



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 the Office of State Publishing.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of Mental Health

A written comment period has been established commencing on August 13, 2004, and closing on September 27, 2004. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

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

comments must be received no later than September 27, 2004. 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 Kevin S. Moen, PhD, 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 Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action. The Department proposes to continue the regulation as amended and submit a Certificate of Compliance for this action no later than November 8, 2004.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before October 4, 2004.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3423(b) established a quarantine area of approximately 116 square miles surrounding the Santa Ana area of Orange County. The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No

reimbursement is required for Section 3423 under Section 17561 of the Government Code because the agricultural commissioner of Orange County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$229 per year in reasonable compliance with the proposed action.

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

REGULATION FILE: RH02024483

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to amend the regulations described below after considering comments from the public. The Commissioner proposes revise California Code of Regulations, Title 10, Chapter 5, Subchapter 3, Article 17, §§ 2580.1 to 2580.9 (the "Actuarial Opinion and Memorandum Regulation"). With some exceptions, the amendments conform to revisions that have been made by the National Association of Insurance Commissioners (NAIC) to the text of NAIC Model regulation 822, upon which text the current Actuarial Opinion and Memorandum Regulation is based.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 10489.15. Insurance Code section 10489.15 also provides the authority for this rulemaking.

PUBLIC HEARING

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

Date and time: October 6, 2004, at 10:00 a.m.

**Location: Ronald Reagan State Building
Hearing Room, First Floor
300 South Spring Street
Los Angeles, CA 90013**

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on October 6, 2004. Please direct all written comments to the following contact person:

George Teekell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4390

Questions regarding procedure, comments, or the substance of the proposed action should be addressed

to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Ahmad Kamil, Senior Life Actuary
California Department of Insurance
300 South Spring Street, South Tower
Los Angeles, CA 90013
Telephone: (213) 346-6147

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on October 6, 2004. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: teekellg@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of George Teekell and sent to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

INFORMATIVE DIGEST

Summary of Existing Law and Policy Statement Overview

Each year life and disability insurers are required to prepare along with their annual statement an actuarial opinion and memorandum. In the actuarial opinion and memorandum an actuary opines, in a form prescribed by law, on the sufficiency of the insurer's reserves to cover anticipated claims.

Included in the current regulations is the requirement for the appointed actuary to opine on the adequacy of the assets held with respect to the reserves, including any investment earnings on the assets. This is commonly referred to as asset adequacy testing or asset adequacy analysis. When actuaries do this testing they create models, using different economic scenarios, to replicate the insurer's financial components (premiums, claims, expenses . . .) over a horizon of usually 20 or 30 years. The results of this testing are the projected profits or surpluses, illustrated year by year. Under the current regulations there are a minimum of seven prescribed interest rate scenarios, which are mandatory for the asset adequacy analysis.

An actuary is free to use more scenarios depending on the type of products the insurer markets, in addition to the seven prescribed scenarios.

The existing regulations allow certain smaller insurance companies an exemption from doing full-fledged asset adequacy testing, provided they satisfy the eligibility tests listed in the regulations. In essence, the existing regulations establish a two-tiered system for actuarial opinions. The insurers that are not exempt (typically those whose admitted assets exceed \$500 million) are required to conduct sufficient tests such that they can certify that their assets make adequate provision for their liabilities, i.e., their appointed actuaries must perform a full-fledged asset adequacy analysis. Other insurers, satisfying certain conditions, e.g. satisfactory financial ratios, are exempt from this requirement, and need only certify that their reserves have been computed in accordance with the formulae specified in the regulations.

The reserves of an out-of-state foreign insurer, under the current regulations, must meet the requirements of the insurance law and regulations of the state of domicile, and must be at least as great as the minimum aggregate amounts required by the State of California.

By and large, the proposed regulations closely parallel recent revisions made by the NAIC to the model regulation upon which the California regulations being amended by this rulemaking were originally based. The current revisions to the NAIC model regulation are in the process of being adopted by several different states. It can be beneficial to both insurers and consumers when administrative costs related to compliance with multiple, inconsistent regulatory requirements imposed by different states are reduced. The proposed regulations tend to serve this purpose by ensuring that California's regulatory requirements in this area are as consistent with those of other states as is possible under California law. To the extent that insurers, operating in compliance with California law, are able to devote additional resources—resources which would otherwise be expended satisfying multiple, inconsistent regulatory regimes—to improving their financial stability or providing better products to consumers, everyone stands to benefit. The proposed regulations are reasonably necessary to the degree to which they help to achieve progress toward this goal.

EFFECT OF PROPOSED ACTION

One major change proposed in the revised regulations is the elimination of the mandatory seven interest rates scenarios. This gives the appointed actuary more discretion to use his or her professional judgment in performing the asset adequacy analysis and developing the actuarial opinion and supporting memoranda.

However, the Commissioner will have the authority to specify specific methods of actuarial analysis and actuarial assumptions when, in the Commissioner's judgment, these specifications are necessary.

Along with granting the appointed actuary greater discretion, the proposed regulations charge him or her with commensurately heightened responsibility. For example, the current regulations allow the actuary to rely on other experts to develop the analysis, and to state this in the opinion. However, the proposed regulations give the actuary the additional responsibility of reviewing for reasonableness and consistency the information or data relied upon, rather than merely accepting it at face value. Furthermore, the appointed actuary is required in certain cases to certify not only that she has reviewed the company's basic asset and liability records but also that she has reconciled them to them to the company's annual statement.

Another proposed change is to eliminate the exemption granted to certain smaller companies from doing an asset adequacy analysis in arriving at their actuarial opinions. The proposed change will not only bring all insurers onto a level playing field, but will also enable the appointed actuary to utilize his or her judgment in determining the extent of asset adequacy analysis that is necessary, taking into consideration the individual circumstances of the particular insurer.

The proposed revisions further include a requirement that a confidential summary of the assumptions and the results of the asset adequacy analysis be submitted to the Commissioner. It is anticipated that the addition of this summary will increase the efficiency with which the actuarial opinion and memorandum are reviewed, since the actuarial opinion and memorandum can often be a voluminous and complex document. The proposed regulations depart from the NAIC model regulation, however, in that they contain an additional requirement that insurers provide such additional information as the Commissioner may require.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7

(commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

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

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. As described above, certain previously exempt insurers will for the first time be required to perform asset adequacy analysis as part of the actuarial opinion and memorandum they must prepare each year. The types of businesses that may be affected are life insurers, reinsurers and fraternal benefit societies. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner has determined that for certain insurance companies that are exempt under the current regulations, and as such are not required to perform a full-fledged asset adequacy analysis, there is likely to be an additional cost impact. For companies that have never performed the asset adequacy analysis, this additional cost is estimated to be in the range of \$10,000 to \$30,000 per year. However, for many of these companies, the impact has already been mitigated by the following:

- The NAIC model regulation has already been adopted in a number of states, and the previously exempt companies doing business in those states are thereby required to perform the asset adequacy analysis, irrespective of whether or not the proposed regulations require it. Consequently, if California adopts regulations similar to the model, the additional work required of these companies is likely to be minimal.

- Since 2003 the model has been included in the NAIC Accounting Practices & Procedures (AP&P) Manual, which insurers licensed in California are required to follow per Insurance Code section 923. According to the AP&P Manual, SSAP No. 1 Section 7, companies that employ practices different from AP&P must disclose the effect of these practices, so that companies who do not perform the full-fledged asset adequacy analysis as required under current California regulations must generate an estimate of the results of such an analysis. For this reason, the cost of generating such an estimate is already being borne by these insurers; the additional cost of actually performing the analysis will be lower for these companies than would be the case for a company not already generating the estimate.
- Certain of the smaller companies are currently required to perform the asset adequacy analysis every three years; the cost of complying with the proposed regulations for these companies as well will thus be significantly lower than if they had never before been required to perform the analysis.

FINDING OF NECESSITY

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

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner estimates that the proposed regulations may help spur the creation of approximately ten jobs in the consulting and insurance industries in California. Interested parties are invited to comment on this issue.

IMPACT ON HOUSING COSTS

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

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations will not affect small business. Pursuant to Government Code section 11342.610, subdivision (b), paragraph (2), insurers are not small businesses.

COMPARABLE FEDERAL LAW

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

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

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

To search, enter "RH02024483" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of

the code section that the regulations implement (“10489.15”), or search by keyword (“actuary,” for example, or “reserves”). Then, click on the “Submit” button to display links to the various filing documents.

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

MODIFIED LANGUAGE

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

File No. RH 04038570

Notice Date: July 29, 2004

Proposed Additions to the Insurance Commissioner’s Regulations pertaining to claims adjuster training certification for workers’ compensation insurance claims adjusters.

SUBJECT OF HEARING

Notice is hereby given that the insurance commissioner will hold a public hearing to consider the adoption of regulations that set the minimum standards of training, skill, and experience that all workers’ compensation claims adjusters must possess. The proposed regulations also require insurers, as defined, to certify that their claims adjusters meet these minimum standards.

AUTHORITY AND REFERENCE

Division 2, Part 3, Chapter 3, Article 5, Section 11761 of the Insurance Code, operative on January 1, 2004, requires the insurance commissioner to adopt regulations setting forth minimum standards of training, experience, and skill that workers’ compensation claims adjusters must possess to perform their duties with regard to workers’ compensation claims.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or

arguments, orally or in writing, with respect to the proposed regulations, at the following date, time and place:

September 29, 2004

10 A.M.

22nd Floor Hearing Room

45 Fremont Street

San Francisco, California 94105

INFORMATIVE DIGEST

The regulations proposed in this Notice have been drafted in accordance with the statutory requirement in Insurance Code Section 11761, which became effective on January 1, 2004. The regulations are intended to implement and make specific the requirements of this section of the Insurance Code.

Insurance Code Section 11761 requires the Insurance Commissioner to adopt regulations setting forth the minimum standards of training, experience, and skill that workers’ compensation claims adjusters must possess to perform their duties. There are no other statutes in California law that authorize the Insurance Commissioner to set such standards. There are no federal regulations concerning California workers’ compensation claims adjusters or any other aspect of California workers’ compensation. The purpose of the regulation is to allow the commissioner to set the minimum standards of training, experience, and skill for workers’ compensation claims adjusters and to require insurers, as defined in Insurance Code Section 11761, to certify that claims adjusters in their employ, including personnel employed for that purpose by any medical billing entity with which an insurer contracts, meet the minimum standards determined by the Insurance Commissioner. Insurers, as defined in the law, include workers’ compensation insurance companies, the State Compensation Insurance Fund, private and public employers who are self-insured pursuant to a certificate of self-insurance issued by the Department of Industrial Relations, or third party administrators who possess a certificate of consent from the Department of Industrial Relations.

The purpose of the regulations is to set minimum standards of competence for workers’ compensation claims adjusters in order to ensure that workers’ compensation claims are handled with efficiency, equity, and in accordance with all applicable laws and regulations.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The insurance commissioner has determined that there will not be a cost increase and there will not be any new programs mandated on any local agency or school district as a result of the proposed regulations,

if adopted as proposed herein. The costs of providing training, if any, will be offset by savings resulting from better claims handling.

IMPACT ON HOUSING COSTS

The insurance commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON CALIFORNIA'S BUSINESSES/ SMALL BUSINESSES

The insurance commissioner has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting California's businesses, including the ability to compete with businesses in other states. Also, the insurance commissioner has determined that the regulations will have no effect on small businesses in California, other than the salutary effect of having workers' compensation claims handled by better trained claims adjusters.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The insurance commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. The commissioner is not aware of any cost impact that a representative private person would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON JOBS AND BUSINESSES

The insurance commissioner has determined that the proposed regulations will have no significant affect on the creation or elimination of jobs or businesses within the State of California, nor will they have any significant affect on the expansion of businesses currently doing business in California.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

NON-DISCRETIONARY COSTS OR SAVINGS

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, including the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

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

NO REASONABLE ALTERNATIVE

The insurance commissioner has determined that no reasonable alternative to the proposed regulations has been identified that would be more effective in carrying out the purpose of the proposed regulations nor has any reasonable alternative been identified that would be as effective and less burdensome to affected private persons than the proposed action.

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the insurance commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attention: Larry C. White, Senior Staff Counsel
45 Fremont Street, 24th Floor
San Francisco, California 94105
(415) 538-4423

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the insurance commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the insurance commissioner at the address listed above no later than 5:00 PM on September 29, 2004.

TEXT OF REGULATIONS AND STATEMENT OF REASONS AVAILABLE

The insurance commissioner has prepared the text of the proposed regulations, the information upon which the proposed regulations are based, an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. These documents are available on the Department of Insurance website, www.insurance.ca.gov. The full text of the Final

Statement of Reasons will be available on the Department of Insurance website when it has been prepared.

ACCESS TO RULE MAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to this filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file will be available for inspection at 45 Fremont Street, 22nd Floor, San Francisco, California 94105, between the hours of 9:00 AM and 4:30 PM, Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all persons on the insurance commissioner's Bulletins and Rulings, and California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the insurance commissioner may adopt or approve regulations substantially as described in this Notice and informative digest. He also may refuse to adopt or approve the regulations. The insurance commissioner may adopt or approve modified regulations that are sufficiently related to the original text of the regulations such that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. Notice of the insurance commissioner's action will be sent to all persons on the insurance commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the commissioner's action. If the insurance commissioner adopts or approves modified regulations that are sufficiently related to the original text, the full text of the regulations as modified will be made available to the public at least 15 days before the insurance commissioner adopts or approves the modified regulations.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

File No. RH 04039178

Notice Date: July 29, 2004

Proposed Revisions to the Insurance Commissioner's Regulations pertaining to the Classification of Risks; Recording and Reporting of Data; Statistical

Reporting and Experience Rating; and Approval of Advisory Pure Premium Rates to be effective January 1, 2005

SUBJECT OF HEARING

Notice is hereby given that the Insurance Commissioner will hold a public hearing to consider (1) the approval of advisory pure premium rates developed by the designated rating organization; (2) amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995; (3) amendments to the Miscellaneous Regulations for the Recording and Reporting of Data; and (4) amendments to the California Workers' Compensation Experience Rating Plan—1995. The hearing will be held in response to a filing, submitted on July 28, 2004, by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB").

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules are set forth in Title 10, California Code of Regulations, Section 2318.6. The miscellaneous regulations for the recording and reporting of data are set forth in Title 10, California Code of Regulations, Section 2354. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. These regulations were promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

Pure Premium Rates

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium rates for submission to the Insurance Commissioner for issuance or approval. The Insurance Code provisions regarding State rate supervision operative January 1, 1995 do not authorize the Insurance Commissioner to require insurers to use the pure premium rates submitted by the designated rating organization and issued or approved by the Insurance Commissioner. Accordingly, the pure premium rates issued or approved by the Insurance Commissioner are advisory only.

Advisory Rating Plans

Pursuant to Insurance Code Sections 11750.3(a), 11750.3(c) and 11753.3, a licensed rating organization may promulgate advisory plans in connection with pure premium rates and the administration of classification and rating systems and present them to the Insurance Commissioner for review.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

September 15, 2004—9:30 AM
22nd Floor Hearing Room
45 Fremont Street
San Francisco, California

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734(b) and 11751.5, the Insurance Commissioner has designated the WCIRB as his rating organization and statistical agent. As the designated rating organization and statistical agent, the WCIRB has developed and submitted for the Insurance Commissioner's approval pure premium rates and revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, the Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995. The pure premium rates will be advisory only; however, adherence to the regulations contained in the California Workers' Compensation Uniform Statistical Reporting Plan—1995, the Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995 is mandatory. With regard to the standard classification system developed by the designated rating organization and approved by the Insurance Commissioner, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the uniform statistical reporting plan or the classification system developed by the WCIRB and approved by the Insurance Commissioner.

The pure premium rate revision amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, which contains the standard classification system developed by the WCIRB, the Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995, are detailed in the WCIRB's filing letter and summarized below.

APPROVE PURE PREMIUM RATES

Pursuant to California Insurance Code Section 11750.3, the WCIRB has proposed advisory pure premium rates for approval by the Insurance Commis-

sioner to be effective January 1, 2005, with respect to new and renewal policies with anniversary rating dates on or after January 1, 2005. The proposed advisory pure premium rates are, on average, 3.5% greater than the July 1, 2004 advisory pure premium rates approved by the Insurance Commissioner.

The proposed pure premium rates applicable to 2005 policies are based on (a) insurer losses incurred during 2003 and prior accident years valued as of March 31, 2004, (b) insurer loss adjustment expenses for 2003 and prior years, (c) the cost impact of recent reform legislation (AB 749, AB 227, SB 228, and SB 899) on 2005 policies, and (d) classification payroll and loss experience reported for policies issued during 2001 and prior years.

**AMEND THE CALIFORNIA
WORKERS' COMPENSATION UNIFORM
STATISTICAL REPORTING PLAN—1995**

The WCIRB recommends the following revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, which includes the standard classification system and unit statistical reporting requirements, as well as policy document filing requirements and general administrative procedures. These changes are proposed to become effective January 1, 2005, with respect to new and renewal policies with anniversary rating dates on or after January 1, 2005.

- Amend the minimum and maximum annual payroll for executive officers, partners, and sole proprietors to increase the maximum from \$81,900 to \$84,500 and the minimum from \$29,900 to \$31,200, as well as to other payroll limitations relevant to specific classifications (e.g., athletic teams, entertainment classifications, taxicabs, etc.), to reflect wage inflation since the last time these amounts were adjusted.
- Amend the thresholds in the dual wage painting classifications by \$1 to reflect wage inflation since the last time the thresholds were amended.
- Amend the Complaints and Appeals regulations for clarity.
- Amend to define the term "companion classification;" clarify that operations classified as companion classifications constitute a single enterprise; and stipulate that unless specifically permitted by the classification phraseology or footnote, division of a single employee's payroll between related companion classifications is not permitted.
- Amend to specify how clerical office employees are to be classified in connection with classifications that include clerical office employees in their phraseology.

- Amend to reflect a 25% threshold for combination gasoline stations and store.
- Amend the classifications for private schools to establish: (1) separate companion classifications for primary and secondary private schools; (2) separate companion classifications for private colleges and universities; (3) a separate classification for living skills centers; (4) a separate classification for adult day care centers; and (5) a separate classification cross-reference to Classification 9053 for dance, gymnastic, and martial arts studios.
- Amend to add a new classification cross-reference to Classification 8859 for internet software services.
- Amend the classification for video post production to create a new cross-reference phraseology for audio post production.
- Amend the classification for freight handlers for clarity and establish a new cross-reference phraseology for freight forwarders.
- Amend to define Insolvent Insurer Rating Adjustment Factor and specify that such credits and debits are to be included in the final premium reported on unit statistical reports.
- Amend to reflect AB 227's repeal of the Labor Code provisions providing vocational rehabilitation and the enactment of the Labor Code provisions providing for a supplemental job displacement benefits.

**AMEND MISCELLANEOUS REGULATIONS
FOR THE RECORDING AND
REPORTING OF DATA**

The WCIRB recommends the following revisions to the Miscellaneous Regulations for the Recording and Reporting of Data to become effective with respect to new and renewal policies with anniversary rating dates on or after January 1, 2005:

- Amend the Complaints and Appeals regulations for clarity.
- Amend to define Insolvent Insurer Rating Adjustment Factor and specify that the WCIRB is authorized to provide specified data to insurers for use in calculating a Rating Adjustment Factor.

**AMEND CALIFORNIA WORKERS'
COMPENSATION EXPERIENCE
RATING PLAN—1995**

The WCIRB recommends the following revisions to the California Workers' Compensation Experience Rating Plan—1995 to become effective January 1, 2005, with respect to new and renewal policies with anniversary rating dates on or after January 1, 2005:

- Amend the Experience Rating Eligibility from \$28,737 to \$30,100 to reflect wage inflation and the proposed January 1, 2005 pure premium rate change.
- Amend the Status and Combination of Entities rule to clarify the provisions regarding the 90-day time period.
- Amend the Employee Leasing rule to permit the name of the client as well as the name of the labor contractor to be shown in Item 1 of the policy. Specific language amending the Employee Leasing rule will be submitted into the record prior to the public hearing with respect to this filing.
- Amend the Plan to delete Section V, Rule 7, "Experience Modifications That Exclude Data From an Insolvent Insurer" to eliminate ambiguity.
- Amend the Complaints and Appeals regulations for clarity.
- Amend the expected loss rates, D-ratios, and the average death value effective January 1, 2005 to reflect more current experience.

**COST OR SAVINGS AND MANDATE TO
LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Insurance Commissioner has determined that there will be no cost or savings and there will not be any new programs mandated on any local agency or school district as a result of the proposed regulations, if adopted as proposed herein.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON SMALL BUSINESSES

The Insurance Commissioner has determined that the proposed regulations will not have a significant effect on small businesses.

**COST IMPACT ON PRIVATE
PERSONS OR ENTITIES**

The Insurance Commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. At this time, the Insurance Commissioner expects that the proposed regulations will not have a significant effect on private persons or entities.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

**NON-DISCRETIONARY COSTS
OR SAVINGS**

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, except for the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

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

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Insurance Commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attention: Larry C. White, Senior Staff Counsel
45 Fremont Street, 24th Floor
San Francisco, California 94105
(415) 538-4423

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the Insurance Commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above no later than 5:00 PM on September 15, 2004.

TEXT OF REGULATIONS AND STATEMENT OF REASONS AVAILABLE

The Insurance Commissioner has prepared an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. The express terms of the proposed regulations as contained in the WCIRB's filing, the Notice of Proposed Action and Notice of Public Hearing, and the Initial Statement of Reasons will be made available for inspection or provided without charge upon written

request to the contact person for these hearings (listed above). The filing may also be accessed on the WCIRB's website at www.wcirb.org/filings.

ACCESS TO RULE MAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to this filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file will be available for inspection at 45 Fremont Street, San Francisco, California 94105, between the hours of 9:30 AM and 4:30 PM, Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings, and California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the Insurance Commissioner may adopt or approve regulations substantially as described in this Notice and informative digest or he may adopt or approve modified regulations. He also may refuse to adopt or approve the regulations. Notice of the Insurance Commissioner's action will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the Commissioner's action.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 5508, 7071 and 8587.1, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 210, 215, 220, 5508, 7071, 7120, 8585.5, 8586 and 8587.1, of said Code, proposes to amend sections 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, and 28.90, Title 14, California Code of Regulations, relating to Recreational Groundfish Fishing Regulations for 2005 and 2006 for Consistency with Federal Rules.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Changes in California's ocean sport fishing regulations for all federally-designated groundfish (including rockfish, lingcod, cabezon, kelp greenling, and California scorpionfish), and associated state-managed species (rock greenling, ocean whitefish and California sheephead) are proposed for consideration by the Fish and Game Commission (Commission) for 2005 and 2006. The proposals include: changes to management areas, changes to fishing seasons and fishing depths, and changes to size and bag limits. These regulatory changes are needed to help achieve groundfish management goals, including rebuilding of "overfished" stocks of rockfish and lingcod, and will help achieve consistency between state regulations and federal groundfish regulations for 2005 and 2006.

The proposed management measures (regulations) are intended to keep the total fishing mortality for a stock within the harvest limit (optimum yield or OY, recreational harvest guideline, or recreational harvest target) established for that stock for the year. Many groundfish species are found in multi-species assemblages, and, thus, species with relatively low harvest limits may constrain fishing for other species. Combinations of closed seasons, closed areas, size limits, and bag limits are proposed to prevent exceeding all harvest limits.

PROPOSED CHANGES

1. To protect rockfish and lingcod, existing regulations establish seasons and depth closures for 56 species of federal groundfish and three state-managed species found in association with rockfish and lingcod (rock greenling, California sheephead, and ocean whitefish). The proposed regulations would expand the list of species covered by the season and depth closures to all species of federal groundfish as well as rock greenling, California sheephead, and ocean whitefish. The following exemptions to this provision are proposed:
 - a. Allow retention of 8 species of flatfish that are federally-designated groundfish during groundfish closures and in areas closed to groundfish fishing if the flatfish are taken with sanddab gear (No. 2 size or smaller hooks and a weight of two pounds or less).
 - b. Allow anglers to take leopard shark (a federal groundfish) in the following enclosed bays during groundfish closures and in areas closed to fishing for groundfish: Humboldt Bay, Drakes Estero, Bolinas Bay, Tomales Bay, Bodega Harbor, San Francisco Bay, Elkhorn Slough, Newport Bay, Alamitos Bay, San Diego Bay, and Mission Bay.
 - c. Exempt divers using spearfishing gear and shore-based anglers from most of the groundfish closures. Divers and shore-based anglers would not be allowed to take lingcod during the months of January, February, March, and December. Fishing gear other than spearfishing gear would be prohibited onboard the vessel or watercraft used while diving under this exemption.
2. The proposed regulations would subdivide the existing Central Rockfish and Lingcod Management Area (RLMA) into three areas (North-Central RLMA, Monterey South-Central RLMA, and Morro Bay South-Central RLMA) to further increase fishing opportunities while keeping the catch within the harvest limits. The boundaries for the proposed areas are:
 - a. North-Central RLMA—40°10' N. lat. (near Cape Mendocino, Humboldt County) to 37°11' N. lat. (at Pigeon Point, San Mateo County)
 - b. Monterey South-Central RLMA—37°11' N. lat. (at Pigeon Point, San Mateo County) to 36°00' N. lat. (near Lopez Point, Monterey County)
 - c. Morro Bay South-Central RLMA—36°00' N. lat. (near Lopez Point, Monterey County) to 34°27' N. lat. (at Point Conception, Santa Barbara County).
3. The proposed limits on bocaccio reflect that the proposed division of the Central RLMA into three regions.
4. The proposed regulations would redefine the boundary for Cordell Bank as a 100-fathom depth contour encompassing Cordell Bank.
5. Different season dates and fishing depths are proposed for each of the five proposed RLMA's:
 - a. Northern RLMA (Oregon/California border—near Cape Mendocino): A four-month season (July–October) with fishing permitted in waters less than 40 fathoms. For exemptions, see #1 above.
 - b. North-Central RLMA (near Cape Mendocino—Pigeon Point): A five-month season (July–November) with fishing permitted in waters less than 20 fathoms. For exemptions, see #1 above.
 - c. Monterey South-Central RLMA (Pigeon Point—near Lopez Point): A five-month season (July–November) with fishing permitted in waters less than 20 fathoms. For exemptions, see #1 above.
 - d. Morro Bay South-Central RLMA (near Lopez Point—Point Conception): A five-month season (May–September) with fishing permitted in waters from 20 to 40 fathoms. For exemptions, see #1 above.

- e. Southern RLMA (Point Conception–California/Mexico border): A seven-month season for all groundfish and associated state-managed species, except California scorpionfish, with fishing permitted in waters from 30 to 60 fathoms from March through June and in waters less than 40 fathoms from July through September. A three-month season for California scorpionfish with fishing permitted in waters less than 40 fathoms in October and November and in waters less than 20 fathoms in December. For exemptions, see #1 above.
6. The proposed regulations would limit the species of rockfish that may be taken in waters less than 20 fathoms in the Cowcod Conservation Areas; only fishing for nearshore species of rockfish (black, black and yellow, blue, brown, calico, China, copper, gopher, grass, kelp, olive, quillback, and treefish rockfishes) would be allowed. The proposed regulations would allow fishing for sanddabs and some federally-designated flatfish with sanddab gear, and would continue to allow fishing for lingcod, cabezon, greenlings, California scorpionfish, California sheephead, and ocean whitefish in waters less than 20 fathoms in the Cowcod Conservation Areas.
7. The proposed regulations for lingcod would increase the bag limit to two fish, decrease the size limit to 24 inches, and decrease the minimum fillet size to 16 inches in length. The proposed regulations would establish a special closure during primary spawning and nesting season for lingcod. Thus, in addition to the proposed closures for all groundfish species, all recreational take of lingcod would be prohibited in the months of January, February, March, and December.
8. The proposed regulations would allow the Department to change bag and size limits for federal groundfish species and associated state-managed species in-season when the Department projects that one of the specified annual harvest limits will be exceeded prior to the end of the year. The proposed regulations would also give the Department the authority to open a fishing season, increase a bag limit, and/or decrease a size limit for federal groundfish species and associated state-managed species if catches earlier in the year were less than predicted. The proposed regulations would allow the seasons, fishing depths, bag limits, and size limits to differ by geographic locations, time of year, mode of fishing (private boats, commercial passenger fishing vessel, shore-based anglers, and divers), and gear used. The proposed regulations clarify that the harvest limits established in federal regulations may be optimum yield (OY), recreational harvest guidelines, or recreational harvest targets.
9. In every section of the regulations that may be changed in-season, the proposed regulations state that fishing rules may change during the year or season, and provide information on how to obtain the latest fishing rules. The latest fishing rules will be available on the Department's website, on an automated phone line, and at Department offices.
10. The proposed state regulations provide the Commission with the following options for modifying existing bag limits for cabezon and greenlings:
 - (1) Cabezon—reduce the cabezon bag limit from three fish to (1–2) fish; and/or establish a different bag limit (1–2 fish) for divers and shore-based anglers, recognizing that divers and shore-based anglers will be authorized to fish year-round for these species.
 - (2) Greenlings—reduce the bag limits for greenlings of the genus *Hexagrammos* (kelp and rock greenlings) from two fish to one fish; and/or establish a different bag limit (one fish) for divers and shore-based anglers, recognizing that that divers and shore-based anglers will be authorized to fish year-round for these species.
11. The following changes are proposed for clarity or consistency:
 - a. Add a list of all the federal groundfish species by category (categories include groups such as sharks, flatfish, and rockfish) to the regulations.
 - b. Modify the section on diving and spearfishing to explain that all types of fishing gear except spearfishing gear are prohibited aboard any vessel or non-motorized watercraft when spearfishing for groundfish and associated species in an area under a groundfish season or depth closure.
 - c. Divide the subsection on special bag limits into two subsections: a subsection that lists special limits for groundfish and associated state-managed species, and a subsection that lists the special limits for all other species. In the subsection that lists the species that do not have bag limits, note which species are the federally-designated groundfish.
 - d. Divide the subsection on Cowcod Conservation Areas into two subsections: one describing the boundaries, and the other describing fishing restrictions.

- e. Modify the language of the section on the California Rockfish Conservation Areas for clarity, and add exemptions for divers and shore-based anglers.
- f. Modify the subsections on open seasons and areas in the sections on California sheephead, lingcod, cabezon, kelp and rock greenlings, California scorpionfish, rockfish, and ocean whitefish to simply refer to Section 27.82, Title 14, CCR, which contains the season and fishing depth for all these species.
- g. Make minor non-substantial changes to various sections for consistency in presentation of size limit information.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Veterans Memorial Building, 209 Surf Street, Morro Bay, California, on Friday, August 27, 2004 at 8:30 a.m. or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the James W. Kellogg Memorial Building, 935 Detroit Avenue, Concord, California, on Friday, October 22, 2004 at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before October 15, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 22, 2004 at the hearing in Concord. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. Marija Vojkovich, Offshore Ecosystem Coordinator, Department of Fish and Game, Marine Region, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language,

may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

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

Proposed additions to the list of species included in the closures to protect rockfish and lingcod are not expected to have an economic impact since few of the additional species are typically caught by recreational anglers. Flatfishes and leopard shark are caught by recreational anglers, and provisions have been made to allow for the take of these species under certain circumstances.

Proposed alterations to the boundaries are not expected to have a direct economic impact. Rather, the increased resolution in management areas allows the regulations to be tailored to each area's biological and socio-economic needs. This way the State can help minimize the impacts and disruption to recreational fishing activities, while maintaining healthy fish stocks and a satisfying recreational experience.

Businesses providing services to divers and shore-based anglers are likely to have a positive economic benefit, because the proposed regulations allow these groups to fish year round.

The proposed changes to the provisions for lingcod and California scorpionfish are not expected to have an economic impact. Also, the proposed changes to the Department's authority to take in-season action are not expected to have any direct economic impact. Impacts would only occur if the advertised harvest limits were reached before the end of the year and the Department closed the fishery. The proposed changes include provisions that would allow the Department to reduce effort by modifying bag and size limits in-season if the catch is higher than projected. This would lessen the likelihood that the fishery would need to be closed before the end of the year and lessen the potential economic impact of a closure. In addition, the proposed regulations would allow the Department to increase the duration of a season or modify bag and size limits if the catch was lower than projected. A positive economic impact would be expected if the regulations were relaxed in-season.

The proposed changes to the fishing seasons and fishing depths may have economic impact on small businesses in California, primarily Commercial Passenger Fishing Vessels (CPFV). The greatest impact may be in Del Norte and Humboldt counties (Northern RLMA) where the fishing season was reduced from twelve to four months (July through October). July through October is typically the period of greatest activity for CPFV's in the Northern RLMA, though the CPFV operations contribute only about 10 percent of total recreational catches for this area. This time period coincides with weather trends when the winds and seas generally do not prohibit fishing. In the area from Cape Mendocino to Lopez Point (North-Central RLMA and Monterey South-Central RLMA), the duration of the fishing season proposed for 2005 and 2006 is the same as for 2004, and, thus, no economic impact is expected. In the area from Lopez Point to Point Conception (Morro Bay South-Central RLMA), the proposed

season is four months shorter than in 2004. This is not expected to represent a significant economic impact, since the time period January through April amounts to only about 5.2 percent of the annual groundfish fishing activity in this area. South of Point Conception (Southern RLMA), the proposed season will be three months shorter than the 2004 season. The closure October through December does represent a period typically active for the CPFV operations in this area, based on recent catch history. In 2003, about 31 percent of total annual recreational groundfish catches in the Southern and Morro Bay South-Central RLMAs (combined) were from CPFV operations. Of those catches, 29 percent and 17 percent of annual CPFV catches occur in the period September–October and November–December, respectively (based on MRFSS RecFIN data from 1999 when fishing was less regulated and indicative of less constrained fishing activities. 1999 MRFSS). Earlier studies on marine recreational fishing expenditures, for all species, show that as much as \$51 million is spent on CPFV fees (2001 NMFS). Thus, in a worst case situation, the proposed regulations for the Southern and Morro Bay South-Central RLMAs could represent combined revenue losses of several millions of dollars to CPFV operations. For example, if groundfish represent 50 percent of the target species for all fishing trips on Southern California CPFV's, this could amount to \$8 million in lost revenues ($\$51 \text{ million} \times 50 \text{ percent} \times (29 \text{ percent}/2) = \3.7 million for October only, and $\$51 \text{ million} \times 50 \text{ percent} \times 17 \text{ percent} = \4.3 million for November and December). However, overall economic impacts in the Southern RLMA may be reduced by the number of alternative marine sportfishing opportunities available to recreational anglers and divers in this area.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements associated with the proposed regulations.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking
Title 22, California Code of Regulations

SUBJECT

Medi-Cal Estate Recovery Program Definitions,
R-22-02E

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct a public hearing commencing at 9:30 a.m. on September 29, 2004 in the Auditorium, 1500 Capitol Avenue, Sacramento, CA., during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, by 5 p.m. on October 1, 2004, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-440-7714) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. 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 in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-22-02E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 440-7695 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Joan Mitchell of the Third Party Liability Branch at (916) 650-6479.
3. All other inquiries concerning the action described in this notice may be directed to Michelle L. Tedrow of the Office of Regulations at (916) 440-7692, or to the designated backup contact person, Lynette Cordell of the Office of Regulations at (916) 650-6827.

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.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Welfare and Institutions (W&I) Code sections 10725 and 14124.5 authorizes the director of the Department of Health Services (Department) to adopt, amend, or repeal regulations as necessary and proper to carry out the purposes and intent of the statutes governing the Medi-Cal Program.

Existing federal law, Title 42, U.S.C., section 1396p, and state law, W&I Code section 14009.5, requires the Department to seek reimbursement from the estates of deceased Medi-Cal beneficiaries for certain Medi-Cal paid services provided on or after the individual's 55th birthday, unless specific exemptions or other limitations apply. An estate is defined as those assets owned by the Medi-Cal beneficiary at the time of death, including assets distributed through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement. The Department's estate recovery (ER) claims include nursing facility services, home and community-based services, and related hospital and prescription drug services. Federal law also allows states to recover for other services as specified under their State Plan. In California, these include all payments for health care premiums and services provided to Medi-Cal beneficiaries after their 55th birthday. The Department's claim against the

estate of a deceased Medi-Cal beneficiary is limited to the value of the decedent's assets or the amount of the medical services paid by Medi-Cal, whichever is less.

In 1993, the State adopted Title 22, California Code of Regulations (CCR), sections 50960–50964, to implement, interpret and make specific the state and federal laws governing the ER activities for the Medi-Cal Program. Sections 50960–50964 specifically address ER activities related to: definitions, estate claims, notification, undue hardship criteria, and estate hearings.

Attorneys, estate and financial planners, as well as insurance agents are informing elderly Californians that when investing their assets into annuities, the annuities would forever be protected from estate recovery. However, the Centers for Medicare and Medicaid Services has clarified that states, such as California, which have adopted the expanded definition of "estate", may recover from annuities once annuities are specified in the definition and promulgated under the regulatory process. This emergency regulatory action provides clarification regarding the Department's authority to recover from annuities by specifying annuities in the definition of estate, but will only affect annuities purchased on or after September 1, 2004. In addition, this amendment fulfills the Department's compliance, in part, with a recent settlement agreement and permanent injunction in the case of *California Advocates for Nursing Home Reform et al. v. Diana M. Bontá, et al.* (2003) 106 Cal. App. 4th 498, which requires the Department to amend regulations to specify annuities as an asset in the definition of "estate" and remove the term "other arrangement."

This emergency regulatory action amends Title 22, CCR, sections 50960 and 59061, and specifically accomplishes the following:

1. Specifies annuities in the definition of "Estate" as an asset from which the Department may seek recovery for Medi-Cal expenditures, and removes the term "other arrangement".
2. Adds the definition of "Annuity" to the regulations for clarification purposes, and specifies that only annuities purchased on or after September 1, 2004 are affected by this emergency action; and amends the definition of "Applicant" for clarification purposes.
3. Specifies how the Department's claim for reimbursement of Medi-Cal expenditures shall be recovered from an annuity as part of a deceased beneficiary's estate.
4. Provides clarity and enables the Department to consistently administer and implement the estate recovery mandates of state and federal law.

AUTHORITY

Sections 10725, 14043.75, and 14124.5, Welfare and Institutions Code.

REFERENCE

Section 1396p(b), 42 USC; Section 14009.5, Welfare and Institutions Code; *Belshé v. Hope* (1995) 33 Cal. App. 4th 161, and *California Advocates for Nursing Home Reform v. Bontá* (2003) 106 Cal. App. 4th 498.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: A minimal savings to the state of approximately \$62,500 in fiscal year 2004–2005 is anticipated as a result of the Department clarifying its collection rights against certain estate assets, specifically annuities.
- C. Fiscal Effect on Federal Funding of State Programs: A minimal savings of approximately \$62,500 in fiscal year 2004–2005 is anticipated on matching federal funds that are a direct savings to the federal government.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- 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 would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations may have a minimal affect on small business that provide financial and estate planning services. However, the majority of annuities are issued by financial institutions (such as banks, trusts, savings and loan associations, etc.), which are excluded by Government Code 11341.610 from the definition of small business.

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

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 emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency 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.

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 was taken or would be as effective and less burdensome to affected private persons than the emergency action.

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made

no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-440-7370); FAX (916-440-7395); TDD (916-440-7399); or

email (civilrights-ra@dhs.ca.gov).

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

CESA CONSISTENCY DETERMINATION FOR Larrea Road Project San Bernardino County

The Department of Fish and Game ("Department") received notice on July 20, 2004 that the County of San Bernardino Department of Public Works (County) proposes to rely on consultation with the U.S. Fish and Wildlife Service to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of conducting various improvement activities along Larrea Road in order to reduce small particle dust emissions cause by vehicular traffic along the currently unpaved roadway.

The U.S. Fish and Wildlife Service previously issued a programmatic no jeopardy federal biological opinion (1-8-97-F-17) which considers the Federally and State threatened desert tortoise (*Gopherus agassizii*) and authorizes incidental take for small disturbances to desert tortoise habitat.

Pursuant to California Fish and Game Code Section 2080.1, the County is requesting a determination on whether the Federal Biological Opinion 1-8-04-F-7 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the County will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

CESA CONSISTENCY DETERMINATION FOR PALCO Timber Harvest Humboldt County

On July 14, 2004, the Pacific Lumber Company ("PALCO") notified the Department of Fish and Game ("Department") that PALCO proposes to rely on authorization granted by the U.S. Fish and Wildlife Service ("USFWS") in Incidental Take Permit number TE828950-0 to carry out a project that could

adversely affect species protected under both the federal Endangered Species Act and California Endangered Species Act ("CESA"). The project is the harvest of certain timber stands in approved Timber Harvesting Plans (THPs) that contain "high quality" marbled murrelet habitat (type "D" stands). This request applies to approximately 76.6 acres of type "D" stands distributed within 17 THPs.

In a letter to PALCO dated July 9, 2004, USFWS concurred that the release for harvest of the identified stands was covered by and consistent with the conditions of Incidental Take Permit number TE828950-0 and with the process outlined in the PALCO Habitat Conservation Plan (section 6.1.2.3.5) for phasing harvest in areas with marbled murrelet (*Brachyramphus marmoratus*).

Pursuant to Fish and Game Code section 2080.1, PALCO is requesting that the Department determine that the Federal Incidental Take Permit is consistent with CESA for the above described harvest. If the Department determines that the Federal Incidental Take Permit is consistent, PALCO will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

PROPOSITION 65

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

**AVAILABILITY OF THE DRAFT HAZARD
IDENTIFICATION DOCUMENTS FOR
CHLOROFORM AND PROGESTERONE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity as required by Health and Safety Code section 25249.8. The DART Identification Committee serves as the State's qualified experts for determining whether a

chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

On October 3, 2003, OEHHA requested information in relation to the preparation of a draft hazard identification document on chloroform, a chemical to be considered by the DART Identification Committee for possible addition to the Proposition 65 list. The data call-in period ended on December 2, 2003. Comments received during the data call-in period were considered during the preparation of the draft hazard identification document on chloroform.

OEHHA requested information in relation to the preparation of a draft hazard identification document on progesterone on two separate occasions, December 26, 1997 and April 9, 2004. The first data call-in period ended on February 24, 1998 and the second one ended on June 8, 2004. No information or data was received during either data call-in period for progesterone.

OEHHA has prepared the draft hazard identification documents for chloroform and progesterone and announces the availability of the draft documents entitled: "Evidence on the Developmental and Reproductive Toxicity of Chloroform," and "Evidence on the Developmental and Reproductive Toxicity of Progesterone." Copies of the draft documents are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. The documents are also available through the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, October 12, 2004.

OEHHA will organize and index the comments received and forward the information to the DART Identification Committee members prior to the

¹ Health and Safety Code section 25249.5 et seq.

meeting at which the candidate chemicals will be considered. The next meeting of the DART Identification Committee is scheduled for **Thursday, November 4, 2004**. The meeting will be held the California Environmental Protection Agency Headquarters Building, Coastal Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the November 4 meeting.

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

AVAILABILITY OF DRAFT HAZARD
IDENTIFICATION DOCUMENTS FOR
1,2-EPOXYBUTANE AND VERAPAMIL

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

On March 12, 2004, OEHHA requested information in relation to the preparation of a draft hazard identification documents on 1,2-epoxybutane and verapamil, chemicals to be considered by the CIC for possible addition to the Proposition 65 list. The 60-day data call-in period ended on May 11, 2004. No information or data were received on 1,2-epoxybutane or verapamil.

OEHHA has prepared the draft hazard identification documents for 1,2-epoxybutane and verapamil and announces the availability of the draft documents entitled: "Evidence on the Carcinogenicity of 1,2-epoxybutane" and "Evidence on the Carcinogenicity of Verapamil." Copies of the draft documents are available from the Proposition 65 Implementation Office and may be requested by calling

(916) 445-6900. The documents are also available through the Internet at the following address: <http://www.oehha.ca.gov/>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, October 12, 2004.

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the candidate chemicals will be considered. The next meeting of the CIC is scheduled for **Monday, November 1, 2004**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the November 1 meeting.

**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.

¹ Health and Safety Code section 25249.5 et seq.

**BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Appointment of Special Trustee**

This action concerns the appointment of a special trustee following Notice of Inadequate Plan, including the duties and functions of the special trustee to achieve fiscal stability or solvency for the district.

Title 5
California Code of Regulations
ADOPT: 58317
Filed 07/30/04
Effective 06/15/04
Agency Contact:
Renee Brouillette (916) 322-4145

**CALIFORNIA APPRENTICESHIP COUNCIL
Hearing Regulations Code Section 1777.5 for
Violation of Labor**

This rulemaking action establishes procedures for hearings under Labor Code section 1777.7, which concerns appeals of penalties for knowingly violating statutory requirements governing employment of apprentices in public works.

Title 8
California Code of Regulations
ADOPT: 232.01, 232.02, 232.03, 232.04, 232.05,
232.06, 232.07, 232.08, 232.09, 232.10, 232.11,
232.12, 232.20, 232.21, 232.22, 232.23, 232.24,
232.25, 232.26, 232.27, 232.28, 232.29, 232.30,
232.31, 232.32, 232.33, 232.34, 232.35, 232.36,
232.37, 232.40,
Filed 07/29/04
Effective 08/28/04
Agency Contact: Julian Standen (415) 703-5535

**CALIFORNIA ENERGY COMMISSION
Residential Clothes Washers**

This rulemaking action establishes a two-tiered water efficiency standard for residential clothes washers: a maximum water factor (WF) of 8.5 for units manufactured on or after January 1, 2007, and a maximum WF of 6.0 for units manufactured on or after January 1, 2010. The action also requires manufacturers of clothes washers to submit data on water consumption, water factor, and remaining moisture content to the Commission, and updates the incorporation by reference of federal test methods for clothes washers from the 2001 to the current, 2003 edition.

Title 20
California Code of Regulations
AMEND: 1604, 1605.1, 1605.2, 1605.3, 1606
Filed 07/29/04
Effective 08/28/04
Agency Contact: Jonathan Bles (916) 654-3953

**CAL-PERS
PEMHCA Contracting Agency—Five Year Re-Entry**

A contracting agency which is participating in health benefit programs under the Public Employees' Medical and Hospital Care Act may terminate its participation by filing a resolution with the board on or before a date established by the board with termination effective at the end of the current contract term. The existing regulation requires an agency to wait two years after termination before it may return to participation under the Act. This rulemaking action extends this waiting period to five years.

Title 2
California Code of Regulations
AMEND: 599.515(e)
Filed 08/04/04
Effective 08/04/04
Agency Contact: Marilyn Clark (916) 326-3007

**DEPARTMENT OF INSURANCE
Credit Insurance Agent Licensing Regulations**

This Certificate of Compliance implements the licensing scheme for credit insurance agents as set forth in Insurance Code sections 1758.9–1758.994. (Most recent previous OAL file # 04-0421-04EE)

Title 10
California Code of Regulations
ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5,
2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11,
2192.12
Filed 07/29/04
Effective 07/29/04
Agency Contact: Debra Chaum (415) 538-4115

**DEPARTMENT OF INSURANCE
Low Cost Automobile Insurance Program Rates**

This action promulgates a new edition of the California Low Cost Automobile Insurance Program Plan of Operations, with rates identical to the current rates.

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 07/29/04
Effective 08/28/04
Agency Contact:
Mary Ann Shulman (415) 538-4133

**DEPARTMENT OF INSURANCE
Insurance Claims Handling**

This action depublishes the amendments to the insurance claims handling practices regulations that were approved by OAL on 4/24/03, but were enjoined in *Personal Insurance Federation and The Surety Association of America v. John Garamendi*, and reinstates replacement regulations that were either (1) in effect prior to OAL's 4/24/03 approval of the

amendments to the regulations or (2) were found by the court to be valid, as amended, all pursuant to a court approved settlement agreement dated June 7, 2004.

Title 10
California Code of Regulations
ADOPT: 2695.1, 2695.2, 2695.4, 2695.7, 2695.8, 2695.85, 2695.9, 2695.10, 2695.12 REPEAL: 2695.1, 2695.2, 2695.4, 2695.7, 2695.8, 2695.85, 2695.9, 2695.10, 2695.12, 2695.14
Filed 08/04/04
Effective 08/04/04
Agency Contact:
Risa Salat-Kolm (415) 538-4127

FAIR POLITICAL PRACTICES COMMISSION
Communications Identifying State Candidates

This regulatory adoption concerns definitions on what constitutes clearly identifying a candidate in political communications.

Title 2
California Code of Regulations
ADOPT: 18531.10
Filed 07/30/04
Effective 07/30/04
Agency Contact: Scott Tocher (916) 322-5660

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Leg Protection for Portable Chain Saw Operations

In this regulatory action, the Occupational Safety and Health Standards Board amends a Logging and Sawmill Safety Order pertaining to “portable chain saw operations” to clarify and update the requirements for leg protection garments or devices used by employees who operate chain saws.

Title 8
California Code of Regulations
AMEND: 6283(a)
Filed 08/02/04
Effective 09/01/04
Agency Contact: Marley Hart (916) 274-5721

STATE CONTROLLER’S OFFICE

Reasonable Cause—Defined & Burden of Proof

Section 1577 of the Code of Civil Procedure provides in part that “. . . any person who fails to report or pay or deliver unclaimed property within the time prescribed by this chapter, unless that failure is due to reasonable cause, shall pay to the State Controller interest at the rate of 12 percent per annum on that property or value thereof from the date the property should have been reported or paid or delivered.” This regulatory action defines “reasonable cause”, imposes the burden of proof upon the holder

of the unclaimed property, and requires any claim of reasonable cause to be in an affidavit or declaration under penalty of perjury.

Title 2
California Code of Regulations
ADOPT: 1172.90, 1172.92
Filed 07/28/04
Effective 08/27/04
Agency Contact:
Ronald V. Placet (916) 445-7217

STATE MINING AND GEOLOGY BOARD
Mine Operation Annual Reporting Fees

This certificate of compliance makes permanent the prior emergency regulations adopted (OAL file. no. 04-0227-01E) that amended the annual reporting fee schedule and also included the new statutory fee to be assessed for the next fiscal year based on the production of gold and silver from the prior reporting year.

Title 14
California Code of Regulations
AMEND: 3698, 3699
Filed 07/30/04
Effective 07/30/04
Agency Contact: Kit Gonzales (916) 322-1082

STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tank—Interstitial
Liquid Level Measurement

In this emergency regulatory action, the State Water Resources Control Board amends its underground storage tank regulations to add a definition of the term “Interstitial Liquid Level Measurement” Method (as used in Health and Safety Code section 25290.1) or “Hydrostatic Monitoring” Method.

Title 23
California Code of Regulations
AMEND: 2611
Filed 07/29/04
Effective 07/29/04
Agency Contact: Scott Bacon (916) 341-5873

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MARCH 31, 2004
TO AUGUST 4, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 33-Z

Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 08/04/04 AMEND: 599.515(e)
- 07/30/04 ADOPT: 18531.10
- 07/28/04 ADOPT: 1172.90, 1172.92
- 07/27/04 AMEND: 18404.1
- 07/26/04 ADOPT: 18530.9 AMEND: 18531.5
- 07/22/04 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2, 1859.51, 1859.70, 1859.103
- 07/02/04 AMEND: 1859.2, 1859.145, 1859.145.1
- 06/28/04 ADOPT: 599.516
- 06/21/04 ADOPT: 22600, 22600.1, 22600.2, 22600.3, 22600.4, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.1, 22601.2, 22601.3, 22601.4, 22601.5, 22601.6, 22601.7, 22601.8
- 06/15/04 AMEND: 18707.1
- 06/15/04 ADOPT: Div. 8, Ch. 99, Sec. 58800
- 06/03/04 AMEND: 2270, 2271
- 06/01/04 ADOPT: 1859.163.1, 1859.163.2, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171
- 06/01/04 ADOPT: 20107
- 05/25/04 ADOPT: 59152
- 05/21/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130
- 05/17/04 AMEND: 50
- 05/17/04 ADOPT: 250
- 05/17/04 AMEND: 50
- 05/17/04 AMEND: 18616
- 05/17/04 AMEND: 48000
- 05/13/04 ADOPT: 18531.61 AMEND: 18531.6
- 05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), and 22130 (renumbered to 22100.4)
- 04/26/04 ADOPT: 585
- 04/22/04 AMEND: 1142
- 04/15/04 AMEND: 599.508
- 04/13/04 ADOPT: 599.511 AMEND: 599.500

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- 07/09/04 AMEND: 3423(b)
- 07/06/04 AMEND: 3430(b)
- 07/06/04 AMEND: 3700(c)
- 07/02/04 AMEND: 3558(a)

- 06/25/04 AMEND: 1380.19(p), 1442.7
- 06/09/04 AMEND: 3700(c)
- 05/27/04 AMEND: 3428(b)
- 05/27/04 AMEND: 1180(a)
- 05/27/04 AMEND: 3423(b)
- 05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784
- 05/13/04 AMEND: 3700(b)
- 05/03/04 AMEND: 3700(c)
- 04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800, 6486.6 REPEAL: 6486.1, 6486.2, 6486.3, 6486.4, 6486.5, 6486.8, 6557, 6570, 6802
- 04/26/04 AMEND: 3601(g)
- 04/26/04 AMEND: 6130
- 04/23/04 ADOPT: 797.5 AMEND: 820.8 REPEAL: 820.7
- 04/20/04 AMEND: 3700(c)
- 04/20/04 AMEND: 2676, 2681, 2735, 2783
- 04/01/04 AMEND: 3700(d)

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- 07/19/04 ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 AMEND: 10325(b), 10325(B)(1), 10325(c)(2)(B), 10325(c)(12), 10325(d)(1)
- 07/19/04 ADOPT: 4147, 4148
- 07/19/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
- 07/06/04 ADOPT: 12200, 12200.1, 12200.3, 12200.5, 12200.6, 12200.7, 12200.9, 12200.11, 12200.13, 12200.14, 12200.15, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12200.25, 12201, 12202, 12203, 12204, 12205, 12218, 12218.5, 12218.7, 12218.11, 12218.13, 12220,
- 06/01/04 ADOPT: 12370, 12371
- 04/26/04 ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
- 04/22/04 ADOPT: 4145, 4146, 4147, 4148 AMEND: 4140
- 04/13/04 ADOPT: 144

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- 07/30/04 ADOPT: 58317
- 06/30/04 AMEND: 19814(e)
- 06/23/04 ADOPT: 19810, 19811, 19812, 19813, 19814, 19815, 19816, 19817, 19818, 19819, 19820, 19821, 19822, 19823, 19824, 19825, 19826, 19828, 19829, 19830, 19831 REPEAL: 19827

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06/17/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19836, 19837 AMEND: 19814
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 06/01/04 REPEAL: 80032.2, 80058.2, 80466, 80523.3
 05/25/04 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
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 05/10/04 ADOPT: 19800, 19801, 19803, 19804, 19805
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08/02/04 AMEND: 6283(a)
 07/29/04 ADOPT: 232.01, 232.02, 232.03, 232.04, 232.05, 232.06, 232.07, 232.08, 232.09, 232.10, 232.11, 232.12, 232.20, 232.21, 232.22, 232.23, 232.24, 232.25, 232.26, 232.27, 232.28, 232.29, 232.30, 232.31, 232.32, 232.33, 232.34, 232.35, 232.36, 232.37, 232.40,
 07/20/04 AMEND: 5147
 07/13/04 AMEND: 1523
 07/07/04 AMEND: 1632, 3212
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 07/07/04 ADOPT: 9881.1, 10117.1, 10118.1 AMEND: 9810, 9880, 9881, 9883 REPEAL: 9882, 10117, 10118
 07/07/04 AMEND: 1716.2
 07/06/04 AMEND: 5194
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 07/02/04 ADOPT: 9788.01, 9788.19788.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.5, 9788.6, 9788.7, 9788.9, 9788.91
 06/30/04 ADOPT: 10250
 06/28/04 AMEND: 1953
 06/15/04 ADOPT: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.24, 9789.30, 9789.31, 9789.32, 9789.33, 9789.34, 9789.35, 9789.36, 9789.37, 9789.38, 9789.40, 9789.50, 9789.60, 9789.70, 9789.80, 9789.90, 9789.100, 9789.110, 9789.111

06/08/04 ADOPT: 32017, 32018, 51096, 71010, 71026, 71037, 71030, 71035, 71040, 71050, 71055, 71060, 71070, 71080, 71090, 71095, 71100, 71110, 71115, 71120, 71130, 71140, 71200, 71210, 71225, 71230, 71235, 71300, 71310, 71320, 71330, 71340, 71680, 71685, 71700, 71
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 05/20/04 AMEND: 5001(b), 5008(b)
 04/29/04 AMEND: 3427
 04/23/04 AMEND: 14300.10, 14300.12, 14300.29, Appendix A, Appendix B, Appendix D, Appendix E
 04/22/04 ADOPT: 10202.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204
 04/20/04 AMEND: 8403
 04/19/04 AMEND: 20299, 20390
 04/13/04 AMEND: 5044, 5046, 5049. and Table S-1, Table S-1a, Table S-11, Table S-12, Table S-13, and Table S-14.
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06/28/04 AMEND: 9525
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 04/29/04 AMEND: 1921, 1922

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 07/29/04 AMEND: 2498.6
 07/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12
 07/12/04 ADOPT: 2361
 07/07/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 52194.4, 2194.5, 2194.6, 2194.7, 2194.8
 07/01/04 ADOPT: 2699.6608 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.209, 2699.400, 2699.401, 2699.6500, 2699.6600, 2699.6606, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6619, 2699.6625, 2699.6631, 2699.6705, 2699.6717, 2699.6725, 2699.6801, 2699.
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 05/17/04 AMEND: 260.102.14

05/04/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45
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 04/26/04 AMEND: 250.30
 04/20/04 ADOPT: 2020, 2021 AMEND: 250.51
 04/19/04 AMEND: 2498.6
 04/13/04 AMEND: 260.102.14

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07/07/04 AMEND: 1005, 1007
 06/23/04 AMEND: 51.16
 06/21/04 ADOPT: 2037, 2038 AMEND: 2010, 2050
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 04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18, 999.19, 999.20, 999.21, 999.22, 999.23 AMEND: 999.10, 999.11, 999.12, 999.13, 999.14 REPEAL: Appendix A

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07/21/04 ADOPT: 159.00
 07/20/04 ADOPT: 2020, 2021, 2021.1, 2021.2
 07/19/04 AMEND: 1090
 07/16/04 AMEND: 712
 07/15/04 AMEND: 225.45, 225.51, 225.54
 07/07/04 AMEND: 156.00
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 04/28/04 AMEND: 2415
 04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06

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07/15/04 ADOPT: 2284, 2285, 93114 AMEND: 1961, 2281, 2282, 2701

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07/30/04 AMEND: 3698, 3699
 07/22/04 AMEND: 7.50(b)(91.1)
 07/21/04 ADOPT: 18464 AMEND: 18453, 18453.2, 18456.4, 18457, 18459.1, 18460.1, 18460.1.1, 18460.2, 18461, 18465
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 06/29/04 AMEND: 17383.3, 17383.8, 17402.5, 18223
 06/28/04 AMEND: 2430, 2525, 2535
 06/25/04 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
 06/15/04 AMEND: 677

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 05/13/04 AMEND: 27.80
 05/11/04 ADOPT: 3808.5
 05/10/04 AMEND: 851.6
 05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5
 05/10/04 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, 18
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 04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28, 28.29, 28.55
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06/25/04 AMEND: 2253
 06/18/04 AMEND: 3097
 06/17/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376 REPEAL: 3045.1
 05/27/04 ADOPT: 3194, 3195 AMEND: 3006, 3044, 3092, 3100, 3101, 3107, 3138, 3161, 3190, 3191, 3192, 3193 REPEAL: 3044, 3092, 3138, 3190
 05/18/04 AMEND: 3426
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 05/03/04 AMEND: 3043.5, 3043.6, 3044
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 04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701

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07/22/04 ADOPT: 1829 AMEND: 1816.2, 1816.3, 1833.3, 1877 REPEAL: 1815
 07/20/04 ADOPT: 2065.8.1, 2065.8.2, 2065.8.3 AMEND: 2065, 2065.7, 2065.8
 07/19/04 AMEND: 12, 12.5, 87, 87.1, 90
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 07/13/04 ADOPT: 1996.3 AMEND: 1953, 1970, 1983(j), 1996.1
 07/09/04 AMEND: 472.1, 473.1
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 06/15/04 ADOPT: 1399.70
 05/17/04 AMEND: 1912
 05/13/04 ADOPT: 1258.4, 1277, 1277.5
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04/29/04 AMEND: 2030.2
 04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5
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 06/07/04 AMEND: 94700
 06/01/04 AMEND: 50604, 50608, 54326, 54370,
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 05/25/04 AMEND: 1614
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06/28/04 ADOPT: 2745.10.5 AMEND: 2735.3,
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07/27/04 AMEND: 50960, 50961
 07/19/04 ADOPT: 66264.550, 66264.551,
 66264.552.5 AMEND: 66260.10,
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 07/01/04 ADOPT: 3254-4 AMEND: 2712-1,
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 06/10/04 AMEND: 12705
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 06/07/04 ADOPT: 66260.201 AMEND: 66260.10,
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 05/03/04 AMEND: 123000
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 04/12/04 AMEND: 12705
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- 06/03/04 ADOPT: 87725, 87725.1, 87725.2
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- 04/26/04 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8

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- 07/29/04 AMEND: 2611
- 07/06/04 ADOPT: 381.1, 386.1, 391 AMEND: 380, 381, 382, 383, 384, 385, 386, 387, 388, 389
- 07/06/04 AMEND: 2803, 2804, 2810, 2810.1, 2811, 2811.2, 2811.3, 2812, 2812.1, 2812.3, 2812.5, 2813, 2813.3, 2814.2
- 06/09/04 ADOPT: 3947
- 05/13/04 ADOPT: 2717, 2717.1, 2727.2, 2717.3, 2717.4, 2717.5, 2717.6, 2717.7 AMEND: 2713
- 05/06/04 ADOPT: 3939.8
- 04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND: 2611, 2630, 2635, 2636, 2636.1, 2637, 2641, 2712
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- 07/06/04 ADOPT: 1005, 1005.5, 1006.5, 1017, 1020.1, 1020.3, 1020.4, 1020.6, 1020.7, 1020.9, 1025, 1045, 1114, 1116, 1118, 1120, 1120, 1163, 1178, 1183, 1185, 1188, 1190, 1211, 1229, 1234, 1236, 1305, 1334.1, 1334.2, 1334.4, 1334.5, 1334.6, 1337, 1338.5, 1339, 139

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- 06/04/04 AMEND: 7723, 7724, 7752, 7754

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- 07/13/04 AMEND: 15290 (b), 15290(c)(ii), and Report No. 5.
- 05/24/04 ADOPT: 20686 AMEND: 20690, 21600
- 05/18/04 ADOPT: 23001, 23002, 23003, 23004, 23005, 23006, 23007, 23008, 23009, 23010, 23011, 23012, 23013, 23014
- 04/01/04 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056

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- 06/10/04 AMEND: 1300.67.2.1
- 06/02/04 ADOPT: 1011
- 05/05/04 AMEND: 1005

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- 07/09/04 AMEND: 63-503, 63-504, 63-505
- 07/01/04 ADOPT: 40-036 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 72-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115,
- 07/01/04 ADOPT: 63-508, 63-509 AMEND: 63-034, 63-102, 63-103, 63-300, 63-301, 63-410, 63-501, 63-503, 63-504, 63-505, 63-801, 63-804
- 06/02/04 ADOPT: 42-712, 42-719, 44-111
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- 04/29/04 ADOPT: 30-501, 30-502, 30-503, 30-504, 30-505, 30-506, 30-507, 30-900, 30-901, 30-902, 30-903, 30-904, 30-905, 30-906, 30-907, 30-908, 30-909, 30-910, 30-911, 30-912, 30-913, 30-914, 30-915, 30-916, 30-917, 30-918, 30-919, 30-920, 31-236 AMEND: 11-400t,
- 04/22/04 AMEND: 63-102, 63-504
- 04/19/04 AMEND: 63-300, 63-504
- 04/15/04 AMEND: 42-710.66, 42-711.512, .61

