



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

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TITLE 10. DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

The Commissioner of Financial Protection and Innovation (Commissioner) proposes to adopt regulations to implement the recent law (Act) authorizing the establishment of public banks subject to specified conditions.¹ Specifically, the Commissioner proposes to make the following changes to Subchapter 10, Chapter 1, of Title 10 of the California Code of Regulations:

- Amend Sections 10.112; 10.141; 10.151; 10.3000; 10.3100; and 10.3402;
- Amend the title of Subarticle 2, Article 4;
- Adopt Sections 10.131.7; 10.135.1; 10.140.1; 10.140.6; 10.141.1; 10.166.1; and 10.3301.1.

The Act establishes a process for a local agency to apply for a bank charter from the Department of Financial Protection and Innovation. The Act expands the authority of the Commissioner to include the licensure, regulation, and oversight of public banks. The Act took effect on January 1, 2020. Prior to the Act, public banks were not authorized in California.

The Act specifies that a local agency will need to meet the same general requirements and approval criteria as existing law requires of a private sector applicant for a banking license, including obtaining deposit insurance provided by the Federal Deposit Insurance Corporation. The Act authorizes the Commissioner of Financial Protection and Innovation to promulgate regulations for the purpose of carrying out the Commissioner’s duties under the Act.

To expedite the rulemaking process, the Commissioner intends to issue regulations in phases. This first phase of regulations focuses on general definitions and application requirements. This will enable the Commissioner to provide guidance on those areas which are most immediately relevant to stakeholders and enable implementation of the Act as timely as possible.

¹ AB 857 (Ch. 442, Stats. 2019).

This proposed rulemaking provides necessary detail and specificity to implement the Act efficiently and effectively, to achieve the stated legislative intent to authorize the lending of public credit by public banks and authorize public ownership of public banks for the purpose of achieving cost savings, strengthening local economies, supporting community economic development, and addressing infrastructure and housing needs for localities.² The proposed rules provide clarity, certainty and transparency for public bank applicants and the communities they serve.

AUTHORITY

[Government Code Section 11346.5, subdivision (a)(2)]

Section 326, Financial Code and Section 57607, Government Code.

REFERENCE

[Government Code Section 11346.5, subdivision (a)(2)]

Sections 103, 119, 321, 326, 334, 507, 508, 1001, 1008, 1022, 1023, and 1551, Financial Code and Sections 54956.97, 54956.98, 57600, 57601, and 57604, Government Code.

PUBLIC COMMENTS

[Government Code Section 11346.5, Subdivision (a)(17)]

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department’s contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

[Government Code Sections 11346.4, Subdivision (a) and 11346.5, Subdivision (a)(15)]

Where to Submit Comments

Any interested person, or his or her authorized representative, may submit written comments on the proposed regulatory action to the Department, addressed as follows, by any of these means:

² Id., § 1.

Postal Mail

Department of Financial Protection and
Innovation
Attn: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013

Electronic Mail

Comments may be submitted electronically to regulations@dfpi.ca.gov. Please identify the comments as PRO 01/20 in the subject line.

Fax

(213) 897-8860

Time for Comments

Comments may be submitted until January 21, 2021. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close on the next business day.

INFORMATIVE DIGEST
[Government Code Section 11346.5,
Subdivision (a)(3)]

Policy Statement and Specific Benefits Anticipated from Regulatory Action [Government Code Section 11346.5, Subdivision (a)(3)(C)]

The objective of the proposed regulations is to implement the provisions of the Act as efficiently and effectively as possible, by:

- Adding and clarifying definitions in Division 1.1 of the Financial Institutions Law³ (the Banking Law) which are necessary for applicants to apply for a certificate to transact business as a public bank;
- Clarifying the requirements under which an applicant must apply for a public bank charter to enable the Department to determine whether to approve an application for a certificate to transact business as a public bank.

The benefits anticipated from this regulatory action include facilitating the timely implementation of the Act.

Public banks may offer local agency banking, infrastructure lending, participation lending, and wholesale lending. Local agencies may be able to invest their money and satisfy their banking needs at more advantageous rates, fees, terms and conditions. Local agencies may earn greater rates of return on their invested monies through participation and wholesale lending. California's critical infrastructure needs and shortages, including the housing shortage, may

be addressed and improved through infrastructure lending by public banks.

This regulatory package increases transparency in government by adopting the rules in compliance with California's rulemaking procedures and standards, as required. This ensures that the public and those who would be subject to the proposed action are provided with a meaningful opportunity to participate in the adoption of the regulations.

Summary of Existing Laws and Regulations, and Effect of Proposed Action [Government Code Section 11346.5, Subdivision (a)(3)(A)]

The Act authorizes the creation of public banks for the first time in California, subject to specific conditions.

The Act introduces terms that relate to public banking; however, not all the new terms are defined in statute. This rulemaking would define those new terms that require clarification.

The Act also requires that a local agency seeking to establish a public bank must submit an application pursuant to Financial Code section 1020. When processing an application, the Commissioner is required to make determinations on several factors.⁴ This rulemaking would clarify those factors that need to be evaluated differently due to the unique organizational and business structure of a public bank.

Existing law requires persons wishing to organize a bank and transact banking business to apply for, and obtain, a license from the Department.⁵ The proposed rulemaking action specifies the unique process and requirements for licensure. The proposed rulemaking defines terms, not already defined in existing law, to clarify the process.

Existing law provides the Commissioner's authority to promulgate rules and regulations, consistent with the Commissioner's authority to administer the Banking Law.⁶ The Act also authorizes the Commissioner to promulgate necessary regulations.

Existing Federal Regulation or Statute [Government Code Section 11346.5, Subdivision (a)(3)(B)]

There are no existing comparable federal regulations or statutes authorizing or governing the licensure of public banks. The proposed regulatory action is neither inconsistent nor incompatible with existing federal laws.

⁴ See Fin. Code, §§ 1022, 1023.

⁵ Fin. Code, §§ 1020, 1044.

⁶ Fin. Code, § 326. Gov. Code § 57607.

³ Fin. Code, § 99, et seq.

Existing State Regulations [Government Code Section 11346.5, Subdivision (a)(3)(D)]

The Department has conducted an evaluation of whether the proposed regulations are consistent with existing state regulations and has concluded that these are the only regulations that directly regulate public banks. The proposed regulatory action is consistent with existing regulations and policy considerations under the Banking Law, Division 5, “Public Banks,” of the Government Code⁷ and other state laws. The proposed amendments are neither inconsistent nor incompatible with existing state regulations.

These proposed new regulations are necessary to implement and effectively administer new legislation in an area previously unlegislated and unregulated in California. This rulemaking provides necessary detail and specificity to implement the Act as efficiently and effectively as possible and to achieve the stated legislative intent. The proposed rules provide clarity, certainty and transparency for applicants for a public bank license and the communities and customers they will serve.

FORMS INCORPORATED BY REFERENCE
[Title 1, California Code of Regulations, Section 20, Subdivision (c)(3)]

This proposed regulatory action does not incorporate any forms by reference.

DISCLOSURES REGARDING THE PROPOSED ACTION
[Government Code Section 11346.5, Subdivisions (a)(5), (6), and (12)(A)]

- Mandate on local agencies or school districts: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any state agency: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

ECONOMIC IMPACT ON BUSINESS
[Government Code Section 11346.5, Subdivision (a)(8)]

The Commissioner has made an initial determination that the proposed regulatory 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.

EFFECT ON SMALL BUSINESS
[Title 1, California Code of Regulations, Section 4]

No small business, within the meaning of Government Code Section 11342.610, subdivision (b), conducts or is authorized to conduct public banking. Therefore, this rulemaking action does not impact small businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS
[Government Code Section 11346.5, Subdivision (a)(9)]

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS
[Government Code Section 11346.5, Subdivision (a)(10)]

The Department has determined that:

- The proposed action will not have a significant impact on the creation of additional jobs in California;
- The proposed action will not eliminate jobs in California;
- The proposed action will not create new businesses or eliminate existing businesses within California;
- The proposed action will not expand businesses currently doing business within California;
- As discussed above under the Informative Digest, the proposed action is expected to benefit the health and welfare of California residents by improving local agency banking at more advantageous terms; increasing wholesale lending and participation lending at a greater return on investment than other investments historically made by local agencies; and increasing lending

⁷ Gov. Code, § 57600, et seq.

for greatly needed infrastructure, including housing.

- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

BUSINESS REPORTING REQUIREMENT

[Government Code Section 11346.5,
Subdivision (a)(11)]

The Act does not impose a reporting requirement on businesses. Therefore, there are no adverse impacts on businesses from reporting requirements.

**STATEMENT ABOUT THE
EFFECT ON HOUSING COSTS**
[Government Code Section 11346.5,
Subdivision (a)(12)]

The proposed action will not affect housing costs.

CONSIDERATION OF ALTERNATIVES

[Government Code Section 11346.5,
Subdivision (a)(13)]

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

**AVAILABILITY OF THE NOTICE,
STATEMENT OF REASONS, TEXT
OF PROPOSED REGULATIONS AND
RULEMAKING FILE**

[Government Code Section 11346.5,
Subdivisions (a)(16), and (20), and (b)]

As of the date this Notice is published, the rulemaking file consists of: this Notice, the Initial Statement of Reasons, the Proposed Text of the regulations, and all the information upon which the proposal is based. The Notice, Initial Statement of Reasons and Proposed Text are available by contacting the person designated below:

Department of Financial Protection and
Innovation

Attn: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
Telephone: (213) 897-3432
E-mail: regulations@dfpi.ca.gov

The Notice, Initial Statement of Reasons and Proposed Text are also available on the Department's website at www.dfpi.ca.gov. To access the documents from the Department's website, click on the "Laws and Regulations" tab on the home page, click on the "Regulations/Rulemaking" link, and then click on the "Public Banking Law" link.

As required by the Administrative Procedure Act, the Department's Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Financial Protection and Innovation, Legal Division, 300 S. Spring Street, Suite 15513, Los Angeles, California 90013.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

[Government Code Section 11346.5,
Subdivision (a)(18)]

If the Department makes changes which are sufficiently related to the original Proposed Text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated above. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**
[Government Code Section 11346.5,
Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available to the public, and copies may be requested from the contact person named above or accessed on the Department's website listed above.

CONTACT PERSON

[Government Code Section 11346.5,
Subdivision (a)(14)]

Inquiries regarding the substance of the proposed regulation may be directed to:

Department of Financial Protection and
Innovation

Attn: Senior Counsel Mary D. Tomé
300 South Spring Street, Suite 15513
Los Angeles, CA 90013-1259
Telephone: (949) 378-9522
E-mail: mary.tome@dfpi.ca.gov

Non-substantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to:

Department of Financial Protection and
Innovation

Attn: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
Telephone: (213) 897-3432
E-mail: regulations@dfpi.ca.gov

The backup contact person for non-substantive inquiries is:

Department of Financial Protection and
Innovation

Attn: Mark Dyer
2101 Arena Boulevard
Sacramento, California 95834
Telephone: (916) 576-3637
E-mail: regulations@dfpi.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH AND
WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Lower Moffett Creek Scour — DES Brokered
Project
2080-2020-011-01
Siskiyou County

The California Department of Fish and Wildlife (CDFW) received a notice on November 20, 2020 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between

federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the replacement of Moffett Creek bridge. The proposed project will occur approximately six miles north of Fort Jones, from 0.3 mile south to 0.3 mile north of Lower Moffett Creek Road, in Siskiyou County.

The National Marine Fisheries Service (NMFS) issued a federal Programmatic biological opinion (Programmatic BO)(Service Ref. No. 2013-9731) in a memorandum to the U.S. Army Corps of Engineers and Caltrans on October 18, 2013, which considered the effects of proposed projects on state and federally threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*). On January 7, 2019, NMFS sent an email to Caltrans with the determination that the Programmatic BO is applicable to this project. A Category 3 Notification Form was appended to the Programmatic BO for this Project on November 17, 2020.

Pursuant to California Fish and Game Code section 2080.1, Caltrans is requesting a determination that the Programmatic BO and its associated ITS and Category 3 Notification Form are consistent with CESA for purposes of the proposed project. If CDFW determines the Programmatic BO and its associated ITS and Category 3 Notification Form are consistent with CESA for the proposed project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING AND
BUSINESS MEETING**

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

PLEASE NOTE: In accordance with Executive Order N-29-20, and Executive Order N-33-20, the PHYSICAL meeting location has been cancelled for January.

PUBLIC MEETING

On **January 21, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)

- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

BUSINESS MEETING

On **January 21, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

RULEMAKING PETITION DECISION

BOARD OF PAROLE HEARINGS

RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7

BPH PETITION RESPONSE 2020-02

The Board of Parole Hearings (Board) Legal Division received a Petition to Adopt, Amend, or Repeal a Regulation under California Government Code sections 11340.6 and 11340.7 from petitioner Steven Ciotta on October 26, 2020. In accordance with subdivision (a) of section 11340.7, this document serves as the Board's response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. NAME OF AGENCY: Board of Parole Hearings
2. PARTY SUBMITTING THE PETITION: Steven Ciotta (D94599)

3. PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED: Petitioner requests the Board to amend the repealed California Code of Regulations, title 15, division 2, section 2817, relating to the Board's exercise of authority under Penal Code section 1170, subdivision (d).

REFERENCE TO AUTHORITY TO TAKE THE ACTION: Petitioner cites to the Board's obligation in Penal Code section 5075.1, subdivisions (g) and (h). Penal Code section 5075.1, subdivision (g) requires the Board "[i]nvestigate and report on all applications for reprieves, pardons, and commutation of sentence, as provided in Title 6 (commencing with Section 4800) of Part 3" and subdivision (h) requires the Board "[e]xercise other powers and duties as prescribed by law." Additionally, the Board has general rulemaking authority under Government Code section 12838.4 and Penal Code sections 3052 and 5076.2 to promulgate, amend, or repeal regulations in division 2 of title 15 of the California Code of Regulations.

4. REASONS SUPPORTING THE AGENCY'S DECISION:

Petitioner requests the Board amend the California Code of Regulations, title 15, section 2817, which is currently repealed, to create or adopt criteria set forth by the California Code of Regulations, title 15, division 3, sections 3076 and 3371.1, as it relates to an in-

mate’s request for recall and resentencing under Penal Code section 1170, subdivision (d). To support this request, petitioner claims that, when a condition appears in an application under Penal Code section 4800, the reviewer imposes an alternative remedy under Penal Code section 1170, subdivision (d). Petitioner also asks the Board to adopt the criteria established in *Dix v. Superior Court* (1991) 53 Cal.3d 442, which upheld a trial court’s decision to recall an inmate’s sentence for reasons unrelated to disparity.

Petitioner’s request is **DENIED**. Penal Code section 1170, subdivision (d), does not mandate the Board to take any specific action on a request for recall and resentencing and the petitioner’s arguments are based on a misunderstanding of the law.

Penal Code section 1170, subdivision (d), paragraph (1) states in relevant part: “When a defendant subject to this section or subdivision (b) of Section 1168 has been sentenced to be imprisoned in the state prison ... the court may ... at any time upon the recommendation of the secretary or the Board of Parole Hearings in the case of state prison inmates ... recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if they had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.” Nothing in this section mandates the Board to act when an inmate requests the Board to consider the inmate’s case for referral to the court with a recommendation that the court recall and resentence the inmate. Additionally, nothing in this section requires the Board to develop criteria or standards for the Board to apply when deciding whether to refer an inmate to the court for a recall of sentence. Instead, this section broadly authorizes the Board to make such a recommendation on its own motion. Therefore, the Petitioner’s claim that this section creates a duty for the Board to develop criteria for referral to the court is in error because Penal Code section 1170, subdivision (d) does not impose a duty on the Board to take action and remains discretionary and broad.

Moreover, petitioner’s arguments regarding this request are similarly erroneous. First, the California Department of Corrections and Rehabilitation’s (CDCR) amendments to regulations in the California Code of Regulations, title 15, division 3 do not impact the Board’s authority to refer a case to the court because those regulations govern only the CDCR Secretary’s authority to refer a case and specify a process that CDCR has created for inmates to request

the Secretary’s consideration. Second, the petitioner’s argument that the Board’s obligation to investigate all applications for a commutation, pardon, or reprieve of sentence demonstrates a requirement to develop criteria for a recall of sentence under Penal Code section 1170, subdivision (d) is similarly erroneous. The process for recommending a commutation, pardon, or reprieve of sentence is completely separate from and unrelated to the process of referring a case to the court for a recall of sentence. Similarly, the *Dix* case to which petitioner cites only confirms and clarifies the court’s power to recall and resentence an inmate under section 1170, subdivision (d), which is separate from the Board’s discretion to refer the inmate to the court. *Dix v. Superior Court* (1991) 53 Cal.3d 442.

Since the Board’s authority to refer an inmate to the court with a recommendation for recall and resentence is both broad and discretionary, and none of the laws to which petitioner cites establish a duty on the Board to take specific actions when an inmate requests consideration for referral, the Board **denies** petitioner’s request.

5. BOARD CONTACT PERSON:

Tracy Young

Senior Staff Attorney

Board of Parole Hearings

P. O. Box 4036

Sacramento, CA 95812–4036

Office: (916) 445–4072

Fax: (916) 322–3475

BPH.Regulations@cdcr.ca.gov

6. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the Board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the Board. In submitting such a request, please reference **BPH PETITION RESPONSE 2020–02** in the request.

DATE OF DECISION: November 23, 2020

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH THE
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 for Professional Engineers, Land Surveyors
and Geologists
File # 2020-1006-02
Fees and Certificates

In this regular rulemaking the Board for Professional Engineers, Land Surveyors, and Geologists amends licensing fees and procedures for issuance of licenses and certificates.

Title 16
Adopt: 3010
Amend: 407, 410, 3005
Filed 11/18/2020
Effective 01/01/2021
Agency Contact:
Richard B. Moore (916) 263-2285

Bureau of Real Estate Appraisers
File # 2020-0616-03
Federal Compliance

In this rulemaking action, the Bureau amends its regulations to prohibit an Appraisal Management Company from being registered if it is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state for a substantive cause. The regulations also require the submission of a new form REA 5030 with a payment of the national registry fee and state processing fee, which now includes a state processing fee of \$25 for each appraiser and \$110 for the Appraisal Management Company.

Title 10
Amend: 3577, 3582
Filed 11/18/2020
Effective 11/18/2020
Agency Contact: Kyle Muteff (916) 341-6126

Bureau of Real Estate Appraisers
File # 2020-0616-04
Substantial Relationship and Rehabilitation Criteria

This action by the Bureau of Real Estate Appraisers establishes criteria for determining when a crime, act, or professional misconduct is substantially related to the qualifications, functions, and duties of a licensee, or when an applicant or licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct when considering denial, suspension, or revocation of a license. The amendments implement amendments to the Business and Professions Code made in Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 10
Amend: 3722, 3723
Filed 11/19/2020
Effective 11/19/2020
Agency Contact: Kyle Muteff (916) 341-6126

Department of Food and Agriculture
File # 2020-0609-02
Informal Hearings

This rulemaking action by the Department of Food and Agriculture expands the list of violations for which an informal administrative hearing may be utilized. This action also amends the time frames for a person to request an informal hearing and clarifies notice requirements.

Title 03
Adopt: 1310.4
Amend: 1310, 1310.1, 1310.2, 1310.3
Filed 11/20/2020
Effective 01/01/2021
Agency Contact: Thami Rodgers (916) 698-3276

Public Employees' Retirement System
File # 2020-1013-03
Board Elections Regulations

A candidate for an elective Board member position may voluntarily provide answers to a list of questions found in the regulations. In this rulemaking action, the California Public Employees' Retirement System (CalPERS) amends its regulations to add to the list four questions related to financial solvency, sexual harassment, conflict of interest, and protection of confidentiality. CalPERS also amends some voting procedures. And the amendments specify that a candidate who submits a request for arbitration will be a participant, notwithstanding whether he or she submits a notice of participation.

Title 02
 Amend: 554.5, 554.6, 554.7, 554.8
 Filed 11/24/2020
 Effective 01/01/2021
 Agency Contact: Anthony Martin (916) 795-9347

State Water Resources Control Board
 File # 2020-0925-02
 ELAP Regulations

This action by the State Water Resources Control Board updates requirements, standards, and procedures for laboratories seeking accreditation under the Environmental Laboratory Accreditation Program.

Title 22
 Adopt: 64802.00, 64802.05, 64802.10, 64802.15, 64802.20, 64808.00, 64808.05, 64808.10, 64805.15, 64810.00, 64810.05, 64810.10, 64812.00, 64812.05, 64814.00, 64814.05, 64814.10, 64816.00, 64816.05, 64816.10
 Amend: 64801.00
 Repeal: 64803, 64805, 64806, 64807, 64809, 64811, 64813, 64815, 64817, 64819, 64821, 64823, 64825, 64827, 64860
 Filed 11/19/2020
 Effective 01/01/2021
 Agency Contact: Jacob Oaxaca (916) 323-3433

State Water Resources Control Board
 File # 2020-1109-01
 Emergency Regulation Adopting ELAP Fee Schedule

This emergency action by the State Water Resources Control Board adopts a fee schedule for the Environmental Laboratory Accreditation Program. Under Health and Safety Code section 100829(f)(3), this action is a deemed emergency, exempt from OAL review, and remains in effect until revised by the state board.

Title 22
 Adopt: 64802.25
 Filed 11/19/2020
 Effective 01/01/2021
 Agency Contact: Glen Osterhage (916) 341-5032

Veterinary Medical Board
 File # 2020-0611-01
 Criminal Conviction Substantial Relationship & Rehabilitation Criteria

This rulemaking action by the Veterinary Medical Board adopts criteria to evaluate the rehabilitation of an applicant or licensee when considering the denial, suspension, or revocation of a license. The action also includes criteria for determining when a crime is substantially related to the qualification, functions, and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed in compliance with Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 16
 Amend: 2040, 2041
 Filed 11/19/2020
 Effective 11/19/2020
 Agency Contact: Justin Sotelo (916) 515-5238

Veterinary Medical Board
 File # 2020-1112-01
 Fee Schedule

The Veterinary Medical Board submitted this emergency readoption action to keep in effect licensure fee increases adopted as an emergency on January 27, 2020. The fees are increased to their statutory maximums for veterinarians and registered veterinary technicians.

**PRIOR REGULATORY
 DECISIONS AND CCR
 CHANGES FILED WITH THE
 SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.