSAC staff delivered a notice of the proposed regulations and other required documents to the Office of Administrative Law (OAL) to begin the regulatory adoption process. On March 3, 2006, OAL approved the Notice of Proposed Regulations and published the Notice in the California Regulatory Notice Register which began the 45-day public comment period. CSAC staff mailed copies of the proposed regulations to all stakeholders, GAC members, Commissioners and postsecondary institutions.

At the GAC meeting held on March 9 and 10, 2006, Commission staff presented the SNAPLE proposed regulations and obtained additional feedback and recommendations from the committee. This meeting was

held during the 45-day public comment period and the GAC Committee plans to submit their comments in writing during the public comment period.

If the proposed regulations are adopted by the Commission on April 21, 2006 and submitted to OAL, OAL has thirty working days to review the package and approve or disapprove the regulations. If they are approved, OAL submits the regulations to the Secretary of State for filing and the regulations normally become effective 30 days after filing, unless the Commission requests that the regulations take effect on an earlier date. Staff recommends that the Commission request that the regulations take effect upon filing with the Secretary of State so that the Commission can begin administering the program prior to the end of the fiscal year.

The text of the proposed regulations and the initial statement of reasons are enclosed. The Final Statement of Reasons will be handed out at the meeting. This will include the Commission staff responses to comments received during the public comment period.

Recommended Action: Adopt the proposed regulations and accompanying documents, and authorize staff to take the necessary steps to complete the regulatory process.

Responsible Staff: Max Espinoza, Division Chief,
Grant Services Division

Catalina Mistler, Manager, Specialized
Programs Operations Branch

Catherine Brown, Deputy Attorney General

CALIFORNIA STUDENT AID COMMISSION
P.O. Box 419026
Rancho Cordova, CA 95741-9026

**AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1, CA CODE OF REGULATIONS
REGARDING IMPLEMENTATION OF STATE NURSING ASSUMPTION PROGRAM OF
LOANS FOR EDUCATION (Educ. Code §§ 69616-69617)**

PROPOSED TEXT

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Article 16. State Nursing Assumption Program of Loans for Education

Section 30910. Definitions

- (a) *“Academic year” means a period from July 1 of one calendar year through June 30th of the following calendar year.*
- (b) *“Accredited college or university” means a college or university that has been accredited by a regional accrediting body, including, but not limited to, Middle States Association of Colleges and Schools, The Northwest Commission on Colleges and Universities, North Central Association of Colleges and Schools, New England Association of Schools and Colleges, Inc./Commission on Institutions of Higher Education, Southern Association of Colleges and Schools/Commission on Colleges – SACS-CC, and Western Association of Schools and Colleges/Accrediting Commission for Senior Colleges and Universities.*
- (c) *“Accredited California college or university” means an accredited college or university with a location in California.*
- (d) *“Demonstrated academic ability” means academic standing consistent with the requirements established by the accredited college or university for satisfactory progress toward graduation or the award of the graduate degree.*
- (e) *“Demonstrated financial need” means financial need as determined under Article 1.5 (commencing with Section 69503) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code.*
- (f) *“Eligible noncitizen” means a United States resident as defined for financial aid purposes under Title IV of the federal Higher Education Act of 1965.*

(g) *“Full-time” and “full-time basis” means full-time employment, as determined by the employing accredited California college or university.*

(h) *“Other natural causes” means a disease, or physical or mental condition involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code section 12945.2 or the federal Family and Medical Leave Act of 1993.*

(i) *“Part-time” and “part-time basis” means part-time employment, as determined by the employing accredited California college or university.*

(j) *“Participating institution” means an accredited college or university that has elected to participate in the program by submitting nominations of students to the Commission under the provisions of this Article.*

(k) *“Program” means the State Nursing Assumption Program of Loans for Education established in Article 5.6 (commencing with section 69616) of Chapter 2 of Part 42 of Division 5 of Title 3 of the California Code of Education and as set forth in this Article.*

(l) *“Program participant” means a student who has a loan assumption agreement signed by both the student and the Commission.*

(m) *“Satisfactory academic progress” means academic standing consistent with the requirements of the accredited college or university for satisfactory progress toward the award of the graduate degree.*

(n) *“Serious illness” means an illness involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code section 12945.2 or the federal Family and Medical Leave Act of 1993.*

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.1, 69616.2, 69616.3, 69616.4, 69616.5 and 69616.7 of the Education Code.

Section 30911. Application to Participate in the Program

A student enrolled in a participating institution shall submit an application to participate in the program to his or her participating institution. The application shall include the following information:

(a) Personal information:

- (1) Last name, first name and middle initial;*
- (2) Social Security number;*
- (3) Address and telephone number;*
- (4) Date of birth;*

- (5) *E-mail address, if available;*
- (6) *California Registered Nurse License number, if available.*

(b) Eligibility criteria information, which shall include the student's representation that the student:

- (1) is a United States citizen or eligible noncitizen;*
- (2) is a resident of California;*
- (3) is in compliance with Selective Service requirements;*
- (4) does not owe a refund on any state or federal educational grant;*
- (5) does not currently have a delinquent or defaulted student loan.*

(c) Information relating to criteria for being awarded a loan assumption agreement:

(1) Representations that the student:

(i) is enrolled in an academic program leading to a baccalaureate degree and is accepted to a graduate program in nursing at an accredited college or university, and the name of that college or university; or

(ii) has obtained a baccalaureate degree and is accepted to a graduate program in nursing at an accredited college or university, and the name of that college or university; or

(iii) is enrolled in a graduate program in nursing at an accredited college or university, and the name of that college or university.

(2) Student's agreement to:

(i) maintain satisfactory academic progress; and

(ii) teach in a nursing program on a full-time basis at one or more accredited California colleges or universities for at least three consecutive years, or for five consecutive academic years on a part-time basis, immediately after obtaining a graduate degree in nursing education;

(3) The name of lender, loan identification number(s), and current balance(s) of a loan or loans the student has received, or has been approved to receive, in order to meet the costs of obtaining a graduate degree in nursing, under one or more of the following designated loan programs:

(i) the Federal Family Education Loan Program (20 U.S.C. Sec. 1071 et seq.);

(ii) the Federal Direct Loan Program (20 U.S.C. Sec. 1087b et seq.);

(iii) privately-funded student loans to the student issued through institutions of higher education, or financial institutions or companies, but not including lines of credit, home equity loans, credit card debt, and other general consumer loans, business loans, personal loans, or mortgages.

(d) The application shall be dated and signed by the student under penalty of perjury under the laws of the State of California.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.1 and 69616.7 of the Education Code.

Section 30912. Nominations by a Participating Institution

(a) A participating institution may nominate one or more students who have submitted applications to participate in the program by complying with the procedures listed in this section.

(b) The participating institution may nominate a student satisfying the requirements in this section and in section 30911 by submitting to the Commission the following:

(1) the student's application;

(2) the participating institution's certifications:

(i) that the student is enrolled in, or has been admitted into, a graduate nursing program in which the student will be enrolled on at least a half-time basis, as determined under the academic requirements of the participating institution;

(ii) that the student is making satisfactory academic progress;

(iii) that the student has demonstrated academic ability;

(iv) that it is an accredited college or university; and

(v) of the date the student is expected to receive his or her graduate nursing degree;

(3) the participating institution's determination that the student has demonstrated outstanding ability to become a nursing faculty member, on the basis of the following criteria:

(i) grade point average;

(ii) faculty evaluation of the student's ability to become a nursing faculty member based on the factors used by the participating institution to hire nursing faculty;

(4) the student's grade point average, certified by the participating institution.

(c) Each nomination, including the certifications required by this section, submitted by a participating institution shall be signed by the director of the participating institution's nursing program or designee under penalty of perjury under the laws of the State of California.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.1, 69616.2, 69616.3 and 69616.7 of the Education Code.

Section 30913. Award Process

(a) The Commission shall select program participants from among the students whose nominations are received by the Commission by May 31 of each academic year and whose nominations and applications are complete. If the maximum allocation of awards is not exhausted after this selection process is completed, the Commission may continue to accept nominations and select program participants based on the date the nominations are received by the Commission. The Commission may continue to make awards until the maximum allocation is satisfied.

(b) Nominated students will be scored and awarded points using the following selection criteria:

(1) *Nominated student's expected date of the award of the graduate nursing degree – points will be awarded according to the length of time remaining until the nominated student is expected to receive the graduate nursing degree, as follows:*

GRADUATE NURSING DEGREE AWARD	POINTS
Completion Within Four Years or Less	20
Completion Within Three Years or Less	30
Completion Within Two Years or Less	40
Completion Within One Year or Less	50

(2) *Nominated student's grade point average in the graduate nursing program – points will be awarded as follows:*

GRADUATE GPA	POINTS
2.99 or Less	0
3.00 - 3.24	10
3.25 – 3.49	15
3.50 – 3.74	20
3.75 – 3.99	25
4.00	30

A nominated student who does not have a grade point average for the graduate nursing program, but has an undergraduate grade point average of at least 3.00 will be awarded 10 points.

(3) *A nominated student with an active RN license issued by the California Board of Registered Nursing will be awarded 20 points.*

(c) *The Commission will select nominees with the highest point totals until the authorized award allocation is exhausted. In the case of a tie in the total number of points, the Commission will select nominees based on the earliest date of receipt of the nomination by the Commission.*

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.5 and 69616.7 of the Education Code.

Section 30914. Loan Assumption Agreements

(a) *The Commission shall provide a loan assumption agreement to each nominated student who has been chosen by the Commission to be a program participant. The loan assumption agreement shall be effective when both the program participant and the Commission have signed the agreement.*

(b) *The loan assumption agreement shall include the following:*

- (1) *The program participant's agreements to*
 - (i) *maintain satisfactory academic progress;*
 - (ii) *be enrolled on at least a half-time basis each academic term;*
 - (iii) *continue to satisfy the requirements in section 30911(b)(1)-(5);*

(iv) teach nursing on a full-time basis at an accredited California college or university for at least three consecutive years, or five consecutive academic years on a part-time basis at one or more accredited California colleges or universities, immediately after obtaining a graduate nursing degree; and

(v) authorize the accredited college or university he or she is attending, employers, and lenders to provide information requested by the Commission for the purposes of administering the loan assumption agreement.

(2) The Commission shall agree that:

(i) after the program participant has completed one academic year teaching nursing on a full-time basis at an accredited California college or university, or the equivalent on a part-time basis at one or more accredited California colleges or universities, the Commission shall assume, subject to the requirements of section 30915, up to eight thousand three hundred thirty-three dollars (\$8,333) of the outstanding liability of the participant under one or more of the designated loan programs;

(ii) after the program participant has completed two consecutive academic years of teaching nursing on a full-time basis at an accredited California college or university, or the equivalent on a part-time basis at one or more accredited California colleges or universities, the Commission shall assume, subject to the terms of section 30915, up to an additional eight thousand three hundred thirty-three dollars (\$8,333) of the outstanding liability of the participant under one or more of the designated loan programs, for a total loan assumption of up to sixteen thousand six hundred sixty-six dollars (\$16,666); and

(iii) after the program participant has completed three consecutive academic years of teaching nursing on a full-time basis at an accredited California college or university, or the equivalent on a part-time basis at one or more accredited California colleges or universities, the Commission shall assume, subject to the terms of section 30915, up to an additional eight thousand three hundred thirty-three dollars (\$8,333) of the outstanding liability of the participant under one or more of the designated loan programs, for a total loan assumption of up to twenty-five thousand dollars (\$25,000).

(3) The program participant shall agree to the provisions of section 30916.

(c) The term of the loan assumption agreement shall be no more than 10 years from the date signed by the program participant and the Commission.

(d) The loan assumption agreement shall constitute a conditional warrant that may be redeemed with the Commission as specified in section 30915.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.3, 69616.6, and 69616.7 of the Education Code.

Section 30915. Loan Payments

(a) A program participant may redeem the conditional warrant and the Commission shall make loan payments, as provided in subsection (c), when:

(1) the program participant has provided documentation certifying that the program participant has received a graduate degree in nursing from an accredited, participating institution;

(2) the program participant has provided the following employment information for each applicable year of employment subject to the loan assumption agreement:

(i) program participant's name and social security number;

(ii) names and addresses of the program participant's employers;

(iii) program participant's signature under penalty of perjury under the laws of the State of California.

(3) the program participant has provided the following employment information from his or her employers for each applicable year of employment subject to the loan participation agreement:

(i) statement that the program participant completed an academic year of teaching nursing on a full-time basis, or, if the program participant is employed on a part-time basis, the percentage of employment as related to full-time, or a statement that the program participant did not complete an academic year of teaching nursing and the reason for not completing the academic year;

(ii) statement indicating whether or not the employer anticipates the program participant will be employed by the employer for the next academic year;

(iii) statement that the employer is an accredited California college or university;

(iv) employer representative's printed or typed name, title, and telephone number;

(v) employer representative's signature under penalty of perjury under the laws of the State of California;

(4) the program participant has provided the following information from each lending institution on the loans subject to the loan assumption agreement:

(i) program participant's name and social security number;

(ii) account number for each loan;

(iii) interest rate for each loan;

(iv) disbursement date for each loan;

(v) payoff amount for each loan as of June 30;

(vi) indication for each loan whether the loan is in default;

(vii) lending institution/servicer name;

(viii) lending institution/servicer eight-digit servicer identification code;

(ix) address for where payment is to be sent;

(x) a signature of the lending institution official under penalty of perjury under the laws of the State of California

(xi) printed name of the lending institution official;

(xii) e-mail address of the lending institution official;

(xiii) telephone number of the lending institution official;

(5) the Commission has determined that the program participant has satisfied the loan payment requirements of the loan assumption agreement.

(b) A program participant who teaches on less than a full-time basis is not eligible for a loan payment until he or she teaches for the equivalent of a full-time academic year.

(c) Loan payments shall be made by lump-sum payment to the lender, to be applied directly to the principal balance. Payments shall first be made toward loans with the highest interest

rates. The program participant shall continue to make payments as required under the terms of the loans to avoid defaulting on those loans, until notified by the lenders or loan servicers that the loans are paid in full.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.1, 69616.2, 69616.3, 69616.4 and 69616.7 of the Education Code.

Section 30916. Failure to Comply with the Loan Assumption Agreement

(a) A program participant who fails to meet the requirements of section 30911(b)(1)-(5) throughout the term of the loan assumption agreement, or who fails to complete a minimum of three consecutive academic years of teaching in nursing at an accredited California college or university on a full-time basis, or five consecutive academic years on a part-time basis, shall repay loan payments previously provided by the program and shall retain responsibility to continue to make any payments required under the terms of any outstanding loans to avoid defaulting on those loans.

(b) If a program participant is unable to complete one of the three consecutive academic years of teaching nursing at an accredited California college or university on a full-time basis, or any of the five consecutive academic years on a part-time basis, due to serious illness, pregnancy, or other natural causes, the program participant shall receive a deferral for a period of not to exceed one academic year. This deferral shall be in the form of a delay of one academic year in the program participant's obligation to repay the Commission for loan payments previously provided by the program. The program participant, however, shall retain responsibility to continue to make any payments required under the terms of any outstanding loans to avoid defaulting on those loans.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Sections 69616.4 and 69616.7 of the Education Code.

Section 30917. Development of Projections for Funding Purposes

The Commission shall use program participants' expected dates of graduation and employment dates to project the funding level required to provide loan payments under the program.

Note

Authority cited: Section 69616.6 of the Education Code. Reference: Section 69616.6 of the Education Code.

**CALIFORNIA STUDENT AID COMMISSION
P. O. Box 419026
Rancho Cordova, CA 95741-9026**

**AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1, CA CODE OF REGULATIONS
REGARDING STATE NURSING ASSUMPTION PROGRAM OF LOANS FOR EDUCATION
(SNAPLE) – (EDUCATION CODE 69616 *et seq.*)**

INITIAL STATEMENT OF REASONS

INTRODUCTION

Chapter 73 of the Statutes of 2005 enacted the State Nursing Assumption Program of Loans for Education (SNAPLE) in Education Code sections 69616-69616.7. This program authorizes CSAC to make payments for student loans on behalf of program participants who took out those loans to finance their graduate nursing education. The loan payments would begin only after those program participants obtain their graduate nursing degrees and after they complete an academic year of full-time, or the part-time equivalent, teaching nursing in an accredited California college or university. The students are obligated to teach for three consecutive academic years of full-time teaching, or five consecutive years of part-time teaching, to receive up to \$25,000 in loan payments. CSAC is required to select participants in the program from nominees submitted by accredited colleges and universities. The Legislature's stated intent for this loan assumption program was that it "be designed to encourage persons to complete their graduate educations and serve as nursing faculty at an accredited California college or university." (Educ. Code, § 69616(c).) Recognizing the growing need for new faculty members in the nursing field at California's colleges and universities, the Legislature found that "the rising costs of higher education, coupled with a shift in available financial aid from scholarships and grants to loans, make loan repayment options an important consideration in a student's decision to pursue a graduate degree in nursing education." (Educ. Code, § 69616(b).)

The proposed regulations implement, interpret, and make specific the SNAPLE requirements established in Education Code sections 69616-69616.7.

The specific purpose of each adoption, and the rationale for the determination that each adoption is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the administrative requirement or other condition or circumstance that each adoption is intended to address, is as follows:

PROPOSED ARTICLE 16 – STATE NURSING ASSUMPTION PROGRAM OF LOANS FOR EDUCATION

Section 30910 – Definitions

This section defines the terms used in this Article.

Subsection (a) of section 30910 defines “academic year.” This definition is necessary to clarify and ensure uniformity for purposes of determining requirements for student enrollment in, and employment by, accredited California colleges or universities.

Subsection (b) of section 30910 defines “accredited college or university.” The definition specifies that a college or university attended by a student who applies to participate in the program must be accredited by a regional accrediting body, including six specifically-named regional accrediting bodies. This is necessary because Education Code section 69616.2(a) requires that students who apply for the program must receive a graduate degree from an accredited college or university. The six named regional accrediting bodies are recognized by the United States Department of Education.

Subsection (c) of section 30910 defines “accredited California college or university.” This definition clarifies that an accredited California college or university must have a location in California. This is necessary because Education Code section 69616.1(a)(2) requires a SNAPLE participant to teach in an accredited California college or university before CSAC can begin to make loan payments for the participant.

Subsection (d) of section 30910 defines “demonstrated academic ability” to mean academic standing consistent with the requirements for established by the accredited college or university for satisfactory progress toward graduation or the award of a graduate degree. This definition is necessary because Education Code section 69616.1(c) requires participants in SNAPLE to have demonstrated academic ability.

Subsection (e) of section 30910 defines “demonstrated financial need” to mean financial need determined under Article 1.5 (commencing with Section 69503) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, as required by Education Code section 69616.1(c). This definition is necessary because Education Code section 69616.1(c) requires participants in SNAPLE to have demonstrated financial need, as determined under the referenced article.

Subsection (f) of section 30910 defines “eligible noncitizen.” This definition is necessary because Education Code section 69616.1(a)(1) limits participation in SNAPLE to United States citizens or eligible noncitizens. The definition is similar to the definition used on the Free Application For Federal Student Aid (FAFSA). The FAFSA is used by students to obtain federal financial aid, including student loans issued by the Federal Family Education Loan Program (FFELP) and the Direct Lending Program. Since student loans obtained under both FFELP and the Direct Lending Program are eligible for payment under the SNAPLE program, using a similar definition for eligible noncitizen is more efficient and enhances clarity and consistency.

Subsection (g) defines “full-time” and “full-time basis” to mean full-time employment as determined by the employing accredited California college or university. This is necessary because Education Code sections 69616.1(b), 69616.1(c)(6), and 69616.3 require a SNAPLE participant to agree to teach in a California college or university on a full-time basis, or the equivalent of full-time, to qualify for loan payments by CSAC. California colleges and universities have different standards by which they determine whether an employee is working full-time, and these standards apply for purposes of determining retirement and other

employment rights. Rather than imposing a different definition solely for SNAPLE purposes, it is more efficient and is consistent with the SNAPLE law to accept the employing California college's or university's standard for full-time employment.

Subsection (h) of section 30910 "other natural causes" to mean a disease or physical or mental condition involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code section 12945.2 or the federal Family and Medical Leave Act of 1993. This is necessary to clarify Education Code section 69616.4(b), which provides that a SNAPLE participant who fails to fulfill his or her teaching commitment due to serious illness, pregnancy or other natural causes is to receive a deferral of the resumption of full liability for his or her student loans for up to one academic year.

Subsection (i) of section 30910 defines "part-time" and "part-time basis" to mean part-time employment as determined by the employing accredited California college or university. This is necessary because Education Code sections 69616.1(b) and 69616.1(c)(6) require a SNAPLE participant to agree to teach in a California college or university for the part-time equivalent of a full-time basis to qualify for loan payments by CSAC. California colleges and universities have different standards by which they determine whether an employee is working part-time, and these standards apply for purposes of determining retirement and other employment rights. Rather than imposing a different definition solely for SNAPLE purposes, it is more efficient, and not inconsistent with the purposes of SNAPLE, to accept the employing California college's or university's standard for part-time employment.

Subsection (j) of section 30910 defines "participating institution." This definition establishes that an accredited California college or university may submit, but is not required to submit, student nominees to participate in SNAPLE. This definition is necessary to clarify that colleges and universities may, but are not required to, submit nominations to CSAC, as authorized by Education Code section 69616.5(a). This definition also easily distinguishes references in the regulations to colleges or universities that have nominated students from references to colleges or universities that may employ those students to teach in nursing programs after the students receive their graduate degrees.

Subsection (k) of section 30910 defines "program" to mean SNAPLE. This simplifies the references to the program throughout the Article.

Subsection (l) of section 30910 defines "program participant" as a student who has a loan assumption agreement signed by both the student and the Commission. This is necessary to distinguish a participant who has been selected and has an executed agreement with the Commission for loan payments, from a student who has only submitted an application to his or her participating institution, and from a student who has been nominated to participate by a participating institution, but has not been selected by the Commission.

Subsection (m) of section 30910 defines "satisfactory academic progress" to mean academic standing consistent with the requirements of the accredited college or university for satisfactory progress toward the award of a graduate degree. This definition is necessary to clarify Education Code sections 69616.1(a)(3) and (c)(3), which require SNAPLE participants to agree to, and to maintain, satisfactory academic progress.

Subsection (n) of section 30910 defines “serious illness” to mean an illness involving inpatient care in a hospital or residential health care facility, or continuing treatment or continuing supervision by a health care provider, or family care and medical leave under Government Code section 12945.2 or the federal Family and Medical Leave Act of 1993. This is necessary to clarify Education Code section 69616.4(b), which provides that a SNAPLE participant who fails to fulfill his or her teaching commitment due to serious illness, pregnancy or other natural causes is to receive a deferral of the resumption of full liability for his or her student loans for up to one academic year.

Section 30911 – Application to Participate in the Program

This section specifies the content of an application to participate in SNAPLE. This is necessary to provide student applicants and participating institutions with guidance on preparing the application, and to ensure that each application contains sufficient information for the participating institution to evaluate the applicant for nomination and for CSAC to determine whether to select the applicant for participation in SNAPLE.

Subsection (a) of section 30911 – This section requires personal information for each applicant that is necessary for CSAC to identify each applicant separately from any other applicant.

Subsection (b) of section 30911 – This section requires information for each applicant that is necessary to ensure that each applicant meets the eligibility requirements for SNAPLE participation established by Education Code section 69616.1(a).

Subsection (c) of section 30911 – This section requires information for each applicant that is necessary for participating institutions and CSAC to determine that each applicant satisfies the requirements for SNAPLE participation established by Education Code sections 69616.1(c)(2), (3), (5), and (6).

Subsection (d) of section 30911 – This section requires the student’s application to be dated and signed under penalty of perjury under the laws of the State of California. This is necessary to obtain information with a degree of reliability to justify the expenditure of State funds for making payments for the student’s student loans.

Section 30912 – Nominations by a Participating Institution

This section specifies the obligations a participating institution must satisfy to nominate a student-applicant to participate in SNAPLE, as well as the content of the nomination submitted by a participating institution to CSAC.

Subsection (a) of section 30912 – This section is necessary to establish a participating institution’s general obligation to comply with the procedures stated in this section to nominate a student to participate in SNAPLE.

Subsection (b) of section 30912 – This section specifies the content of a participating institution’s nomination of a student to participate in SNAPLE. This is necessary to clarify the requirements for nominations of students to participate in SNAPLE, and to ensure compliance with the requirements of Education Code sections 69616.1(a) and (c)(1), (2), (3), and (4). This section is also necessary to ensure that each nomination contains sufficient information for CSAC to determine whether to select the applicant for participation in SNAPLE.

Subsection (c) of section 30912 – This section requires each nomination to be signed by the director of the participating institution’s nursing program, or designee, under penalty of perjury. This section clarifies who must sign the nomination, and is also necessary to a degree of reliability to justify the expenditure of State funds for making payments for the student’s student loans.

Section 30913 – Award Process

This section governs the process by which CSAC will select participants for SNAPLE from the nominations submitted by participating institutions.

Subsection (a) of section 30913 – This section requires CSAC to follow the selection criteria listed in the section and establishes an annual deadline by which nominations must be submitted to CSAC. The section also provides that if a maximum allocation is not exhausted after the award process, CSAC may continue to accept nominations after the deadline and select program participants based on the date the nominations are received by CSAC. This section is necessary to clarify the selection process and to clarify that the selection from among nominated students may continue even after the completion of the initial award process.

Subsection (b) of section 30913 – This section specifies the criteria CSAC will apply to select participants in SNAPLE from among nominations submitted by participating institutions. This is necessary to provide students and participating institutions with guidance on preparing their applications and nominations, respectively, and to ensure that all nominations are considered under identical standards. This section is also necessary to clarify the criteria suggested by Education Code section 69616.5(b).

Subsection (c) of section 30913 – This section specifies that CSAC will select nominees with the highest point totals. This is necessary to clarify how the selection criteria will be used. The section also provides that in case of a tie, CSAC will select nominees based on the earliest date of receipt of the nomination by CSAC. This is necessary to provide clarity on how CSAC will choose from among equal scores when remaining awards are limited.

Section 30914 – Loan Assumption Agreements

This section governs the process and content of loan assumption agreements that will be provided to students upon their selections by CSAC to participate in SNAPLE.

Subsection (a) of section 30914 – This section requires CSAC to provide a loan assumption agreement to each student who has been selected to participate in SNAPLE, but specifies that the loan assumption agreement is not effective until it is signed by both the student and CSAC. This section is necessary to clarify that selection to participate in SNAPLE does not establish participation and that a signed loan assumption agreement is necessary for participation to be effective.

Subsection (b) of section 30914 – This section establishes the contents of the loan assumption agreement. This section is necessary not only to clarify the content of the agreement between the students who have been selected to participate in SNAPLE and CSAC, but also to inform those students about their obligations and the conditions under which CSAC is authorized to make loan payments. This section is also necessary to clarify Education Code sections 69616.1(c)(1), (3), and (6), and 69616.3.

Subsection (c) of section 30914 – This section provides that the term of the loan assumption agreement shall be no more than 10 years from the date signed by the program participant and CSAC. This is necessary to implement the requirement in Education Code section 69616.6, which requires CSAC's regulation to include a provision regarding the period of time for which a warrant shall remain valid.

Subsection (d) of section 30914 – This section establishes that the loan assumption agreement constitutes a conditional warrant that may be redeemed under conditions specified in section 30915. This section is necessary to clarify Education Code sections 69616.1(b) and 69616.9.

Section 30915 – Loan Payments

This section governs the process by which program participants may redeem their conditional warrants (loan assumption agreements) and CSAC may make loan payments on behalf of the program participants.

Subsection (a) of section 30915 – This section specifies the information that a program participant must provide to CSAC before CSAC can begin making loan payments. This section is necessary to clarify the requirements program participants must satisfy to obtain loan payments by CSAC, to ensure compliance with requirements in Education Code sections 69616.2 and 69616.3, and to obtain information to identify each participant separately from every other participant and to enable CSAC to determine, process, and pay the appropriate amount of loan payment.

Subsection (b) of section 30915 – This section establishes that a program participant who teaches on a less than full-time basis is not eligible for loan payments until he or she teaches for the equivalent of a full-time academic year. This section is necessary to ensure that

program participants are informed of their obligation specified by Education Code section 69616.1(c)(7).

Subsection (c) of section 30915 – This section specifies that loan payments are to be paid by in a lump sum, which is to be applied directly to the principal balance, that payments will first be made toward loans with the highest interest rates, and that program participants must continue to make payments as required under the terms of the loans to avoid defaulting on the loans. This section is necessary to clarify the method for loan payment by CSAC and to clarify program participants' continuing obligations on their loans.

Section 30916 – Failure to Comply with the Loan Assumption Agreement

This section specifies the consequences of a program participant's failure to comply with the requirements in the loan assumption agreement.

Subsection (a) of section 30916 – This section specifies that a program participant who fails to meet eligibility requirements specified in proposed section 30911(b)(1)-(5), and mandated by Education Code section 69616.1(a), or who fails to complete the required three consecutive academic years of teaching nursing studies on a full-time basis, or five consecutive academic years on a part-time basis, must repay any loan payments previously made by CSAC and retain responsibility for any remaining loan obligations. This section is necessary to clarify the consequences of a program participant's failure to satisfy the obligations included in the loan assumption agreement and to implement Education Code sections 69616.1(a) and 69616.4(a).

Subsection (b) of section 30916 – This section establishes that a deferral, in the form of a delay of one academic year in the obligation to repay CSAC for prior loan payments, is available to a program participant who fails to satisfy the obligations included in the loan assumption agreement due to serious illness, pregnancy, or other natural causes. This section is necessary to clarify the deferral provided in Education Code section 69616.4(b).

Section 30917 – Development of Projections for Funding Purposes

This section is necessary to implement the requirement in Education Code section 69616.6 that CSAC include in its regulations provisions for the development of projections for funding purposes.



California Regulatory Notice Register

REGISTER 2006, NO. 9-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 3, 2006

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*Time-
Dated
Material*

TITLE 5. CALIFORNIA STUDENT AID COMMISSION

NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CA CODE OF REGULATIONS REGARDING STATE NURSING ASSUMPTION PROGRAM OF LOANS FOR EDUCATION (SNAPLE) — (EDUCATION CODE 69616 *et seq.*)

NATURE OF PROCEEDING

Notice is given that the California Student Aid Commission (CSAC) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period, that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the California Student Aid Commission, upon its own motion or at the instance of any interested party, 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 before 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

California Student Aid Commission
Attention: Judith Beck
P.O. Box 419026
Rancho Cordova, CA 95741-9026

Comments may also be submitted by facsimile (FAX) at (916) 526-7977 or by e-mail to snaple@csac.ca.gov. Comments must be submitted before 5:00 p.m. on April 17, 2006.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 69616.6 of the Education Code, and to implement, interpret, or

make specific sections 69616-69617 of the Education Code, the California Student Aid Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations as follows: adopt sections 30910-30917 to implement, interpret, and make specific sections 69161-69617 of the Education Code establishing the State Nursing Assumption Program Of Loans For Education (SNAPLE).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The broad objective of this proposal is to implement the SNAPLE student loan payment program established by Education Code sections 69616-69617.

Chapter 73 of the Statutes of 2005 enacted the State Nursing Assumption Program of Loans for Education (SNAPLE) in Education Code sections 69616-69616.7. This program authorizes CSAC to make payments for student loans on behalf of program participants who took out those loans to finance their graduate nursing education. The loan payments would begin only after those program participants obtain their graduate nursing degrees and after they complete an academic year of full-time, or the part-time equivalent, teaching in a nursing program in an accredited California college or university. The students are obligated to teach for three consecutive academic years of full-time teaching, or five consecutive years of part-time teaching. CSAC is required to select participants in the program from nominees, meeting specified criteria, submitted by accredited colleges and universities. The Legislature's stated intent for this loan assumption program is that it "be designed to encourage persons to complete their graduate educations and serve as nursing faculty at an accredited California college or university." (Educ. Code, § 69616(c).) Recognizing the growing need for new faculty members in the nursing field at California's colleges and universities, the Legislature found that "the rising costs of higher education, coupled with a shift in available financial aid from scholarships and grants to loans, make loan repayment options an important consideration in a student's decision to pursue a graduate degree in nursing education." (Educ. Code, § 69616(b).)

The proposed regulations would implement, interpret, and make specific the elements of SNAPLE. Specifically, the proposal would:

1. Define terms used in the regulations;
2. Establish and specify the requirements for applications to participate in the program;
3. Establish and specify the requirements for the nominations of students for the program by accredited colleges or universities that decide to participate in the program;

4. Establish the process by which CSAC will select program participants from among the nominated students;
5. Specify the requirements for loan assumption agreements between the selected program participants and CSAC;
6. Specify the requirements under which CSAC may make loan payments on behalf of the program participants;
7. Specify the consequences of a program participant's failure to complete the obligation to teach nursing.

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

None.

EFFECT ON HOUSING COSTS

None

BUSINESS IMPACT/SMALL BUSINESSES

CSAC has made an initial determination that the proposed regulatory action would have no significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by section 11342.610. This proposal would affect a private sector or small business only if a private sector college or university voluntarily chooses to nominate its students to participate in SNAPLE.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

CSAC 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 IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

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

BUSINESS REPORT

This regulatory proposal does not require a report.

ALTERNATIVES

CSAC 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 PERSON

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

Judith Beck
California Student Aid Commission
P. O. Box 419026
Rancho Cordova, CA 95741-9026

(916) 526-8199

or

Linda Brown
California Student Aid Commission
P. O. Box 419026
Rancho Cordova, CA 95741-9026

(916) 526-7599

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the

information upon which the proposal is based may be obtained upon request from CSAC, P. O. Box 419026, Rancho Cordova, CA 95741-9026. These documents may also be viewed and downloaded from the CSAC website at www.csac.ca.gov.

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

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.csac.ca.gov.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

NOTICE OF PUBLIC MEETING/PUBLIC
HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD AND NOTICE
OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS

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

PUBLIC MEETING: On **April 20, 2006**, at 10:00 a.m. in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

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

PUBLIC HEARING: On **April 20, 2006**, following the Public Meeting in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

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

BUSINESS MEETING: On **April 20, 2006**, following the Public Hearing in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **April 20, 2006**.

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 10
New Section 3395
Heat Illness Prevention
2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 15,
Section 3482 and Article 109,
Sections 5161 and 5178
Grain Handling Facilities

NOTICE PUBLICATION/REGULATIONS SUBMISSION

TAB 1.3D

STD. 400 (REV. '4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-06-0221-03	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Student Aid Commission			AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ()	FAX NUMBER (Optional) ()
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) State Nursing Assumption Program of Loans for Education	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
SECTION(S) AFFECTED (List all section number(s) individually)	ADOPT Sections 30910-30917
	AMEND
TITLE(S) 5	REPEAL

3. TYPE OF FILING

Regular Rulemaking (Gov. Code, § 11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) Emergency (Gov. Code, § 11346.1(b)) Emergency Readopt (Gov. Code, § 11346.1(h)) Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.

Print Only Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) Other (specify) _____

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))

Effective 30th day after filing with Secretary of State Effective on filing with Secretary of State Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Catherine Brown	TELEPHONE NUMBER (916) 323-8789	FAX NUMBER (Optional) (916) 324-5567	E-MAIL ADDRESS (Optional)
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8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
--------------------------------------	------

TYPED NAME AND TITLE OF SIGNATORY

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 4-99) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the

regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number for the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6815.