



# 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**

**MULTI COUNTY:**

Napa Valley Community College District  
Compass Charter Schools

A written comment period has been established commencing on February 5, 2021 and closing on March 22, 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 March 22, 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. SECRETARY OF STATE**

### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE SECRETARY OF STATE**

NOTICE IS HEREBY GIVEN that the Secretary of State, 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 February 12, 2021 and closing on March 29, 2021. All inquiries should be directed to the contact listed below.

The Secretary of State 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:

- Positions that have been renamed or eliminated
- New positions that have been added to the agency
- Revised disclosure categories
- Assigning appropriate disclosure categories to designated positions

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 March 29, 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 March 14, 2021.

The Secretary of State 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: Mike Green, Human Resources Manager, (916) 695-1515 and [MGreen@sos.ca.gov](mailto:MGreen@sos.ca.gov).

## **TITLE 10. DEPARTMENT OF INSURANCE**

### **EYEWITNESS IDENTIFICATION PROCEDURES**

**REG-2019-00014**

#### **SUBJECT OF PROPOSED RULEMAKING**

The Commissioner proposes to adopt amendments to Title 10, California Code of Regulations ("CCR"), Chapter 5, Subchapter 9, Article 1, sections 2698.22-2698.26 after considering comments from the public. The proposed regulations establish procedural requirements for Department personnel conducting eyewitness identification procedures, as authorized by the provisions of Penal Code section 857.9(a).

#### **PUBLIC HEARING**

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, concerning the proposed regulation. While the Department ordinarily prefers in-person participation, due to unique circumstances, the Department is using a moderated call-in line for this hearing as follows:

**Date: March 29, 2021**

**Time: 1:00 p.m.** The workshop shall continue until all in attendance wishing to provide comments have commented, or 5:00 p.m., whichever is earlier.

**Call-in number: (844) 867-6169**  
**Access code: 2973566**

#### **PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulation during the public comment period. The public comment period will end on **March**

29, 2021. Please direct all written comments to the following contact person:

Damon Diederich  
Attorney III  
California Department of Insurance  
300 Capitol Mall, 11<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3567  
[Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov)

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following alternate contact person:

Kathryn Taras  
Project Manager  
California Department of Insurance  
300 Capitol Mall, 16<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3675  
[Kathryn.Taras@insurance.ca.gov](mailto:Kathryn.Taras@insurance.ca.gov)

#### DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, by the end of **March 29, 2021**. Any written materials received after that time may not be considered.

#### COMMENTS TRANSMITTED BY E-MAIL

The Commissioner will accept written comments transmitted by email, provided they are sent to the following two email addresses: [Damon.Diederich@insurance.ca.gov](mailto:Damon.Diederich@insurance.ca.gov) and [Kathryn.Taras@insurance.ca.gov](mailto:Kathryn.Taras@insurance.ca.gov).

**Comments sent to other e-mail addresses will not be accepted. Comments sent by e-mail are subject to the deadline set forth above for written comments.**

#### AUTHORITY AND REFERENCE

The Commissioner proposes to adopt amendments to add Article 1, containing Sections 2698.22-2698.26, to Title 10, Chapter 5, and Subchapter 9 of the California Code of Regulations pursuant to the rulemaking authority vested in him by subdivision (a) of section 857.9 of the Penal Code.

The proposed adoption will implement, interpret, and make specific the provisions of Penal Code section 859.7.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

##### SUMMARY OF EXISTING LAW

Existing law generally regulates the collection and admissibility of evidence for purposes of criminal prosecutions.

Senate Bill 923, which added Penal Code section 859.7 and was enacted in 2017, requires all law enforcement and prosecutorial agencies to adopt regulations with respect to the conduct of eyewitness identification procedures.

Per the Legislative Counsel's Digest:

This bill would, commencing January 1, 2020, require all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses, as those terms would be defined by the bill, to ensure reliable and accurate suspect identifications. The bill would require the regulations to comply with specified requirements, including that prior to conducting the identification procedure, and as close in time to the incident as possible, the eyewitness provide the description of the perpetrator of the offense. By imposing a higher level of service on local law enforcement and prosecutorial entities, the bill would impose a state-mandated local program. The bill would also include a statement of legislative findings and declarations.

Prior to the adoption of SB 923, there were no California statutes specifically governing eyewitness identification procedures.

##### POLICY STATEMENT OVERVIEW

The Department employs peace officers, pursuant to authority provided by Penal Code section 830.3(i). Therefore, the Department is a law enforcement entity required to adopt regulations pertaining to eyewitness identification procedures, pursuant to the mandate of Penal Code section 859.7.

As discussed by the findings of SB 923, mistaken eyewitness identification is the leading cause of wrongful convictions, as demonstrated by DNA-based exonerations. Wrongful convictions not only affect fair the administration of justice, by subjecting innocent persons to undeserved punishment, but they may also harm the public safety, by allowing perpetrators to remain free to commit further criminal acts. Research referenced in the SB 923 findings shows that certain changes in the administration of identification procedures significantly increase the accuracy of identifications, specifically: using blind or blinded administration, instructing the eyewitness that the



perpetrator may or may not be in the lineup, selecting lineup fillers that general match the eyewitness' description of the perpetrator, eliciting a statement of confidence from the eyewitness immediately after making an identification, and recording the identification procedure.

While the Department is not aware of any wrongful convictions arising from Department investigations, the Department strives to comport itself with the highest standards of fairness and justice. Prior to the effective date of SB 923, the Department had already implemented policies to comply with the mandates of the bill. These proposed regulations formalize and enhance the Department's existing policies relating to eyewitness identification procedure.

#### EFFECT OF PROPOSED ACTION

The proposed action will formalize procedures and requirements which will result in more consistent identification procedures conducted by Department personnel. By adopting the requirements of SB 923, the Department will ensure more accurate eyewitness identifications and, thereby, enhance the administration of justice.

#### NOT MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law. There are no existing federal regulations or statutes comparable to these proposed eyewitness identification regulations as no federal statutes or regulations require law enforcement agencies to adopt regulations pertaining to eyewitness identifications.

#### CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department conducted an evaluation of existing law, including a review of its existing regulations, and determined that the proposed regulation is not inconsistent or incompatible with any existing state regulations.

#### OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue, and determined that there were no such requirements.

#### LOCAL MANDATE

The proposed regulations pertain only to the Department, and Department employees during the

conduct of their official duties. The Department has determined that the proposed regulation will not impose a mandate on a local agency or school district that requires reimbursement pursuant to Government Code section 17500 *et seq.*

#### FISCAL IMPACT

The proposed regulations pertain only to the Department, and Department employees during the conduct of their official duties. The Department has determined that the proposed regulation will not impose a cost to any local agency or school district that requires reimbursement under Government Code section 17500 *et seq.*, nor will it result in other nondiscretionary costs or savings to local agencies. There will be no cost or savings in federal funding to the state. The regulation is expected to increase annual Department of Insurance costs by \$130,000 per year.

#### HOUSING COSTS

The proposed regulations pertain only to the Department, and Department employees during the conduct of their official duties. The proposed regulations will have no significant effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The proposed regulations pertain only to the Department and Department employees during the conduct of their official duties. No private businesses will be impacted, and no reporting, recordkeeping, or other compliance requirements will be imposed on private business as a result of the regulation. The Department has made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

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

STATEMENT OF RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT

The Department is required to assess any impact the proposed adoption may have on the following: the creation or elimination of jobs within the State of California (Government Code § 11346.3(b)(1)(A)); the creation of new businesses or the elimination of existing businesses within the State of California (Government Code § 11346.3(b)(1)(B)); and the expansion of businesses currently doing business within the State of California (Government Code § 11346.3(b)(1)(C)).

Below is a summary of the results of the Economic Impact Assessment pursuant to Government Code sections 11346.3(b)(1)(A) through (D).

- A. The proposed regulations will likely have a minimal effect on jobs within the State of California, with only a minor impact on two divisions of the Department that work with enforcement and fraud.
- B. Given the very small direct cost to the Department, it is not anticipated that the proposed regulation will have a significant impact on the creation of new businesses or the elimination of existing businesses in California.
- C. Given the very small direct cost to the Department, it is not anticipated that the proposed regulation will have an impact on the ability of businesses located in California to expand. Additionally, the small estimated impact on the Department means that the regulation will have a minimal impact on the California economy as a whole.
- D. The proposed regulation may benefit the health and welfare of Californians by better protecting suspects accused of committing crimes. By conducting blinded photo ID lineups, the Department is safeguarding the suspect identification process and is more likely to obtain an accurate suspect identification.

POTENTIAL COST IMPACTS ON  
REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS

The proposed regulations pertain only to the Department and Department employees during the conduct of their official duties. Therefore, there are no cost impacts to any private person or business.

BUSINESS REPORT

The proposed regulations pertain only to the Department and Department employees during the conduct of their official duties. These regulations do

not apply to businesses. Therefore, these regulations do not impose any reporting requirements on businesses.

IMPACT ON SMALL BUSINESS

As stated above, the proposed regulations pertain only to the Department and Department employees during the conduct of their official duties. These regulations do not apply to businesses and, therefore, will not have any impact on small business.

ALTERNATIVES STATEMENT

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 this 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.

AVAILABILITY STATEMENTS

The Department will make the express terms of the proposed adoption available to the public for inspection and copying on request to the contact person listed above and on its public website.

The Department has prepared an Initial Statement of Reasons that describes the reasons for the proposed adoption. The Initial Statement of Reasons will be made available for inspection and copying on request to the contact person listed above and on the Department's public website.

The file for this proceeding, which includes a copy of the proposed text of regulation, the Initial Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including reports, documentation, and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection. Due to the ongoing pandemic, the Department is not permitting in-person inspection at this time. However, upon request, the documents described above will be provided electronically. Please direct such requests to the contact person above.

MODIFIED TEXT

If the Department adopts a regulation that differs from the one that has originally been made available but is sufficiently related to the original proposed adoption, the full text of the amended regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date the

Department adopts the amended regulation. Interested persons should request a copy of the amended regulation from the contact person listed above.

#### AUTOMATIC MAILING

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed adoption) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemakings.

#### FINAL STATEMENT OF REASONS

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person listed above.

#### INTERNET ACCESS

Documents concerning proposed regulation, including the proposed text of regulation and Initial Statement of Reasons, and are available on the Department's website at the following link: <https://legaldocs.insurance.ca.gov/publicdocs/RegulationList>.

### **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 amend Sections 3411 into Title 15, Division 3, Chapter 1, regarding the incorporation of new Prison Rape Elimination Act language, and defining mandatory reporting requirements.

#### PUBLIC COMMENT PERIOD

The public comment period begins **February 12, 2021** and closes on **April 2, 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](mailto: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*

Renee Rodriguez  
Telephone: (916) 445-2217  
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*

Shannon Stark  
Telephone: (916) 324-6688  
Division of Adult Institutions

#### 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**

Changes to these regulations are necessary to implement, interpret and comply with 28 Code of Federal Regulations (CFR) Section 115.17, Hiring and Promotion Decisions.

**This action will:**

Amend Section 3411, Reporting of Arrest or Conviction, Change in Weapons or Driving Status, to include regulatory language associated with standards in Section 115.17(a), which creates mandatory reporting requirements for certain types of incidents and establishes a continuing duty, on the part of employees and contractors, to report such instances, should they occur after their initial employment.

For additional benefit analysis, please see “Results of the Economic Impact Assessment”.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

Not applicable.

**SPECIFIC BENEFITS ANTICIPATED BY THE  
PROPOSED REGULATIONS**

The regulation changes will save the Department from litigation, and ensure the Department’s compliance with the Federal standards in 28 CFR Section 115.17, Hiring and Promotion Decisions.

**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 the Reporting of Arrest or Conviction, Change in Weapons or Driving Status.

**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 regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect 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 may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

#### 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.

#### 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](http://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 19. GOVERNOR'S OFFICE OF EMERGENCY SERVICES

The California Governor's Office of Emergency Services (Cal OES) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. This proposed rulemaking is a certificate of compliance action for a previously approved emergency rulemaking action, Office of Administrative Law (OAL) Matter Number 2020-0616-02, effective June 25, 2020, and which will expire April 13, 2021.

#### PUBLIC HEARING

Cal OES has not scheduled a public hearing on this proposed action. If an interested person submits a written request at least 15 days prior to close of the written public comment period, Cal OES will hold a public hearing, at which both written and oral comments will be accepted.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Cal OES. The written comment period closes at **noon on March 30, 2021**. Cal OES will consider only comments received at the Cal OES office by that time.

**IMPORTANT:** All submitted comments will become part of the rulemaking file and will be subject to disclosure pursuant to the California Public Records Act (Gov. Code, § 6250 et seq.) Cal OES will not redact or withhold any portion of your submitted comments, including any personal information you include with your comment. Submit only information that you wish to make available publicly.

*Submitting Written Comments Via Email — Preferred*

Send written comments to the following address: [Regulations@CalOES.ca.gov](mailto:Regulations@CalOES.ca.gov).

The subject line of the message must be "Community Isolation Outage Regulations," or "SB 670 Regulations," or a similar subject that clearly identifies the subject matter of the regulations.

If you attach a document, indicate the format or software used to create the attachment. Do not submit attachments as HTML, GIF, PIF, ZIP, or EXE.

*Submitting Paper Comments:*

Send copies of paper comments to:

Beth Abdallah  
 Governor’s Office of Emergency Services  
 CA 911 Emergency Communications Branch  
 601 Sequoia Pacific Blvd.  
 Sacramento, CA 95811  
 (916) 952–9449  
[Regulations@CalOES.ca.gov](mailto:Regulations@CalOES.ca.gov)

Paper comments must include the subject “Community Isolation Outage Regulations,” or “SB 670 Regulations,” or a similar subject that clearly identifies the subject matter of the regulations.

AUTHORITY AND REFERENCE

Government Code sections 8585 and 53122 authorize Cal OES to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Government Code section 53122.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action implements, interprets, and makes specific thresholds for determining whether a telecommunications service outage constitutes a community isolation outage, and the medium providers of telecommunications service must report community isolation outages to Cal OES.

Recent legislation added Government Code section 53122 to take effect immediately as an urgency statute. (Sen. Bill. No. 670 (2019–2020), enacted as Stats. 2019, c. 412, § 1, approved by the Governor and eff. Oct. 2, 2019.) Government Code section 53122 requires providers of telecommunication services to notify Cal OES of community isolation outages within specified timeframes, and to include specific information with the notices, among other requirements. Government Code section 53122 requires Cal OES to adopt thresholds for determining when an outage constitutes a community isolation outage, and the medium for reporting outages to Cal OES.

The regulations proposed in this rulemaking action would specify outage thresholds that would trigger the reporting requirements of the statute, specify the medium required to report notifications, and implement a format used for reporting community isolation outages.

*Anticipated Benefits of the Proposed Regulation:*

The objective of the proposed regulations is to further the purpose of SB 670 and to ensure community isolation outages are deemed to exist at a reasonable threshold so that state and appropriate

local agencies receive timely notification whenever a community’s public health and safety is at risk because of an outage impacting the ability access 911 or emergency notifications. The regulations are specifically anticipated to increase public health and safety in California by increasing the sharing of timely information critical to the protection of lives and property when access to 911 and the ability to receive emergency notifications is limited by an outage.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations:*

Cal OES conducted a review of existing regulations and determined the proposed regulations are not inconsistent or incompatible with existing regulations. SB 670 was enacted in part to address needs that are not met by any regulations potentially governing reporting outage requirements.

In particular, the California Public Utilities Commission (CPUC) requires certain outage reports, as specified in its General Order 133–D. In its order, the CPUC adopted portions of the Federal Communication Commissions (FCC) rules in Code of Federal Regulations, title 47, part 4, for reporting major service interruptions. FCC rules establish criteria for major service disruptions with respect to total user minutes impacted by an outage, and outages that affect certain offices and facilities. (See 47 C.F.R. §§ 4.3–4.15.) Because SB 670 requires establishing thresholds specifically tailored to the impact outages have on customers’ ability to access 911 or receive emergency notifications and the risks to public health and safety caused by those outages, the proposed regulations adopt a threshold criteria that deems an inability of a specified number of customers in a given ZIP Code lasting at least 30 minutes to constitute a community isolation outage. The proposed thresholds are compatible with existing regulations because they do not create conflicting obligations, and are not anticipated to require the utilization of any new technology, or to impose any additional duties that are not already mandated by existing regulations and the provisions of law added by SB 670.

The proposed regulations are also consistent with existing requirements, and to the extent possible establish common definitions of terms relating to telecommunications services. For example, the proposed regulations adopt the duration of a reportable outage as one that last at least 30 minutes, which is the same duration of time reportable outages under FCC and CPUC thresholds. In proposing to adopt the same duration of time for community isolation outages, the proposed regulations avoid potential conflict with existing state and federal regulations.

This certificate of compliance action follows previous regulatory action by Cal OES, including the adoption of emergency regulations in OAL

Matter No. 2020–0616–02. The proposed regulations substantially mirror the adopted emergency regulations. Modifications to and differences from the existing emergency regulations are explained in detail in the Initial Statement of Reasons for this action.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

*Cal OES has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: Cal OES 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 directly affecting business, including the ability of California businesses to compete with businesses in other states: The proposed regulation 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: The proposed action will not affect small businesses because the authorizing statute establishes compliance requirements that may apply to any business, and Cal OES is unaware of any business constituting a small business that may be affected by the proposed regulations.

Significant effect on housing costs: None.

*Results of the Economic Impact Analysis/Assessment:*

Cal OES concludes that it is (1) unlikely that the proposal will eliminate any jobs for telecommunications service providers, (2) unlikely the proposal will create jobs, (3) unlikely that the proposal will create new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely the proposed regulations will result in the expansion of business currently doing business within the state.

Benefits of the proposed action: Cal OES anticipates the proposed regulations will further the purpose and goals of SB 670 and increase the protection of lives and property in California, including in the following ways:

- Contribute to increased, timely sharing of information about community isolation outages with Cal OES, county offices of emergency

services, county sheriffs, and public safety answering points.

- Make actionable data available about communities impacted by outages, which can be used by state and local agencies to assess whether communities are in potential risk of being unable to access 911 services or receive emergency notification.
- Increase situational awareness at the state and local level during disasters, and further inform when alternate forms of communication and notification are needed due to a communication outage.
- Facilitate trend and gap analysis of telecommunications systems, and may assist state and local agencies identify and establish alternate methods of communication between residents and emergency responders to mitigate risks caused by community isolation outages.
- Increase emergency mitigating actions necessary to protecting lives and property.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), Cal OES must determine that no reasonable alternative considered by Cal OES 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.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Beth Abdallah  
Governor’s Office of Emergency Services  
CA 911 Emergency Communications Branch  
601 Sequoia Pacific Blvd.  
Sacramento, CA 95811  
(916) 952–9449  
[Regulations@CalOES.ca.gov](mailto:Regulations@CalOES.ca.gov)

The backup contact person for these inquiries is:

Michael Elder, Next Generation 911– Manager  
Governor’s Office of Emergency Services  
CA 911 Emergency Communications Branch  
601 Sequoia Pacific Blvd.  
Sacramento, CA 95811  
(916) 894–5037  
[Regulations@CalOES.ca.gov](mailto:Regulations@CalOES.ca.gov)



Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the 911 Services Manager at the above address.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

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

**NOTICE OF PROPOSED SETTLEMENT**

Cal OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address, including the proposed text of the regulations, the initial statement of reasons, and documents relied on in creating the proposed regulations. Copies may be obtained by contacting the 911 Services Manager at the address or phone number listed above.

THIS NOTICE OF PROPOSED SETTLEMENT is published on February 12, 2021, for the property located at 6904 East Slauson Boulevard, Los Angeles County California (the "Site").

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

In accordance with Health and Safety Code sections 25100 et seq. (the Hazardous Waste Control Act), 25300 et seq. (the Hazardous Substance Account Act), 58009 and 58010, the Department of Toxic Substances Control ("DTSC") has authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective owners and certain long term lessees of environmentally-impacted properties, if such agreements are sufficiently in the public interest.

After holding the hearing and considering all timely and relevant comments received, Cal OES may adopt the proposed regulations substantially as described in this notice. If Cal OES 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 Cal OES adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Beth Abdallah at the address indicated above. Cal OES will accept written comments on the modified regulations for 15 days after the date on which they are made available.

Notice is hereby given that DTSC proposes to enter into an Agreement and Covenant Not to Sue, also known as a Prospective Purchaser Agreement ("PPA"), associated with the former Porcelain Metals Corporation (PMC) A.K.A. CAMEO facility located at 6904 East Slauson Boulevard in the City of Commerce. The PPA would resolve certain potential claims of DTSC against the company that is the potential prospective owner of the Site. The potential prospective owner, Commerce Energy Storage, LLC (CES)

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the 911 Services Manager at the above address.

CES intends to use the 2.6-acre site located at 6904 East Slauson Boulevard in the City of Commerce in Los Angeles County [Assessor's Parcel Number: 6356-017-028]. CES intends to use the site for energy storage. Energy storage is considered critical infrastructure as it provides power grid stability and efficiency and helps the State of California reach its renewable energy goals. This use of the Site will return the land to productive use and generate increased property taxes, employment, and general business activity. The PPA would resolve potential claims against CES, upon its potential acquisition of the Site and resulting change in status to owner.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.caloes.ca.gov/sb670](http://www.caloes.ca.gov/sb670).

Corrective action to address releases of hazardous wastes and hazardous constituents at the Site has been conducted by the State of California Department of Toxics. The potential purchaser agrees to cooperate fully with DTSC in its oversight of the environmental operations and maintenance (O&M) activities for response actions at the Site by other parties, and agrees to comply with the land use controls and to provide



ongoing access to DTSC for the oversight of O&M activities of the Site.

The Prospective Purchaser Agreement is in the public interest because:

Energy storage is considered critical infrastructure as it provides power grid stability and efficiency and helps the State of California reach its renewable energy goals. This use of the Site will return the land to productive use and generate increased property taxes, employment, and general business activity.

DTSC will hold a 30-day comment period on the above referenced PPA. Written comments on this proposed settlement must be submitted on or before 5:00 p.m., March 15, 2021. To ensure timely receipt by DTSC and CES, you are requested to transmit your comments by overnight mail to:

**Department of Toxic Substances Control**

Attention: Jose Diaz  
9211 Oakdale Avenue  
Chatsworth, California 91311  
[Jose.Diaz@dtsc.ca.gov](mailto:Jose.Diaz@dtsc.ca.gov)

**LS Power Development, LLC**

Attention: Kevin Johnson  
Vice-President  
5000 Hopyard Road, Suite 480  
Pleasanton, California 94588  
[kjohnson@lspower.com](mailto:kjohnson@lspower.com)

If you have any questions regarding the Prospective Purchaser Agreement, or wish to obtain a copy, please call the DTSC contact identified above.

**DEPARTMENT OF  
FISH AND WILDLIFE**

FISH AND GAME CODE  
SECTION 1653 CONSISTENCY  
DETERMINATION REQUEST FOR  
North Fork Navarro River Whole Tree Instream  
Coho Habitat Enhancement Project-Phase II  
(Tracking Number: 1653-2021-068-001-R1)  
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on January 28, 2021, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large wood along 0.26 miles of high-priority, core recovery habitat in the North Fork Navarro watershed. The proposed project will be carried out on the North Fork Navarro River,

located on Mendocino Redwood Company property, near the confluence of Soda Creek and North Fork Navarro River, Mendocino County, California.

On December 23, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for North Fork Navarro River Whole Tree Instream Coho Habitat Enhancement Project — Phase II. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B20222WNME; ECM PIN No. CW-871374) for coverage under the General 401 Order on January 27, 2021.

Trout Unlimited is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, Trout Unlimited will have the opportunity to submit under Fish and Game Code section 1652.

**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 of Forestry and Fire Protection  
 File # 2020-1221-02  
 VHFHSZ Non-Substantive Amendments

The Board of Forestry and Fire Protection (Board), adopts regulations which implement minimum fire safety standards related to defensible space and which apply to the perimeters and access to all residential, commercial, and industrial building construction within a certain geographic scope. In 2018, Senate Bill 901 (Chapter 626) (SB 901) mandated the expansion of the scope of these regulations to include those lands classified and designated as Very High Fire Hazard Severity Zones (VHFHSZ), as defined in subdivision (i) of Government Code § 51177, after July 1, 2021. In this action without regulatory effect the Board is adding VHFHSZ to existing regulations implementing minimum fire safety standards.

Title 14  
 Amend: 1270.00, 1270.01, 1270.02, 1270.03  
 Filed 02/01/2021  
 Agency Contact: Eric Hedge (916) 653-9633

Board of Governors, California Community Colleges  
 File # 2020-1218-01  
 Conflict-of-Interest Code

This conflict-of-interest code filing by the Board of Governors of the California Community Colleges has been approved by the Fair Political Practices Commission and was submitted to OAL only for the purpose of filing with the Secretary of State and publishing in the California Code of Regulations.

Title 05  
 Amend: 50500  
 Filed 01/28/2021  
 Effective 02/27/2021  
 Agency Contact: Tanya Bosch (916) 445-1997

Bureau of Cannabis Control  
 File # 2021-0122-04  
 Authorization and Release of Applicant Information to Financial Institutions

This emergency rulemaking action by the Bureau of Cannabis Control (Bureau) adopts procedures for the Bureau to share financial information of licensees under the Medicinal and Adult-Use Cannabis Regulation and Safety Act with specified financial institutions.

Title 16  
 Adopt: 5037.1, 5037.2  
 Filed 02/01/2021  
 Effective 02/01/2021  
 Agency Contact: Kaila Fayne (916) 465-9120

California Debt Limit Allocation Committee  
 File # 2021-0120-01  
 QRRP Application, Scoring Process and Updating Existing Language

Title 04  
 Amend: 5000, 5010, 5020, 5022, 5033, 5035, 5050, 5052, 5053, 5054, 5100, 5102, 5153, 5170, 5180, 5190, 5191, 5192, 5205, 5210, 5220, 5240, 5241, 5432  
 Repeal: 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550  
 Filed 02/01/2021  
 Effective 02/01/2021  
 Agency Contact: Isaac Clark III (916) 651-8484

California Energy Commission  
 File # 2020-1218-03  
 Computers and Computer Monitors

In this regular rulemaking action the California Energy Commission amends four sections related to computer and computer monitor energy efficiency standards and testing.

Title 20  
 Amend: 1602, 1604, 1605.3, 1606  
 Filed 02/03/2021  
 Effective 12/09/2021  
 Agency Contact:  
 Corrine Fishman (916) 654-4976

California State University  
 File # 2020-1216-01  
 California State University General Education — Breadth Requirements

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends general education breadth requirements. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05  
 Amend: 40405.1  
 Filed 01/28/2021  
 Effective 01/28/2021  
 Agency Contact: Jason Taylor (562) 951-4500

Department of Corrections and Rehabilitation  
File # 2020–1020–05  
Flash Incarceration Repeal

This action repeals a regulation interpreting and implementing flash incarcerations of parolees pursuant to Penal Code section 3000.08.

Title 15  
Repeal: 3767  
Filed 01/28/2021  
Effective 04/01/2021  
Agency Contact: Josh Jugum (916) 798–1484

Department of Food and Agriculture  
File # 2021–0122–01  
AB 1525 Cannabis Financial Institutions

This emergency action adopts procedures for the California Department of Food and Agriculture to share financial information of licensees with financial institutions and is a deemed emergency pursuant to Business and Professions Code section 26260.

Title 03  
Adopt: 8410, 8411  
Filed 02/01/2021  
Effective 02/01/2021  
Agency Contact:  
Kristi Armstrong (916) 263–0801

Department of Insurance  
File # 2021–0119–01  
Summary of Dental Benefits and Coverage  
Disclosure Matrix

This emergency action establishes form, content, and delivery requirements for the uniform benefits and coverage disclosure matrix that must be used by insurers that issue, sell, renew, or offer a policy of insurance that covers dental services. This is a deemed emergency pursuant to Insurance Code section 10603.04(f)(1) and this action is exempt from OAL review pursuant to Insurance Code section 10603.04(f)(2).

Title 10  
Adopt: 2239.10  
Filed 01/28/2021  
Effective 01/28/2021  
Agency Contact: Ethan Lavelle (916) 492–3648

Department of Justice  
File # 2020–1210–01  
Dangerous Weapons

This change without regulatory effect reorganizes and reformats Chapter 7 of Division 1 of Title 11 of the California Code of Regulations in preparation for

the Department’s forthcoming comprehensive, substantive revisions to the chapter.

Title 11  
Amend: 4127, 4128, 4129 (renumbered to 4142), 4130 (renumbered to 4144), 4131 (renumbered to 4145), 4132 (renumbered to 4130), 4133 (renumbered to 4131), 4134 (renumbered to 4132), 4135 (renumbered to 4133), 4136 (renumbered to 4134), 4137 (renumbered to 4135), 4138 (renumbered to 4148), 4139 (renumbered to 4149), 4140 (renumbered to 4138), 4141 (renumbered to 4139), 4142 (renumbered to 4146), 4144 (renumbered to 4151), 4145 (renumbered to 4147), 4146 (renumbered to 4150), 4147 (renumbered to 4152), 4148 (renumbered to 4153), 4149 (renumbered to 4159), 4150 (renumbered to 4160), 4151 (renumbered to 4161), 4152 (renumbered to 4162), 4153 (renumbered to 4163)  
Filed 01/28/2021  
Agency Contact:  
Zachary Hoffman (916) 210–3633

Department of Justice  
File # 2020–1217–03  
Controlled Substance Utilization Review and  
Evaluation System

As a change without regulatory effect, the Department of Justice is amending regulations pertaining to the Controlled Substance Utilization Review and Evaluation System to divide existing sections up into smaller sections.

Title 11  
Amend: 820, 821 (renumbered to 821.1, 821.2, 821.3, 821.4, 821.5, 821.6, 821.7), 822 (renumbered to 822.1, 822.2, 822.3, 822.4, 822.5, 822.6, 822.7), 823 (renumbered to 823.1, 823.2, 823.3, 823.4, 823.5), 824 (renumbered to 824.1, 824.2, 824.3, 824.4, 824.5, 824.6), 825 (renumbered to 825.1, 825.2, 825.3, 825.4, 825.5, 825.6), 826 (renumbered to 826.1, 826.2, 826.3, 826.4, 826.5, 826.6), 827 (renumbered to 827.1, 827.2), 828 (renumbered to 828.1, 828.2, 828.3)  
Filed 02/02/2021  
Agency Contact: Kevin Sabo (916) 210–7639

Department of Public Health  
File # 2021–0122–03  
Cannabis Financial Institutions

This emergency rulemaking action by the Department of Public Health (Department) adopts procedures for the Department to share financial information of permittees under the Medicinal and Adult–Use Cannabis Regulation and Safety Act with specified financial institutions.

Title 17  
 Adopt: 40186, 40187  
 Filed 02/01/2021  
 Effective 02/01/2021  
 Agency Contact: Dawn Basciano (916) 440-7367

Title 16  
 Amend: 1399.525, 1399.526, 1399.527  
 Filed 01/29/2021  
 Effective 01/29/2021  
 Agency Contact: Karen Halbo (916) 561-8783

Fair Political Practices Commission  
 File # 2021-0112-05  
 Conflict-of-Interest Code of the Fair Political Practices Commission

Professional Fiduciaries Bureau  
 File # 2020-0821-05  
 Substantial Relationship and Rehabilitation Criteria

Title 02  
 Amend: 18351  
 Filed 02/02/2021  
 Effective 03/04/2021  
 Agency Contact: Amanda Apostol (916) 322-5660

This action by the Professional Fiduciaries Bureau adopts criteria to be used in determining whether 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 action implements amendments to the Business and Professions Code made by Assembly Bill 2138 (Stats. 2018, ch. 995).

Occupational Safety and Health Standards Board  
 File # 2020-1217-04  
 Protection from Wildfire Smoke

This certificate of compliance makes permanent emergency regulations that clarify existing regulations regarding general respiratory protection at the workplace by adopting more specific standards with respect to protections from wildfire smoke. (See OAL Matter Nos. 2019-0709-04E, 2020-0106-02EE, 2020-0421-03EE.)

Title 16  
 Adopt: 4521  
 Amend: 4520, 4522, 4620, 4622  
 Filed 02/01/2021  
 Effective 02/01/2021  
 Agency Contact: Angela Cuadra (916) 574-7341

Title 08  
 Adopt: 5141.1  
 Filed 02/01/2021  
 Effective 02/01/2021  
 Agency Contact: Lara Paskins (916) 274-5721

Physician Assistant Board  
 File # 2020-0817-02  
 AB 2138 Substantial Relationship Criteria

This rulemaking action by the Physician Assistant Board amends 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). The action amends the criteria for evaluating the rehabilitation of an applicant or licensee when considering the denial, suspension, or revocation of a license.

**PRIOR REGULATORY DECISIONS AND OAL 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](http://www.oal.ca.gov).