



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 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Air Resources Board

A written comment period has been established commencing on December 25, 2020 and closing on February 8, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict-of-interest code(s). Any written comments must be received no later than February 8, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite

3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. SEISMIC SAFETY COMMISSION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE SEISMIC SAFETY COMMISSION

NOTICE IS HEREBY GIVEN that the **Seismic Safety Commission**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on December 18, 2020 and closing on February 1, 2021. All inquiries should be directed to the contact listed below.

The **Seismic Safety Commission** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: Amending the delegated positions and makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than February 1, 2021 or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than December 18, 2020.

The Seismic Safety Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to Tanya Black, Administrative Process Manager, 916-224-8816, Tanya.Black@CalOES.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 203, 219, 265, 331, 460, 1050, 3051, 3452, 3453, 3953 and 4334, Fish and Game Code and to implement, interpret or make specific Sections 200, 203, 203.1, 255, 265, 331, 332, 458, 459, 460, 713, 1050, 3051, 3452, 3453, 3953 and 4334; Title 14, California Code of Regulations, relating to annual mammal hunting regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW — SECTION 360

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in establishing deer regulations. Current regulations in Section 360, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season dates, and deer license tag quotas. To achieve deer herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, and other criteria in response to dynamic environmental and biological conditions. The proposed regulatory action will amend Section 360 providing the number of tags and season dates for hunting in the 2021-2022 season.

Proposed Amendments: The recommended number of tags and season dates for deer hunting for 2021-2022 are presented in the proposed regulatory text of Section 360.

1. Number of Tags

The proposed action amends subsection 360(b)(4)(D) to reduce hunting tag numbers for the Zone X-3b, while maintaining previous year tag quotas for all other deer hunt zones. Recent population trends and hunter success suggest deer populations in the X-3b hunt zone have decreased. License tag numbers are based on input from Department regional staff and the public to address goals for the unit, including deer conservation and providing hunting opportunities.

The proposed amendment to the number of deer license tags in subsections 360(b)(4) is necessary to allow the appropriate level of hunting opportunity and harvest of bucks in the population while achieving or maintaining the buck to doe ratios at, or near, objective levels set forth in the deer herd management

plans. The number of deer license tags are based upon findings from the annual harvest and fall and spring surveys.

2. Modify Season

Existing regulations for Additional Hunts G–8 (Fort Hunter Liggett Antlerless Deer Hunt) and J–10 (Fort Hunter Liggett Apprentice Either–Sex Deer Hunt) provide for hunting to begin on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days. The proposal would modify the season to account for the annual calendar shift. The proposal would change the season dates to open on the first Saturday in October and continue for two (2) consecutive days and reopen on the second Saturday in October and continue for three (3) consecutive days, except if rescheduled by the Commanding Officer with Department concurrence between the season opener and December 31.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW — SECTION 363

The Fish and Game Commission (Commission) periodically considers the recommendations of the Department of Fish and Wildlife (Department) in updating antelope regulations. Section 363 provides descriptions of hunting zones, season opening and closing dates, and tag quotas (total number of hunting tags to be made available), and special conditions for pronghorn antelope. To maintain appropriate harvest levels and hunting quality, tag must be adjusted periodically in response to dynamic environmental and biological conditions. Current regulations specify the number of pronghorn antelope hunting tags for the 2020 season — ranges that were last modified in 2017. The proposed regulatory action will amend subsection 363(m) providing the number of tags for hunting in the 2021–2022 season.

Proposed Amendments: The recommended quotas for pronghorn antelope hunting tags for 2021–2022 are presented in the proposed regulatory text of Section 363. Subsection 363(m) specifies pronghorn license tag quota ranges for each hunt, in accordance with management goals and objectives (Table 1).

1. Number of Tags

The proposed action amends subsection 363(m) to reduce hunting tag numbers for the Likely Tables General Season buck tags in Period 1 and Period 2, while maintaining previous year tag quotas for all other pronghorn antelope hunt zones and seasons. Recent population trends and hunter success suggest pronghorn antelope populations in the Likely Tables have decreased, but pronghorn antelope populations in all other hunt zones are stable. The proposed amendment to number of antelope hunting tags in subsection 363(m) is necessary to allow for a

biologically appropriate harvest of bucks and does in the pronghorn antelope population, and will achieve/maintain buck ratios at or above minimum levels specified in appropriate management plans (California Department of Fish and Game 1989). Proposed tag quotas provided in Table 1 (below) are final recommendations of the California Department of Fish and Wildlife and are within conservative ranges identified in the 2004 Final Environmental Document Regarding Pronghorn Antelope Hunting.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW — SECTION 708.19

The California Department of Fish and Wildlife (Department) manages elk, bighorn sheep, and pronghorn antelope resources in California. Elk hunting tags, bighorn sheep hunting tags, and pronghorn antelope hunting tags are required to hunt these species in California. The Department distributes hunting tags for elk, bighorn sheep, and pronghorn antelope annually via the big game drawing. Public demand for elk, bighorn sheep, and pronghorn antelope hunting tags exceeds the available opportunities; therefore, a modified preference point system was implemented in 2002 (currently Section 708.14) to provide preference to hunters who have applied for, but not received, tags in past drawings. Each year a hunter applies for an elk, bighorn sheep, or pronghorn antelope hunting tag and is not drawn, that hunter receives a preference point which gives that hunter preference in future drawings for that species. A portion of the tag quota for elk, bighorn sheep, and pronghorn antelope tags is allocated by preference point drawing each year. A portion of tags are issued randomly to allow some opportunity for new hunters and hunters that do not have enough preference points to draw through the preference point portion of the drawing.

The historic and catastrophic 2020 fire season caused unprecedented public land closures including the temporary closure of all national forests in California beginning on September 9, 2020. The closure occurred before or during the hunting seasons for all the hunts addressed in the proposed regulation. This resulted in a loss of opportunity for hunters who had “once in a lifetime” elk, bighorn sheep, or pronghorn antelope hunting tags. Hunters used many years of accumulated preference points (in many cases 18 years of preference points) to obtain the required tags for the hunts specified in the proposed regulation.

The Department is proposing to add Section 708.19 to allow hunters who lost their opportunity to hunt in 2020 due to land closures caused by unprecedented fires to return specified elk, bighorn sheep, and pronghorn antelope tags for a refund, reinstatement of

the preference points used to obtain the tag through the drawing, and earn one preference point for the license year. Hunters who request a refund would be required to pay the \$30.90 nonrefundable big game tag return processing fee specified in Section 702. This proposal would affect up to 110 hunters.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal Frameworks.

GOALS AND BENEFITS OF THE REGULATION

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the State's waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2020–21.

NON-MONETARY BENEFITS TO THE PUBLIC

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

CONSISTENCY WITH STATE REGULATIONS

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Sections 360, 363 and 708.19 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate mammal hunting regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on Tuesday, January 12, 2021, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on Wednesday, February 10, 2021, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov.

[ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916–653–4899.

It is requested, but not required, that written comments be submitted on or before February 8, 2021 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on February 9, 2021. All comments must be received no later than February 10, 2021, during the webinar/teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and email or mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or Jon Snellstrom at the preceding address or phone number. **Brad Burkholder, Environmental Program Manager, has been designated to respond to questions on the substance of the proposed regulations. He can be reached at (916) 373–6619 or via email at Brad.Burkholder@wildlife.ca.gov.**

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any

person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Assessment

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

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

Sections 360 and 363 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Considering the relatively small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 708.19 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively small number of tags to be returned from the elk and pronghorn antelope tags over the entire state, this proposal is economically neutral to business.

- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:**

Sections 360 and 363 — The proposed action will not have significant impacts on the creation or elimination of jobs or the creation of new businesses or the elimination of existing businesses within California because it is unlikely to result in a change in hunting effort. The proposed action does not provide benefits to worker safety because it does not address working conditions.

Section 708.19 — The Commission anticipates no impact on the creation or elimination of jobs within the state, no impact on the creation of new

business, the elimination of existing businesses or the expansion of businesses in California as minor variations in hunting regulations are, by themselves, unlikely to provide a substantial enough economic stimulus to the state.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources. The proposed action will not provide benefits to worker safety. The Commission anticipates benefits to the State’s environment in the sustainable management of natural resources

- (c) **Cost Impacts on a Representative Private Person or Business:**

Sections 360 and 363 — 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.

Section 708.19 — The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. A \$30.90 nonrefundable big game tag return processing fee per refund, as specified in Section 702, is deducted from the amount refunded. The choice to obtain a refund is not required and is purely discretionary for each individual.

- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State Sections 360 and 363 — None.**

Section 708.19 — Under the proposed regulation, a total of 110 hunters could be eligible for tag refunds. Hunters would be required to pay the \$30.90 nonrefundable big game tag return processing fee specified in Section 702. There are 68 elk hunters (including four apprentice hunters), 3 resident and 1 non-resident bighorn sheep hunters, and 38 pronghorn antelope hunters who either did not hunt or did not harvest an animal during these hunts. At most, the Department would be required to issue 110 tag refunds for up to a net total of approximately \$35,092.49.

- (e) **Nondiscretionary Costs/Savings to Local Agencies:**

Sections 360, 363 and 708.19 None.

- (f) **Programs Mandated on Local Agencies or School Districts**

Sections 360, 363 and 708.19 None.

- (g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under**

Part 7 (commencing with Section 17500) of Division 4, Government Code:

Sections 360, 363 and 708.19 None.

(h) Effect on Housing Costs:

Sections 360, 363 and 708.19 None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to adopt new Section 3412 into Title 15, Division 3, Chapter 1, regarding Off-Duty Firearms.

PUBLIC COMMENT PERIOD

The public comment period begins **December 25, 2020** and closes on **February 12, 2021**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact

Anthony Carter
Telephone: (916) 445-2220
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

Y. Sun
Telephone: (916) 445-2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Zackery Osborne
Telephone: (916) 445-6565
Office of Correctional Safety
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and

for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The California Department of Corrections and Rehabilitation (CDCR) proposes to adopt Section 3412 to the California Code of Regulations (CCR), Title 15, Division 3, for the purposes of implementing consistent statewide rules for trained and qualified CDCR peace officers who are authorized to carry firearms while off-duty.

This proposed regulation section shall apply to:

- CDCR peace officers who possess their work-issued firearm on their possession while off duty.
- CDCR peace officer employees who lawfully possess a Department-authorized concealed firearm on their person while off-duty.

California Penal Code Section 830.5(f) authorizes CDCR to promulgate regulations that are consistent with any subdivisions in Penal Code Section 830.5, which as a whole pertain to firearms carried by CDCR peace officer employees while they are on-duty and off-duty. Penal Code Section 5058 authorizes CDCR to promulgate regulations for the administration of the Department.

This action will:

The purpose of this regulatory action is to provide CDCR peace officer employees with direction on who is authorized to carry a Department-authorized concealed firearm while off-duty and in public for personal protection. This proposed section also sets expectations as to what CDCR peace officer employees shall do to lawfully carry a Department-authorized concealed firearm in public. Furthermore, this proposed regulation will mandate that when CDCR peace officer employees utilize concealed firearms while off-duty, that they do so in a safe, lawful, and responsible manner.

**DOCUMENTS INCORPORATED
BY REFERENCE**

None.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

This proposed regulation is beneficial because it will result in CDCR's adoption of a consistent statewide policy regarding off-duty requirements for active

CDCR peace officers who are authorized to carry a concealed weapon, and also, it will provide a list of circumstances that lead to the suspension or revocation of that authorization. Moreover, the proposed regulation is beneficial because it will mitigate the frequency of incidents involving illegal, improper, and/or unsafe handling of Department authorized and concealed firearms handled by CDCR peace officer employees while off-duty and present in a community setting. This will benefit public safety because the misuse or misconduct of firearms, especially while such firearms are present in a community setting, creates a danger to both peace officer employees and the public. Furthermore, a clear, consistent statewide policy on the requirements to carry a concealed weapon will help minimize potential liability to CDCR and the State.

Additionally, this proposed regulation is beneficial to the Department itself for the following reasons:

1. It will implement mandatory firearms safety training for all CDCR peace officer employees who carry a Department-authorized concealed firearm while off-duty.
2. It will establish clear and consistent criteria for hiring authorities to identify good cause to deny, suspend or revoke a CDCR peace officer employee's authorization to carry a Department-authorized concealed firearm while off-duty.

It will provide direction to hiring authorities to immediately suspend or revoke an employee's authorization to carry a Department-authorized concealed firearm while off-duty.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
LAWS AND REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern off-duty firearms within CDCR.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None.*

- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations will benefit public safety because the misuse or misconduct of firearms, especially while such firearms are present in a community setting, creates a danger to both peace officer employees and the public. Furthermore, a clear, consistent statewide policy on the requirements to

carry a concealed weapon will help minimize potential liability to CDCR and the State.

CONSIDERATION OF ALTERNATIVES

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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period or at a scheduled hearing should one be scheduled.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file), is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the

modified regulations for at least 15 days after the date on which they are made available.

TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0520-06
ITEM #1 Address Requirement and Arrest Investigations

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the public comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2856, Fax: (916) 653-7395
Email: ord@dss.ca.gov

Statements or arguments relating to the proposals may be submitted in writing, e-mail, or by facsimile to the address/number listed above. All comments must be received by February 8, 2021.

Following the public comment period, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at CDSS Public Comment Period for Proposed Regulations (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/cdss-regulation-changes-in-process-and-completed-regulations/public-hearing-information>). Additionally, all the information which the Department considered as the

basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address

CHAPTERS

Title 22, Division 6, Chapters 1, 2, 3, 7.3, 8, and 8.5; Division 12, Chapters 1 and 3; and Division 15, Chapter 1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations for the Home Care Aide Registry and Community Care Licensing (CCL) facilities, including Social Rehabilitation Facilities, Adult Day Programs, Crisis Nurseries, Foster Family Homes, Residential Care Facilities for the Elderly, Residential Care Facilities for the Chronically Ill, Child Care Centers, and Family Child Care Homes stipulate how the department shall process criminal history information of individuals who seek licensure or employment in CCL facilities or registration as a Home Care Aide.

The proposed regulations require specified individuals to maintain a valid mailing address with the department to ensure effective notice and communication. Additionally, the proposed regulations specify the notice that shall be provided when conducting arrest investigations authorized pursuant to Assembly Bill (AB) 2632, Statutes of 2014.

During the process of developing these regulations, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Anticipated Benefits

The CDSS will be able to ensure effective communication with individuals seeking a criminal record clearance or exemption, which may allow applicants to begin working sooner. These proposed regulations also require CDSS to file actions based on arrest investigations within 40 days to ensure that there are not unreasonable delays affecting an applicant's eligibility to work.

The proposed regulations have no detrimental impact to California's environment.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: None.

3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts that require reimbursement pursuant to Section 17500 et seq. of the Government Code (GC).

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations will expedite the criminal record exemption process for a subset of individuals applying for employment or licensure with CCL facilities or for inclusion in the Home Care Aide Registry.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

CDSS has made an initial determination that there is no adverse impact on small businesses as a result of filing these regulations because the proposed regulations will improve communication between prospective employees and CDSS. The amendments will ensure that affected small businesses can make hiring decisions about a subset of individuals with arrest criminal histories in a timely fashion.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows:

- The Department will be able to ensure effective communication with individuals seeking a criminal record clearance or exemption, which may allow applicants to begin working sooner.
- Specifies the notice required to applicants when investigation arrest criminal history information.
- Requires the department to file actions based on arrest investigations within 40 days to ensure that there are not unreasonable delays affecting an applicant's eligibility to work.
- The proposed regulations have no detrimental impact to California's environment.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The Department invites interested persons to submit statements or arguments with respect to alternatives to the proposed regulation during the comment period.

AUTHORITY AND REFERENCE CITATIONS

Sections 1530, 1568.072, 1569.30, and 1596.81 of the Health & Safety Code (HSC) give CDSS the authority to develop these regulations, and Sections 1522, 1568.09, 1569.17 and 1596.871 of the HSC are being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu (916) 657-2586

Backup:
Zaid Dominguez (916) 657-2586

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Chips LLC Cannabis Cultivation Project
2080-2020-012-05
Santa Barbara County

The California Department of Fish and Wildlife (CDFW) received a notice on December 8, 2020 from Storrer Environmental Services, LLC that Chips, LLC proposes to rely on a federal permit to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves cannabis cultivation activities on 44 acres of a 406-acre parcel located at 7855 Old Careaga Ranch Road, Los Alamos in Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (Permit Number: TE88501D-0D-1) (ITP) under the Los Alamos Conservation Plan (GCP) for Cultivation Activities in Santa Barbara County to Chips, LLC on November 24, 2020 which considered the effects of the proposed project on state threatened and federally endangered California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Chips, LLC is requesting a determination that the ITP under the associated GCP is consistent with CESA for purposes of the proposed project. If CDFW determines the ITP under the associated GCP is consistent with CESA for the proposed project, Chips, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

DISAPPROVAL DECISION

**DEPARTMENT OF
FOOD AND AGRICULTURE**

DECISION OF DISAPPROVAL OF
REGULATORY ACTION

Printed below is the summary of an Office of Administrative Law's disapproval decision. You may request a copy of the decision by contacting the Office

of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, Phone Number: (916) 323-6225, Fax Number: (916) 323-6826. Please request by OAL file number.

**State of California
Office of Administrative Law**

**In re:
Department of Food and Agriculture**

Regulatory Action:

Title 3, California Code of Regulations

**Adopt sections:
4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945,
4946, 4950, 4950.1**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2020-1020-03

OAL Matter Type: Certificate of Compliance (C)

SUMMARY OF REGULATORY ACTION

On October 20, 2020, the Department of Food and Agriculture (Department) submitted its regulatory action to the Office of Administrative Law (OAL) by which it proposed to make permanent emergency regulations that establish timeframes, procedures, methods, and confirmation for industrial hemp sampling, laboratory testing, and destruction.

On December 4, 2020, OAL notified the Department that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Actions explains OAL's reason for disapproval pursuant to the Administrative Procedure Act (APA).

DECISION

OAL disapproved the regulatory action because the proposed regulations failed to comply with the procedural standards of the APA. The Department must resolve all APA issues before OAL approves any resubmission.

CONCLUSION

For the reason discussed above, the Department has not complied with the procedural standards of the APA. Thus, OAL disapproved this regulatory action.

The Department must resolve this issue by submitting a properly completed copy of the STD. 399 *Economic and Fiscal Impact Statement* with a DOF signature if a signature is required.

Date: December 11, 2020

Peggy J. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Dean Kelch, Program Manager
Department of Finance

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISION**

**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

NOTICE OF INDEX OF PRECEDENTIAL
DECISIONS (GOVERNMENT CODE SECTION
11425.60 SUBDIVISION (c))

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of its precedential decisions. The index and the text of the precedential decisions can be viewed on the Board's website at https://dv-bvnpt.int.dca.ca.gov/about_us/precedential_decisions.shtml and may also be reviewed in the public lobby at the Board's offices at the address listed above during normal business hours. The index is available to the public by e-mail subscription, upon request. A request for subscription may be made by using the index subscription feature on the Board's website or by email at bvnpt@dca.ca.gov.

**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 in-

dicated. 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 Behavioral Sciences
File # 2020-0703-02
Substantial Relationship & Rehabilitation Criteria

This action updates substantial relationship and rehabilitation criteria in connection with denial, suspension, and revocation of licenses pursuant to Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 16
Amend: 1812, 1813, 1814, 1888, 1888.1
Filed 12/14/2020
Effective 12/14/2020
Agency Contact: Rosanne Helms (916) 574-7897

California Architects Board
File # 2020-0702-06
Criminal Conviction Substantial Relationship and
Rehabilitation Criteria

The California Architects Board amended two regulations that establish criteria for determining when a crime, act, or professional misconduct is substantially related to the qualifications, functions, and duties of an architect, or when an architect applicant or licensee has made a showing of rehabilitation related to a crime, act, or professional misconduct that resulted in the denial of a license or disciplinary action against a licensee. The amendments implement amendments to the Business and Professions Code made in A.B. 2138 (Stats. 2018, ch. 995).

Title 16
Amend: 110, 110.1
Filed 12/11/2020
Effective 12/11/2020
Agency Contact: Marccus Reinhardt

California Debt Limit Allocation Committee
File # 2020-1204-01
QRRP Self-Scoring Worksheet and Additional Time
for Application

This action by the California Debt Limit Allocation Committee readopts emergency amendments regarding the Qualified Residential Rental Program. This is a deemed emergency under Government Code section 8869.94.

Title 04
Adopt: 5000, 5035, 5180
Filed 12/14/2020
Effective 12/14/2020
Agency Contact: Isaac Clark III (916) 651-8484

California Gambling Control Commission
File # 2020-1013-02
Licensing

This action by the California Gambling Commission reorganizes and amends regulations implementing licensing procedures pursuant to the California Gambling Control Act.

Title 04

Adopt: 12005, 12040, 12080, 12082, 12102, 12108, 12110, 12116, 12118, 12120, 12122, 12126, 12134, 12136, 12138, 12140, 12474

Amend: 12002, 12003, 12004, 12006, 12014, 12015, 12017, 12035, 12052, 12056, 12057, 12100, 12104, 12106, 12112, 12114, 12122, 12124, 12128, 12130, 12132, 12142, 12144, 12200.1, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.11, 12200.15, 12200.17, 12200.20, 12201, 12220.23, 12250, 12252, 12254, 12256, 12260, 12261, 12263, 12264, 12270, 12272, 12274, 12276, 12278, 12287, 12290, 12301, 12309, 12311, 12312, 12313, 12315, 12316, 12342, 12345, 12347, 12348, 12349, 12353, 12357, 12358, 12359, 12360, 12362, 12364, 12368, 12369, 12370, 12372, 12380, 12381, 12384, 12385, 12386, 12387, 12388, 12391, 12392, 12395, 12396, 12460, 12461, 12462, 12463, 12464, 12465, 12466, 12470, 12472, 12492, 12500, 12503, 12550, 12554, 12556, 12558, 12560, 12564, 12566, 12568

Repeal: 12008, 12101, 12104, 12105, 12120, 12124, 12126, 12130, 12132, 12140, 12142, 12200, 12200.3, 12200.5, 12200.6, 12200.10C, 12200.14, 12200.18, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.5, 12204, 12205, 12205.1, 12218, 12218.1, 12218.7, 12218.8, 12218.9, 12218.11, 12218.13, 12220, 12220.1, 12220.3, 12220.5, 12220.6, 12220.14, 12220.15, 12220.17, 12220.18, 12220.20, 12220.20A, 12221, 12222, 12223, 12224, 12225, 12225.1, 12233, 12235, 12236, 12237, 12238, 12239, 12335, 12340, 12341, 12346, 12350, 12351, 12352, 12354, 12355, 12562

Filed 12/15/2020

Effective 01/01/2021

Agency Contact: Josh Rosenstein (916) 274-5823

California Horse Racing Board
File # 2020-1113-02
Horse Ineligible to Start in a Race

The California Horse Racing Board (Board) amended a regulation that governs the ineligibility of horses to start in a race. The amendment provides that, except with prior approval of the stewards, or except for horses shipped directly from another racing jurisdiction, a horse that has not been in the care of a licensed trainer and stabled within a Board inclosure for

seven consecutive days prior to the race is ineligible to start in a race.

Title 04

Amend: 1588

Filed 12/15/2020

Effective 04/01/2021

Agency Contact:

Nicole Lopes-Gravelly (916) 263-6397

Department of Corrections and Rehabilitation
File # 2020-1027-02

Limited Term Light Duty Assignments/Temporary Modified Work Assignments

This Certificate of Compliance by the Department of Corrections and Rehabilitation (the "Department") makes permanent the emergency changes made in OAL Matter No. 2020-0511-01EON. The Department is amending regulations pertaining to a Limited Term Light Duty Assignment (an "LTLDA") and adopting regulations pertaining to a Temporary Modified Work Assignment (a "TMWA"). Both an LTLDA and a TMWA permit an employee with documented temporary medical limitations or restrictions, that affect the employee's ability to perform one or more of the essential functions and requires the waiver of one or more essential functions of the employee's current classification and position, to remain working or return to work after an injury or illness.

Title 15

Adopt: 3436.1

Amend: 3436

Filed 12/10/2020

Effective 12/10/2020

Agency Contact: Sarah Pollock (916) 445-2308

Department of Motor Vehicles
File # 2020-1029-01

Business Partners Automation due Process

In this action the Department of Motor Vehicles is adopting a due process procedure to add appeals and a hearing for private industry business partners who, through the Business Partner Automation Program, help DMV facilitate electronic registration and titling transaction. This appeals and hearing process for applicants and permit holders allows them to dispute an action by the DMV.

Title 13

Adopt: 225.73

Amend: 225.15, 225.24, 225.66, 225.69, 225.72

Filed 12/15/2020

Effective 04/01/2021

Agency Contact: Tracy Brazil (916) 657-8919

Department of Public Health
File # 2020-1027-04
Prenatal Diagnosis Center

Pursuant to Health and Safety Code section 124977, this action certifies the underlying emergency file and print regulations amending the prenatal diagnosis center regulations. (See OAL Matter No. 2019-1210-06EFP.) This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 124977(d)(1).

Title 17
Adopt: 6520, 6541, 6542, 6543, 6544, 6545, 6546, 6547, 6548, 6549
Amend: 6523, 6525, 6527, 6529, 6531, 6532, 6540.1
Repeal: 6521, 6521.3, 6521.5, 6521.7, 6521.9, 6521.11, 6521.13, 6521.15, 6521.17, 6521.19, 6521.21, 6521.23, 6521.25, 6521.27, 6521.29, 6521.31
Filed 12/11/2020
Effective 12/11/2020
Agency Contact:
Hannah Strom-Martin (916) 440-7371

Department of Resources Recycling and Recovery
File # 2020-1202-01
Processing Payments

This emergency action amends the reasonable financial return calculation for processing payments paid to recyclers to 10% of the statewide average allowable costs as calculated pursuant to section 2960 of title 14. The emergency is deemed pursuant to Public Resources Code section 14536.1.

Title 14
Amend: 2975
Filed 12/14/2020
Effective 12/14/2020
Agency Contact: Kris Chisholm (916) 322-2404

Emergency Medical Services Authority
File # 2020-1030-03
Paramedic Licenses for Aliens

This action without regulatory effect repeals regulations regarding disclosures and considerations of citizenship in paramedic applications and certifications.

Title 22
Repeal: 100190
Filed 12/14/2020
Agency Contact: Kent Gray (916) 384-1476

State Allocation Board
File # 2020-1201-01
Regulations Relating to Surplus School Property; Use of Proceeds

In this emergency rulemaking action, the State Allocation Board extends the applicability of the terms defined in section 1700 of Title 2 of the California Code of Regulations to sales of surplus properties by local education agencies (LEAs) which are made pursuant to Education Code section 17463.7. Education Code section 17463.7 was enacted in 2020 to authorize LEAs to use the proceeds from the sales of surplus properties purchased with non-state funds for any one-time general fund purpose in order to provide LEAs the resources and flexibility necessary to ensuring quality public education during the COVID-19 pandemic.

Title 02
Amend: 1700
Filed 12/09/2020
Effective 12/09/2020
Agency Contact: Lisa Jones (916) 376-1753

**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.