



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. DEPARTMENT OF PERSONNEL ADMINISTRATION

ARTICLE 29. SUBSTANCE ABUSE

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Personnel Administration (DPA) proposes to take the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed regulatory action.

PUBLIC HEARING

A public hearing will be held from 9 am to 12 noon on December 20, 2004, at the Department of Personnel Administration, 1515 "S" Street, North Building, Suite 400, in Conference Room A/B. This room is wheelchair accessible. At the hearing any persons may present statements or arguments orally or in writing relevant to the proposed action described in the Information Digest. DPA requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DPA. The written comment period closes at 5 p.m. December 20, 2004. DPA will consider only comments received at DPA by that time. Please submit comments to the agency contact person below:

Department of Personnel Administration
 Attn: Sydney Perry
 1515 "S" Street, North Building, Suite 400
 Sacramento, CA 95814
 Phone (916) 324-2763

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations and the Initial Statement of

Reasons. Copies may be obtained by contacting Sydney Perry at the address or phone number listed above.

AVAILABILITY OF CHANGES

After holding the hearing and considering all timely and relevant comments received, DPA may adopt the proposed regulations substantially as described in this notice. If DPA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please send requests for copies of any modified regulations to the attention Sydney Perry at the address indicated above. DPA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sydney Perry at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and the text of the regulations in strikeout format, as well as the Final Statement of Reasons once it is completed, can be accessed through DPA's website at www.dpa.ca.gov

PROPOSED REGULATORY ACTION

Notice is hereby given that DPA intends to amend Section 599.960. General Policy; and Section 599.961. Sensitive Positions, Subchapter 1, Chapter 3 of Title 2 of the California Code of Regulations.

DPA has prepared a written explanation of the reasons for amending Article 29 by proposing amendments to Sections 599.960, and 599.961

INFORMATIVE DIGEST

AMENDMENT TO TITLE 2, ARTICLE 29, SUBSTANCE ABUSE

Section 599.960. GENERAL POLICY.

Section 599.961. SENSITIVE POSITIONS.

Regulations in this article are for the purpose of helping to ensure that the State workforce is free from the effects of drug and alcohol abuse. Current regulations provide for substance testing of employees in designated sensitive positions on a reasonable suspicion basis and random drug testing for peace officer employees. The proposed amendments to regulations in this article would provide for random testing of correctional and parole peace officers

employed by the Departments of Corrections (CDC) and the California Youth Authority (CYA), the Youth and Adult Correctional Agency, and the Youthful Offender Parole Board, and who are excluded or exempt State employees under Title 3, Chapter 4.5, Section 830.5 and Section 830.2(d) of the Penal Code. The regulations require that 35% of these employees are tested annually using a scientifically valid method for generation of names of persons to be tested.

FEDERAL REGULATIONS

There are no existing federal regulations, statutes, or requirements that cover the purpose of this proposed action.

SMALL BUSINESS

The regulations covered by this proposal have no impact on small business because they apply only to California state employees.

LOCAL AGENCY AND SCHOOL DISTRICT MANDATE

DPA has determined that since these rules pertain only to State employees, they do not impose a mandate on local agencies or school districts.

COSTS OR SAVINGS

DPA has determined that this proposal does not:

- Cause significant cost or savings for local agencies or school districts.
- Impose nondiscretionary costs or savings on local agencies.
- Cause costs or savings in federal funding to the State.

There is a minimal administrative cost to CDC and CYA, as a random drug testing program is currently in place for peace officer employees.

BUSINESS/PRIVATE PERSON IMPACT

DPA has determined that this proposed rulemaking action does not have a significant adverse economic impact on California business. This rulemaking action does not impact private persons in this State. Specifically, it will not:

- Affect the ability of California business to compete with businesses in other states.
- Create or eliminate jobs in California.
- Create, expand, or eliminate businesses in California.
- Impose additional costs, other adverse economic impacts, or any additional regulations or requirements on business or private persons in California.

CONSIDERATION OF ALTERNATIVES

DPA must determine that no alternative considered by it would be more effective in carrying out the

purpose of this rulemaking action or would be as effective as and less burdensome to the affected persons than this action.

HOUSING IMPACT

This rulemaking action will not affect housing costs.

AUTHORITY AND REFERENCE

Government Code Section 19815.4(d) authorizes DPA to adopt, amend, and repeal rules pertaining to the administration of the State's personnel system which includes Title 2, Article 29, Substance Abuse, California Code of Regulations.

Authority Cited: Sections 19572, 19816, and 19820 Government Code.

Reference: Section 19261, Government Code.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after December 9, 2004, at 9:45 a.m. Written comments must be received at the Commission offices no later than noon on December 8, 2004.

BACKGROUND/OVERVIEW

Proposition 34 created contribution limits and voluntary expenditure ceilings for state candidates (Government Code sections 85301, 85302, 85303 and 85400.) Government Code section 83124, added by Proposition 34, provides the FPPC with the statutory mandate to adjust the contribution limits and voluntary expenditure ceilings on January 1, 2005 to reflect changes in the annual average California Consumer Price Index (CPI). Regulation 18544, adopted by the Commission in August 2002, created the formula for the adjustment of the contribution and voluntary expenditure limits. The formula contained in regulation 18544 mirrors the formula used for biennial adjustment of the gift limit.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18545. The proposed regulation reflects the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2005 through December 31, 2006.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 83124, 85301, 85302, 85303 and 85400.

CONTACT

Any inquiries should be made to Hal Dasinger, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 323-2938 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov/index.html?id=351

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption, including the adjusted amounts.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after December 9, 2004, at 9:45 a.m. Written comments must be received at the Commission offices no later than noon on December 8, 2004.

BACKGROUND/OVERVIEW

The gift limit is adjusted biennially by the Commission to reflect changes in the annual average California Consumer Price Index ("CPI"). (Government Code sections 87103(e) and 89503(f).)

REGULATORY ACTION

Amend 2 Cal. Code Regs. §§ 18703.4, 18730, 18940.2, 18942.1 and 18943. The proposed amendments reflect the adjustment of the gift limit from \$340 to \$360 for the period of January 1, 2005 through December 31, 2006. Other minor clarifying amendments are also proposed.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 82028, 87100, 87102.5, 87102.6, 87102.8, 87103, 87207, 87300-87302, 89501, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Hal Dasinger, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 323-2938 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov/index.html?id=351

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption, including the adjusted gift limit amount.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission

will consider the proposed regulation at a public hearing on or after December 9, 2004 at 9:45 a.m. Written comments must be received at the Commission offices no later than noon on December 8, 2004.

BACKGROUND/OVERVIEW

At its October 2004 meeting, the Commission voted to adopt *In re Roberts*, O-04-093, in which it examined the definition of the term “spouse” for purposes of the Act. In its opinion, the Commission granted consideration to Assembly Bill 205 (“AB 205”), which extends the rights and obligations of spouses to registered domestic partners. (Chapter 421, Stats. 2003.) As a result, the Commission concluded that the term “spouse” as used in determining an official’s economic interests for purposes of disqualification and disclosure, and for purposes of interpreting the Act generally, includes a registered domestic partner as of January 1, 2005.

Going into effect on January 1, 2005, AB 205 will amend the law relating to registered domestic partnerships. This bill will extend the rights and duties applicable to persons registered as domestic partners and states:

“Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.” (Section 297.5(a) of the Family Code as amended by Chapter 421, Stats. 2003.)

While AB 205 does not expressly amend the term “spouse” for purposes of the Family Code, the bill further states that it:

“. . . does not preclude any state or local agency from exercising its regulatory authority to implement statutes providing rights to, or imposing responsibilities upon, domestic partners.” (Section 297.5(i) of the Family Code as amended by Chapter 421, Stats. 2003.)

Consequently, the Commission decided to extend these family law principles to determine if the term “spouse” for purposes of the Act includes registered domestic partners.

Two versions of proposed regulatory language addressing this issue may be considered by the Commission. These include a short version and also a longer version, which provides examples of those purposes for which a registered domestic partner will be included as a spouse or immediate family member. Both versions are meant to have the same legal effect. In addition, both versions contain bracketed language

to limit the scope of the proposed regulation to apply to only registered domestic partners recognized by the language of AB 205.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18229: The Commission may consider whether regulation 18229 should be adopted to codify the *Roberts* opinion.

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its decisions concerning its interpretation of the term “spouse” and other provisions of the Act, its scope or other related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 82028, 82029, 82030, 82030.5, 84211, 87103, 87460, 87461 and 89511.

CONTACT

Any inquiries should be made to Natalie Bocanegra, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov/index.html?id=351

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal this regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to this regulation before its adoption or repeal.

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

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3430(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Karnal Bunt Disease Interior Quarantine as an emergency action that was effective on September 22, 2004. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than January 20, 2005.

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

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 20, 2004.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law provides that the Secretary may establish, maintain and enforce quarantine regulations as he deems necessary to protect California's agricultural industry and to circumscribe and exterminate or prevent the spread of pests. (Food and Agricultural Code Sections 407, 5301, 5302 and 5322).

Existing Section 3430 provides that an interior quarantine exists against Karnal bunt disease, sets forth the area under quarantine and restricts the movement of hosts and possible carriers of the pathogen from the area under quarantine within California.

Section 3430(b) was amended to increase a portion of the area contained within the Palo Verde Valley of Riverside County to the regulated area. The effect of the proposed action was to provide authority for the State to regulate the movement of hosts and possible carriers of the Karnal bunt disease pathogen from an additional area of the Palo Verde Valley located within Riverside County. There is no existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3430 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 3430. No reimbursement is required for Section 3430 under Section 17561 of the Government Code because the Riverside County Agricultural Commissioner requested this amendment.

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

EFFECT ON HOUSING COSTS

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

EFFECT ON BUSINESSES

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

**COST IMPACT ON AFFECTED PRIVATE
PERSON OR BUSINESSES**

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

ASSESSMENT

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3430(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3430(b) to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULEMAKING

**File No. RH04039144
October 18, 2004**

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner (“Commissioner”) proposes to adopt a regulation regarding the fiduciary duties owed to a client by insurance salespeople who represent consumers (“brokers”). Specifically, the regulation requires brokers to disclose income they receive in handling a transaction for a client. The regulation also makes it an unfair act for a broker to fail to inform a client about a “best available insurer” or to steer a client away from that insurer. This adoption will only occur after the Commissioner considers all comments, objections and recommendations regarding the proposed regulation. If adopted, the regulation will add Article 5.9, including sections 2184.1 through 2184.4, to Title 10, Chapter 5, Subchapter 1, of the California Code of Regulations (“C.C.R.”).

PUBLIC 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 regulation at the following date, time, and place:

**Date and time: Thursday, January 6, 2005
10:00 A.M.**

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

ACCESS TO HEARING ROOMS

The building and room to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the primary contact person (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF WRITTEN COMMENTS

A person may submit written comments without, or in addition to, attending the public hearing. Written comments and questions should be addressed to the below primary contact person.

Primary contact person

Jon Tomashoff, CPCU, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4119
Facsimile: (415) 904-5490
tomashoffj@insurance.ca.gov

Backup contact person

Jose Aguilar, Assistant Chief Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4141
Facsimile: (415) 904-5729
aguilarj@insurance.ca.gov

E-mail comments preferred

The Department of Insurance encourages the transmission of written comments in Word™ or PDF format by E-mail to

tomashoffj@insurance.ca.gov.

Comments sent to a different E-mail address will not be accepted. The Department will promptly acknowledge receipt of comments sent by E-mail.

Deadline for written comments

All written materials must be received by the Insurance Commissioner, addressed to the primary contact person at the address listed above, no later than 5:00 p.m. on December 21, 2004. Any written materials received after that time will not be considered.

Comments transmitted by facsimile

The Commissioner will accept written comments transmitted by facsimile provided they are legible and directed to the attention of the primary contact person at the above facsimile number. Comments sent to a different facsimile number will not be accepted.

Advocacy or witness fees

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

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the primary contact person for this

hearing, listed above. Please contact the Office of the Public Advisor for further information.

AUTHORITY AND REFERENCE

The regulation will implement, interpret, and/or make specific the provisions of California Insurance Code ("C.I.C.") section 790.02, and 790.03(b) and (c). C.I.C. § 790.10 provides the authority for the regulation.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

C.I.C. § 790.03(b) defines the following to be an unfair method of competition and an unfair and deceptive act or practice in the business of insurance:

Making or disseminating or causing to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his or her insurance business, which is untrue, deceptive, or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading.

The regulation clarifies that a broker who fails to disclose to a client all material facts surrounding the broker's receipt or potential receipt of income from a third party, which income derives in whole or in part from a transaction on behalf of the client, constitutes a violation of § 790.03(b). The regulation also defines "broker," "client," "income," and "material fact."

C.I.C. § 790.02 prohibits persons involved in the insurance industry from engaging in a trade practice that is determined by administrative adjudication (per § 790.06) or rulemaking (per § 790.10) to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. The proposed regulation constitutes a determination that it is unfair for a broker to place his or her own financial or other interest above that of his or her client.

PROPOSED SECTIONS

Each section of the regulation is summarized below. The actual text of the regulation, along with an Initial Statement of Reasons explaining the specific purpose of each section, and the rationale for the determination that each section is reasonably necessary to fulfill the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is set forth on the Department website: www.insurance.ca.gov.

- Section 2184.1 states that the regulation applies to all insurance transactions.
- Section 2184.2(a) defines “broker” to mean a person, including an agent appointed pursuant to Insurance Code section 1704, who represents, purports to represent, or allows a client reasonably to assume he represents, the client in an insurance transaction.
- Section 2184.2(b) defines “client” to mean the insured or prospective insured with whom a broker transacts or may transact insurance.
- Section 2184.2(c) defines “income” to mean receipt of anything of value.
- Section 2184.2(d) defines “material fact” to mean a fact that will more likely than not influence either the particular client or a reasonable client in forming his estimate of the disadvantages of a proposed agreement or relationship, or in making his inquiries. This subdivision also imposes on a broker the burden of proving that a fact alleged to have been material is not material.
- Section 2184.2(e) defines “best available insurers” to mean the most suitable insurers for a client based on coverage, service, financial security and price, that is willing to provide the requested coverage through the broker.
- Section 2184.3 states that a broker who fails to disclose to a client all material facts surrounding the broker’s receipt or potential receipt of income from a third party, which income derives in whole or in part from a transaction on behalf of the client, violates Insurance Code section 790.03(b).
- Section 2184.4(a) states that a broker who places his or her own financial or other interest above that of his or her client violates § 790.02.
- Section 2184.4(b) states that a broker violates § 790.02 if, with either new or renewal business, he or she fails to provide the client with the proposal of a best available insurer, advises a client to select an insurer other than a best available insurer, advises a client not to select a best available insurer from among multiple insurers suggested to the client, or fails to obtain a quote from an insurer the broker knows might be a best available insurer.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The regulation does not impose any mandate on local agencies or school districts.

COST OR SAVINGS TO STATE AGENCY

The regulation will result in no cost to any state agency. By clarifying section 790.03(b), the regulation may result in an unquantifiable savings in Department staff time that otherwise would be deployed to handle litigation over the meaning of the section.

**COST TO ANY LOCAL AGENCY
OR SCHOOL DISTRICT**

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.

**OTHER NONDISCRETIONARY COSTS TO OR
SAVINGS TO ANY LOCAL AGENCY**

None

**COSTS OR SAVINGS IN FEDERAL
FUNDING TO THE STATE**

None

**SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING THE ABILITY OF
CALIFORNIA BUSINESSES TO COMPETE WITH
BUSINESSES IN OTHER STATES**

The Commissioner has made an initial determination that while the adoption of this regulation would not have a significant, statewide adverse economic impact directly affecting business, it may have a significant adverse economic impact directly affecting certain businesses, specifically insurance brokers (as defined in the regulation). The regulation will not alter the ability of California businesses to compete with businesses in other states.

The regulation will not involve any new or increased fee, assessment or charge. It will not require the purchase of any new equipment, structures or supplies, or the hiring of additional staff, other than possibly a supply of disclosure forms. Compliance should be simple, with existing business employees requiring merely a few minutes to read and understand the regulation. Thereafter, affected businesses will likely use a standard one or two paragraph disclosure form to comply with the regulation. This form will likely be based on boilerplate provided by insurance agent and broker trade associations or competitors, thus negating significant legal counsel costs. The regulation will not create any time delays that will increase interest, inventory or other time-sensitive costs. Since the disclosure will have to be made to each client, the annual ongoing costs to a business will depend on the number of clients. The Department estimates that the disclosure will require one or two minutes of staff time per client for the vast majority of

personal and commercial clients. Relative to the total amount of time involved in a typical insurance transaction, one or two minutes is insignificant.

Insurance brokers receive commissions from insurance companies. Under existing case law, brokers, as fiduciaries of their clients, must disclose their commission to their clients, and also obtain their clients' consent to retain the commission. Many brokers are unaware of this fiduciary duty. Other brokers deliberately fail to disclose their commission to avoid client concern that the commission is too large, especially when the client is also paying a "broker fee" to the broker. The regulation, by codifying existing case law in a brief and simple rule, will educate brokers about their duty to disclose. Consumers, who for the first time will routinely receive the disclosures as a result of the regulation, will be better informed about the price they pay, directly and indirectly, for using a broker. That information, in some cases, will be used by consumers to negotiate a lower broker fee, or a rebate of some of the broker's commission. In short, the regulation will give consumers more bargaining power with their brokers. Consumers who use that power will reduce their cost of insurance. Correspondingly, brokers who reduce their fees or rebate some of their commissions will derive less revenue.

Insurance brokers currently face lawsuits based on their past failures properly to disclose income to clients. In all likelihood, business will incur the abovementioned costs associated with improving disclosure to clients as a defense to these suits. Consequently, a strong argument can be made that the costs of and any revenue decrease related to complying with the regulation would arise even without the regulation.

The regulation will not impose any reporting requirement, but will, in conjunction with an existing regulation that mandates that brokers keep copies of documents generated during an insurance transaction, require brokers to maintain any written disclosures they provide to clients.

The regulation will not affect the ability of California businesses to compete with businesses in other states because any insurance broker, whether located within or outside of California, will have to comply equally with the regulation in transacting insurance with persons located in California.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

As explained immediately *supra*, the regulation may reduce the cost of insurance to consumers, while slightly increasing transaction costs for virtually all brokers, and decreasing revenues for some brokers.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The regulation will not result in the creation or elimination of jobs, nor the creation, elimination or expansion of businesses.

IMPACT ON HOUSING COSTS

None

BUSINESS REPORTING REQUIREMENT

The proposed regulation will not require businesses to file any report with any government agency. The regulation will require brokers to report their income to their clients.

IMPACT ON SMALL BUSINESS

The regulation will affect small businesses in the manner described above in the section "Economic Impact on Businesses and the Ability of California Businesses to Compete."

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 regulation is imposed or would be as effective and less burdensome to affected private persons than the proposed regulation. The Commissioner invites public comment on alternatives to the regulation.

COMPARABLE FEDERAL LAW

There is no existing federal regulation or statute comparable to the regulation.

TEXT OF REGULATION AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the regulation. The initial statement of reasons, and the text of the regulation, is available on the Department's website. Instructions for accessing the website page containing these documents are provided below.

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 primary contact person listed above by e-mail.

The file for this proceeding, which includes a copy of the proposed regulation, 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. Arrangements to view the file should be directed to the primary contact person listed above by e-mail.

AUTOMATIC MAILING

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

WEBSITE POSTINGS

Documents concerning this rulemaking are available on the Department's website, and can be located as follows. On the Department of Insurance home page, www.insurance.ca.gov, in the search field, enter "RH04039144" (the Department's regulation file number for this regulation). Then, click on the "Go" button to display links to the various filing documents.

MODIFIED LANGUAGE

If the Commissioner decides to adopt a regulation that differs in any substantial manner from the text that was originally provided to the public, the full text of the revised regulation will be available to the public for at least 15 days prior to its adoption. (If the revisions vary from the original text to such an extent that the public was not adequately placed on notice that the revisions could result from the original text, the Department will initiate an entirely new rulemaking.) Interested persons may request a copy of the revised regulation from the primary contact person listed above, and provide comment on the revisions to that contact person, within 15 days prior to adoption.

OBTAINING THE FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained by contacting the primary contact person listed above.

TITLE 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

- Title 27: Environmental Protection**
- Division 2: Solid Waste**
- Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**
- Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits**

Article 3.1: CIWMB—CIWMB Requirements

Section: 21685

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code of Regulations (27 CCR), Division 2, Chapter 4, Subchapter 3, Article 3.1, § 21685. The proposed changes interpret the Integrated Waste Management Act's (Public Resources Code Sections 40000 et seq.) requirement that facilities demonstrate they are in compliance with state minimum standards when seeking permit revisions pursuant to PRC Section 44009 as that requirement applies to landfills experiencing long-term gas violations.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on December 22, 2004.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

John Bell
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 16
Sacramento, CA 95812-4025
e-mail: <mailto:jbelle@ciwmb.ca.gov>
Fax: (916) 319-7181
Phone: (916) 341-6368

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for January 10, 2004. The hearing will be held in the Coastal Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 10:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing, submit written copies of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC § 40000 et. seq., provides for the protection of public health and safety and the environment through waste

prevention, waste diversion, and solid waste processing and disposal. The State Auditor's report (Number 2000-109) found that the CIWMB practice of concurring with permit revisions for landfills that have long-term violations of state minimum standards was "inconsistent with state law and does not yield results that are in the State's best interest because it allows long-term violations that effect the environment or public health to go uncorrected for extended periods." As a result, the CIWMB's Permitting & Enforcement Committee directed staff to develop a new subsection to 27 CCR Section 21685 that codifies the existing long-term gas violation practice including additional supporting guidance criteria.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that there is a need to codify the existing long-term gas violation practice with supporting criteria as a means of providing clarity and consistency with state law.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code § 11349 and the plain English requirements of Government Code §§ 11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§ 40502, 43020, and 43021 provide authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific PRC Section 44009.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D of the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6901 et seq.), the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any school districts that are required to be reimbursed under Part 7 (commencing with § 17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact on small businesses, including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses establish and operate solid waste landfills. As such these regulations will not affect small business in that no small business is required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses with California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed 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 proposed action.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB, or that has otherwise been identified and brought to the attention of the CIWMB, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

John Bell
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 16
Sacramento, CA 95812-4025
e-mail: mailto:jbelle@ciwmb.ca.gov
Fax: (916) 319-7178
Phone: (916) 341-6368

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Michael Wochnick
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 20
Sacramento, CA 95812-4025
e-mail: mailto:mwochnic@ciwmb.ca.gov
Fax: (916) 319-7334
Phone: (916) 341-6318

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting John Bell at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/LongTermGas/> Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who

submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

ERRATA

By notice dated October 12, 2004, and published in the October 22, 2004, California Regulatory Notice Register, Register No. 43-Z, the Air Resources Board (the "Board" or "ARB") inadvertently noticed that it would consider amendments to the "2005 and Later" compression-ignition engines and equipment; and that "Manufacturers of new," as opposed to "Manufacturers, remanufacturers, and rebuilders of" off-road, compression-ignition engines and equipment would be subject to and have responsibilities under the regulation."

PLEASE BE ADVISED that the proposed amendments are not limited to the "2005 and Later" compression ignition engines and equipment. Therefore, the following correction in the title of proposed action has been made:

AS READS:

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA OFF-ROAD EMISSIONS REGULATION FOR 2005 AND LATER COMPRESSION-IGNITION ENGINES AND EQUIPMENT

CHANGED TO READ:

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA OFF-ROAD EMISSIONS REGULATION FOR COMPRESSION-IGNITION ENGINES AND EQUIPMENT

PLEASE ALSO BE ADVISED that the reference to "Manufacturers of new-," has been corrected to read, "Manufacturers, remanufacturers, and rebuilders of-" off-road, compression-ignition engines and equipment that would be subject to and have responsibilities under the regulation." This refers to the language in paragraph one of the notice, at page one, which addresses the nature of the proposed amendments. Specifically, the following correction has been made:

AS READS:

“***Manufacturers of new off-road, compression-ignition engines and equipment would be subject to and have responsibilities under the regulation.***”

CHANGED TO READ:

“***Manufacturers, remanufacturers, and re-builders of off-road, compression-ignition engines and equipment would be subject to and have responsibilities under the regulation.***”

The complete text of the notice is available on the ARB Internet site for this rulemaking at

<http://www.arb.ca.gov/regact/offrdcie/offrdcie.htm>

Any questions regarding these corrections should be directed to Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit at (916) 322-6070 or Amy Whiting, Regulations Coordinator at (916) 322-6533.

If you have a disability-related accommodation need, please go to

<http://www.arb.ca.gov/html/ada/ada.htm>

for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

**BOARD OF
OCCUPATIONAL THERAPY**

NOTICE OF RESCHEDULE OF PUBLIC
HEARING AND NOTICE OF EXTENSION OF
PUBLIC COMMENT PERIOD DEADLINE FOR
CALIFORNIA CODE OF REGULATIONS
TITLE 16. BOARD OF
OCCUPATIONAL THERAPY
ADVANCED PRACTICE—AMEND
SECTION 4154

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) has rescheduled the public hearing and extended the public comment period for the above proposed regulation. This proposal was originally noticed in the California Regulatory Notice Register, dated September 17, 2004. The original public hearing date and public comment deadline for this proposal was November 15, 2004; however, the Board has rescheduled the hearing and extended the close of the public comment period to December 10, 2004. The time and location of the hearing shall remain the same.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in

this Notice, must be received by the Board at its office not later than 5:00 p.m. on December 10, 2004. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the actions substantially as described below or may modify such actions if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this action or who have requested notification of any changes to the action.

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the California Board of Occupational Therapy at 444 North Third Street, Suite 410, Sacramento, California 95814 or on the Board’s website,

www.bot.ca.gov.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278; (916) 445-6167 (FAX)
Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353; (916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

**BOARD OF
OCCUPATIONAL THERAPY**

NOTICE OF RESCHEDULE OF PUBLIC
HEARING AND NOTICE OF EXTENSION OF
PUBLIC COMMENT PERIOD DEADLINE FOR
CALIFORNIA CODE OF REGULATIONS
TITLE 16. BOARD OF
OCCUPATIONAL THERAPY
PERSONS EXEMPT FROM REQUIREMENTS—
SECTION 4124

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) has rescheduled the public hearing and extended the public comment period for the above proposed regulation. This proposal was originally noticed in the California

Regulatory Notice Register, dated September 17, 2004. The original public hearing date and public comment deadline for this proposal was November 15, 2004; however, the Board has rescheduled the hearing and extended the close of the public comment period to December 10, 2004. The time and location of the hearing shall remain the same.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on December 10, 2004. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the actions substantially as described below or may modify such actions if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this action or who have requested notification of any changes to the action.

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the California Board of Occupational Therapy at 444 North Third Street, Suite 410, Sacramento, California 95814 or on the Board's website, www.bot.ca.gov.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278; (916) 445-6167 (FAX)
Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353; (916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

Timber Harvesting Plans 1-04-102HUM, 1-04-104HUM and 1-04-131HUM

LOCATION: Humboldt County

NOTIFIER: The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation

BACKGROUND

On February 24, 1999, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service issued to The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation (collectively known as PALCO), a “no jeopardy biological opinion” (FWS 1-14-99-18) for the proposed incidental take of up to 17 species that would occur as a result of habitat loss and disturbance associated with timber harvesting activities described in the February 1999 PALCO Habitat Conservation Plan (HCP). On March 1, 1999, the U.S. Fish and Wildlife Service issued PALCO an incidental take permit (TE828950-0) for 13 species.

The State-listed endangered and Federal-listed threatened marbled murrelet (*Brachyramphus marmoratus*) is one of the 13 species covered by this incidental take permit. Among the disturbance minimization and take avoidance measures for the marbled murrelet described in the PALCO HCP are those found in Section 6.1.2.3.5, the process known as “Prioritization and Phasing of Harvest.” This process prioritizes and phases harvest of old-growth and residual redwood stands, including higher-quality marbled murrelet habitat, in a manner that minimizes impacts to marbled murrelets.

In accordance with the prioritization and phasing process of the PALCO HCP for the harvest of marbled murrelet habitat, PALCO is proposing to harvest five Type “D” stands of marbled murrelet habitat which comprise 14 acres and are included among three approved timber harvesting plans (THPs).

The Director of the Department of Fish and Game received a September 13, 2004, request from PALCO seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that Federal incidental take permit number TE828950-0 is consistent with the California Endangered Species Act (CESA) as to the harvest of the above-identified stands containing marbled murrelet habitat.

DETERMINATION

The Department has determined that incidental take permit number TE828950-0, which includes PALCO’s full compliance with the terms of the HCP as a condition of authorization is consistent with CESA for the identified stands because the mitigation measures described in the HCP and associated biological

DEPARTMENT OF FISH AND GAME

**CESA CONSISTENCY DETERMINATION FOR
PALCO Timber Harvest
Humboldt County**

On October 18, 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 (“D” and “E” type stands). This request applies to approximately 38.8 acres of “D” and “E” type stands distributed within 7 THPs.

In letters to PALCO dated July 9, 2004 and October 7, 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.

DEPARTMENT OF FISH AND GAME

**CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
Tracking Number 2080-2004-016-01**

PROJECT: Release for Harvest of Marbled Murrelet Habitat Type “D” Stands for

opinion meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of species protected under CESA. Specifically, the Department finds that the potential take of marbled murrelets will be incidental to otherwise lawful activities (i.e., THPs approved by the California Department of Forestry and Fire Protection), the mitigation measures identified in the HCP and the associated biological opinion will minimize and fully mitigate the impacts of the authorized take of marbled murrelets, and the projects will not jeopardize the continued existence of the species. The mitigation measures contained within the PALCO HCP and biological opinion include but are not limited to the following:

1. The sale of the Headwaters Reserve to the State and Federal government and the sale of the Owl Creek Reserve and portions of the Grizzly Creek Complex to the State.
2. The creation of marbled murrelet conservation areas (MMCA) which are to be managed for marbled murrelet habitat for the life of the HCP (50 years).
3. Implementation of marbled murrelet disturbance minimization measures that minimize possible disturbance and incidental take created by covered activities on PALCO lands adjacent to MMCA and old-growth habitat in the Headwaters Reserve and State and County parks (HCP Section 6.1.2.3.).
4. The process of prioritization and phasing of the harvest of marbled murrelet habitat in a manner which minimizes impacts to marbled murrelets (HCP Section 6.1.2.3.5).
5. PALCO's submittal to the U.S. Fish and Wildlife Service of an annual effectiveness monitoring report detailing its marbled murrelet monitoring survey locations, results, data, and analysis undertaken during the past year.
6. PALCO's contribution of \$30,000 annually to the U.S. Forest Service, Northwest Forest Plan off-shore monitoring program.
7. PALCO's maintenance of a fund to conduct research regarding marbled murrelet conservation needs. PALCO will contribute \$200,000 annually for the first five years of the HCP and \$100,000 annually for the following five years to a "Marbled Murrelet Scientific Review Panel" to conduct research regarding the conservation needs of the marbled murrelet.

This determination is limited to consistency of the incidental take permit as applied to the described actions on the above-identified stands and does not cover other harvesting activities. Separate determinations or take authorizations must be obtained for such

future activities that may result in take of State-listed species. Pursuant to Section 2080.1 of the Fish and Game Code, no incidental take authorization under CESA will be required for incidental take of marbled murrelets for harvest of these Type "D" stands, provided PALCO complies with the mitigation measures and other conditions described in the PALCO HCP and associated biological opinion and those required by the Federal incidental take permit. If there are any substantive changes to the project, including changes to the mitigation measures, or if the U.S. Fish and Wildlife Service amends the Federal incidental take permit, PALCO will be required to obtain a new consistency determination or CESA incidental take authorization from the Department.

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

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

Pursuant to Section 2073 of the Fish and Game Code, on July 2, 2004, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. The Department's evaluation and recommendation relating to the petition will be received by the Commission at its December 2, 2004, meeting in Monterey. Interested parties may contact Mr. Larry Week, Chief, Native Anadromous Fish and Watershed Branch, Department of Fish and Game, at (916) 327-8847, for information on the petition or to submit information to the Department relating to the petitioned species.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE TO INTERESTED PARTIES

ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

Draft Technical Support Document on the Proposed Public Health Goal for WATER SOLUBLE POLYCHLORINATED BIPHENYLS (PCB)

Expected to be Found in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of the

draft technical support documents for proposed Public Health Goals (PHG) for Water Soluble Polychlorinated Biphenyls (PCB) in drinking water. The draft documents are posted on the OEHHA Web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft reports during a 45-day comment period. The Office will also hold a public workshop on December 17, 2004, at Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 11, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

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

Oral and written comments received at the workshop will be considered during the revision of the draft technical support documents. Written comments must be received at the OEHHA address below by 5:00 p.m. on December 20, 2004, to be considered during this revision period for the documents.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), amended 1999, requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

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

Ms. Catherine Caraway (ccaraway@oehha.ca.gov)
 Pesticide and Environmental Toxicology Section
 Office of Environmental Health Hazard Assessment
 California Environmental Protection Agency
 Headquarters: 1001 I Street, 12th floor
 Sacramento, California 95814

Mailing address: P.O. Box 4010
 Sacramento, CA 95812-4010
 Attention: PHG Project

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission, at the request of the Department of Fish and Game, decided not to proceed with the amendment of sections 460, 465.5, and 478, and the additions of sections 458.1, 458.2, 458.3, and 460.1, Title 14, California Code of Regulations, regarding trapping regulations, Notice File Number Z-04-0629-14, which was published July 9, 2004 in California Notice Register 2004, No. 28-Z, page 916.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

BOARD OF OCCUPATIONAL THERAPY
 Supervision of Assistants, Limited Permit Holders, Students and Aids

This regulatory action provides for the permitted actions and required supervision of occupational therapy assistants, limited permit holders, students, and aides.

Title 16
 California Code of Regulations
 ADOPT: 4180, 4181, 4182, 4183, 4184
 Filed 10/26/04
 Effective 11/25/04
 Agency Contact: Janet Yagi (916) 322-3278

BOARD OF PSYCHOLOGY
 Pre-Licensure Training Requirements

The regulatory action deals with pre-licensure “spousal or partner abuse assessment, detection, and

intervention strategies training requirements” and “aging and long-term care training requirements”.

Title 16
California Code of Regulations
ADOPT: 1382.6 AMEND: 1382.5
Filed 10/22/04
Effective 11/21/04
Agency Contact:
Kathy Bradbury (916) 263-0712

DEPARTMENT OF CORPORATIONS
Time Period for Filing Corporations Code Section 25102(f) Notice

In this regulatory action, the Department of Corporations amends its regulation pertaining to the “Limited Offering Exemption Notice of Transaction” under Corporations Code section 25102(f).

Title 10
California Code of Regulations
AMEND: 260.102.14
Filed 10/27/04
Effective 10/27/04
Agency Contact:
Kathy Womack (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This Certificate of Compliance restricts the movement of additional species to control the artificial spread of oak mortality disease. (Previous OAL file # 04-0629-02E)

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 10/25/04
Effective 10/25/04
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
CAARP’s Request to Increase its Private Passenger Auto Rates

This action raises the overall allowable rate for insurance under the California Assigned Risk Plan based upon the petition of CAARP.

Title 10
California Code of Regulations
AMEND: 2498.4.9, 2498.5
Filed 10/26/04
Effective 10/26/04
Agency Contact:
Michael Riordan (415) 538-4226

DEPARTMENT OF MANAGED HEALTH CARE
Amending Execution Pages

This regulatory action amends the Application for License as a Health Care Service Plan or Specialized Health Care Service Plan.

Title 28
California Code of Regulations
AMEND: 1300.51
Filed 10/26/04
Effective 11/25/04
Agency Contact:
Elaine Paniewski (916) 324-9024

DEPARTMENT OF MOTOR VEHICLES
Undocumented Vessel Registration Agents

This action adopts the department’s “Application for Appointment and Agreement as a Non-Public Undocumented Vessel Registration Agent”, Form OL 54 (Rev. 3/2003).

Title 13
California Code of Regulations
AMEND: 190.32, 190.34, 190.36, 190.38
Filed 10/25/04
Effective 11/24/04
Agency Contact: Ann Myrick (916) 657-8857

EMPLOYMENT DEVELOPMENT DEPARTMENT
Verification Criteria

Section 2051-3 of title 22 of the California Code of Regulations provides that, in order to receive employment services, an applicant must establish his/her legal status or authorization to work by providing one of the documents specified therein. This regulatory action amends section 2051-3 to conform to changes in the list of documents in federal regulations used to verify an individual’s true identity and legal right to work.

Title 22
California Code of Regulations
AMEND: 2051-3
Filed 10/25/04
Effective 11/24/04
Agency Contact: Laura Colozzi (916) 654-7712

FAIR POLITICAL PRACTICES COMMISSION
Technical Cleanup of Regulations

The Fair Political Practices Commission is adopting section 18361.1, 18361.2, 18361.3, 18361.4, 18361.5, 18361.6, 18361.7, 18361.8; amending sections 18361.5, 18406, 18450.4, 18702.2, 18702.5, 18740, 18747, 18754, 18951; and repealing section 18361, title 2, California Code of Regulations.

Title 2
California Code of Regulations
ADOPT: 18361.1, 18361.2, 18361.3, 18361.4, 18361.5, 18361.6, 18361.7, 18361.8, AMEND: 18361.5, 18406, 18450.4, 18702.2, 18702.5, 18740, 18747, 18754, 18951 REPEAL: 18361

Filed 10/26/04
 Effective 11/25/04
 Agency Contact: Kelly Winsor (916) 327-0268

FISH AND GAME COMMISSION
 Resident Upland Game Birds

This action makes revisions to the season and bag limits for resident upland game birds.

Title 14
 California Code of Regulations
 AMEND: 300, 600
 Filed 10/21/04
 Effective 10/21/04
 Agency Contact: Tracy L. Reed (916) 653-4899

MEDICAL BOARD OF CALIFORNIA
 Continuing Education for Licensed Midwives

The regulatory action adds "Courses offered by a provider approved by the California Board of Registered Nursing or the board of registered nursing of another state in the United States" to the list of programs approved for continuing education for licensed midwives.

Title 16
 California Code of Regulations
 AMEND: 1379.26
 Filed 10/25/04
 Effective 11/24/04
 Agency Contact:
 Kevin A. Schunke (916) 263-2368

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JUNE 9, 2004
 TO OCTOBER 27, 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 Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/13/04 ADOPT: 1015, 1019, 1048, 1050
 AMEND: 1000, 1002, 1004, 1006, 1008,
 1012, 1014, 1016, 1018, 1020, 1022,
 1024, 1026, 1027, 1028, 1030, 1032,
 1034, 1038, 1040, 1042, 1044, 1046
 08/12/04 ADOPT: 1396 AMEND: 1314, 1321,
 1323, 1324, 1334, 1354, 1390, 1392,
 REPEAL: 1332

Title 2

10/26/04 ADOPT: 18361.1, 18361.2, 18361.3,
 18361.4, 18361.5, 18361.6, 18361.7,
 18361.8, AMEND: 18361.5, 18406,
 18450.4, 18702.2, 18702.5, 18740,
 18747, 18754, 18951 REPEAL: 18361
 09/29/04 ADOPT: 20107
 09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4,
 588.5 588.6, 588.7, 588.8, 588.9, 5881.10
 09/23/04 AMEND: 18401, 18421.1
 09/15/04 ADOPT: 599.511 AMEND: 599.500(t)
 09/10/04 AMEND: 54300
 09/09/04 AMEND: 18704.2
 08/31/04 ADOPT: 599.517
 08/20/04 ADOPT: 586, 586.1, 586.2
 08/10/04 ADOPT: 1896, 1896.2, 1896.4, 1896.6,
 1896.10, 1896.12, 1896.14, 1896.16,
 1896.18, 1896.20, 1896.22 REPEAL:
 1896, 1896.2, 1896.4, 1896.6, 1896.8,
 1896.10, 1896.12, 1896.14, 1896.16,
 1896.18, 1896.20
 08/09/04 AMEND: 599.508
 08/09/04 ADOPT: 1859.77.3 AMEND: 1859.2,
 1859.77.2
 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

Title 3

10/25/04 AMEND: 3700(c)
 10/14/04 AMEND: 3423(b)
 10/13/04 AMEND: 3700(b)
 10/06/04 AMEND: 3877(a), 3883, 3885(a)(b),
 4603(f) REPEAL: 3902
 10/06/04 ADOPT: 2042, 2100, 2101, 2102
 10/04/04 AMEND: 1280.2
 09/22/04 AMEND: 3430(b)
 09/20/04 AMEND: 3700
 09/09/04 AMEND: 6502
 09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
 6784 AMEND: 6000 REPEAL: 6450,
 6450.1, 6450.2, 6450.3, 6784
 09/08/04 AMEND: 3423(b)
 09/02/04 AMEND: 3700(b)(c)

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 45-Z

08/19/04 AMEND: 3700(c)
08/10/04 ADOPT: 1472.8 AMEND: 1472.5
08/05/04 AMEND: 3962(a)
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)

Title 4

10/18/04 ADOPT: 12270, 12271, 12272
10/14/04 AMEND: 1402, 1471, 2056, 2101, 2102, 2103
10/13/04 AMEND: 1371
09/23/04 ADOPT: 144
09/20/04 AMEND: 12101, 12122, 12250
08/17/04 ADOPT: 12400, 12401, 12402, 12403, 12404, 12405, 12406
07/19/04 ADOPT: 4147, 4148
07/19/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
07/19/04 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)
07/06/04 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,

Title 5

09/30/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19837, 19837 AMEND: 19814
09/22/04 AMEND: 11530
09/14/04 AMEND: 58310, 58312, 58314
09/08/04 ADOPT: 58139
09/03/04 AMEND: 40000, 40050, 40650, 40900, 41302, 41304, 41901.5, 42501, 43000
09/02/04 ADOPT: 40402.1, 40405, 40405.1, 40405.2, 40405.3, 40405.4, 40901, 41301, 41906, 41910, and 42728 AMEND: 40500, 40501, 40503, 40505, 40506, 41600, 41601, 42395, 42705, 43600, 43601, 43602, 43603, 43604, 43660, 43661, 43662, 43663, 43664, 43665, 43666
08/09/04 AMEND: 590, 591, 592, 593, 594, 595, 596
07/30/04 ADOPT: 58317
07/19/04 ADOPT: 40530, 40531, 40532 AMEND: 40651, 40803, 40803.1

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
06/17/04 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19836, 19837 AMEND: 19814

Title 8

10/19/04 ADOPT: 16421, 16422, 16423, 16424 AMEND: 16425 16426, 16427, 16428, 16429, 16431, 16432, 16433, 16434, 16435, 16436, 16437, 16438, 16439 REPEAL: 16430, 16435.5
10/07/04 AMEND: 5144
10/07/04 AMEND: 3456
10/06/04 AMEND: 344.30
10/04/04 ADOPT: 10202, 10102.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204
10/04/04 AMEND: 5155
10/01/04 AMEND: 5155
10/01/04 ADOPT: 3241.1
09/30/04 AMEND: 3381
08/30/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180, 81
08/27/04 AMEND: 3657
08/26/04 AMEND: 3427
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
07/07/04 AMEND: 3301
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
07/06/04 AMEND: 15220, 15220.1, 15220.3, 15220.4

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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

Title 9

09/01/04 ADOPT: 9807, 9822, 9834, 9836
AMEND: 9800, 9802, 9878 REPEAL:
9830, 9834, 9836

06/28/04 AMEND: 9525

Title 10

10/27/04 AMEND: 260.102.14

10/26/04 AMEND: 2498.4.9, 2498.5

10/04/04 AMEND: 2632.13(e)

09/22/04 AMEND: 2731

09/16/04 AMEND: 2318.6, 2353.1

09/15/04 AMEND: 2695.8(b)

09/01/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2697.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42

08/31/04 ADOPT: 2698.95

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.5

08/26/04 AMEND: 2498.3

08/25/04 ADOPT: 2498.4.9 REPEAL: 2400, 2401,
2403, 2404, 2405, 2406, 2407, 2408,
2420, 2421, 2421.1a, 2421.2, 2421.3,
2421.4, 2421.5, 2421.6, 2421.8, 2421.9,
2421.10, 2422, 2430, 2431, 2431.1,
2431.2, 2431.3, 2432, 2441, 2442, 2443,
2443.1, 2444, 2444.5, 2444.6

08/24/04 AMEND: 2498.6

08/04/04 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

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.

Title 11

10/19/04 ADOPT: 2037, 2038 AMEND: 2010,
2037, 2050

08/26/04 AMEND: 1005, 1007, 1008, 1018

07/07/04 AMEND: 1005, 1007

06/23/04 AMEND: 51.16

06/21/04 ADOPT: 2037, 2038 AMEND: 2010,
2050

Title 12

10/08/04 AMEND: 503(f)

Title 13

10/25/04 AMEND: 190.32, 190.34, 190.36, 190.38

09/09/04 ADOPT: 15.07

09/02/04 ADOPT: 155.05 AMEND: 155.00,
155.02, 155.04, 155.08, 155.10 REPEAL:
155.06

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

Title 14

10/21/04 AMEND: 300, 600

10/18/04 AMEND: 1682, 1682.1, 1683, 1683.1,
1683.6 REPEAL: 1681.2, 1681.3, 1681.2,
1681.3

10/14/04 AMEND: 10610(e) Appedix M and Ap-
pedix N

10/12/04 ADOPT: 1052.4 AMEND: 895.1, 1052,
1052.1

10/07/04 AMEND: 851.1

09/27/04 AMEND: 851.23

09/22/04 AMEND: 1.74

09/21/04 AMEND: 507.1

09/09/04 AMEND: 27.60, 27.65, 27.82, 28.27

09/07/04 ADOPT: 15333, Appendix L AMEND:
15023, 15062, 15064, 15065, 15075,
15082, 15085, 15087, 15088, 15088.5,
15094, 15097, 15126.4, 15205, 15206,
15252, 15313, 15325, 15330, 15333,
15378, Appendices C, D

09/07/04 ADOPT: 17913.5 AMEND: 17901,
17902, 17905, 17910, 17911, 17913,
17914, 17914.5

09/01/04 AMEND: 671

08/23/04 AMEND: 7.50

08/23/04 ADOPT: 18456.2.1, 18460.2.1 AMEND:
18449, 18450, 18451, 18456, 18459,
18459.2.1, 18459.3, 18461, 18462

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08/12/04 AMEND: 7.50(b)(180)
08/10/04 AMEND: 18072
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,
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