EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-40-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on March 19, 2020 I issued a statewide Order directing all residents to heed current state public health directives to stay home except as needed to maintain continuity of operations of critical infrastructure sectors during the COVID-19 response; and

WHEREAS the COVID-19 pandemic and the necessary physical distancing measures implemented have affected governmental agencies, private businesses, and California residents alike, with associated impacts on adherence to certain statutory deadlines; and

WHEREAS certain businesses have been unable to operate, or are otherwise significantly impacted, as a result of COVID-19 and require administrative relief; and

WHEREAS certain corporations are unable to conduct in-person shareholder meetings due to physical distancing requirements; and

WHEREAS the State is conducting or may conduct critical emergency activities at fairgrounds and existing law restricts the Fairs' access to the Fairs and Exposition Fund; and

WHEREAS the Women, Infants, and Children (WIC) Program is designed to ensure program participants access to necessary nutrition and COVID-19 related scarcity has caused challenges in program participants' access to this nutrition; and

WHEREAS existing law requires the Division of Juvenile Justice and the Board of Juvenile Hearings within the California Department of Corrections and Rehabilitation to be reestablished under the California Health and Human Services Agency as the Department of Youth and Community Restoration, and requires the transfer to be completed by July 1, 2020; and

WHEREAS the Division of Juvenile Justice, the California Health and Human Services Agency, and the California Department of Corrections and Rehabilitation have taken numerous steps over many months to initiate the transfer, but the threat of COVID-19 has newly forced Division of Juvenile Justice to redirect available resources to preventing COVID-19 from entering the juvenile facilities and to protecting and serving the youth residing in and the staff working in these facilities, and has forced California Health and Human Services Agency to redirect resources from assisting Division of Juvenile Justice with the transfer to addressing the broader COVID-19 emergency; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The deadlines specified in Government Code sections 11346.4(b), 11346.1(e) and (h), 11349.4(a), and 11349.3(a), and the accompanying regulation in Title 1, California Code of Regulations, section 100(c), related to the filing, refiling, certification and/or review of regulations and emergency regulations, are extended for a period of 60 calendar days to allow state agencies additional time to finalize regulatory changes pursuant to the Administrative Procedure Act.

2. The deadlines specified in Government Code section 19995.4 (b)-(e), related to leadership and development training for supervisors, managers, and career executive assignment employees, are extended for a period of 60 days.

3. The deadline specified in Revenue and Taxation Code section 19522(a)(1), related to the submission by the Franchise Tax Board of an annual report to the Legislature on all changes to the Internal Revenue Code enacted into law in 2019, is extended for a period of 60 days.

4. In order to quickly provide relief from interest and penalties for businesses impacted by the proclaimed emergency of COVID-19, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration requiring a request for an extension and the filing of a statement under penalty of perjury may be suspended by the Department for a period of up to three months after the due date of the return or payment for individuals or businesses filing a return for less than $1,000,000 in tax. This is effective after the date of this Order and shall remain effective through the reporting of taxes or fees due or the payment of taxes that are due on or by July 31, 2020.

5. The provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration and specify the statute of limitations to file a claim for refund for the taxes and fees administered by the Department of Tax and Fee Administration are extended for a period of 60 days for individuals who or businesses that are unable to file a timely claim for refund as a result of this proclaimed emergency related to COVID-19. The provisions in this paragraph are effective after the date of this Order and shall remain effective for all claims for refunds that must otherwise be filed by July 31, 2020.

6. The provisions of the Department of Tax and Fee Administration's Rules for Tax Appeals that interpret and apply the Revenue and Taxation Code to the taxes and fees administered by the Department of Tax and Fee Administration and that provide a 30-day period to file an administrative appeal with the Office of Tax Appeals are extended for a period of 60 days for individuals who or businesses that are unable to

file a timely administrative appeal as a result of this proclaimed emergency related to COVID-19. The provisions in this paragraph are effective after the date of this Order and shall remain effective through July 31, 2020.

7. To protect the health and welfare of employees, state department representatives, hearing officers, administrative law judges, counsel, and others who conduct business relating to evidentiary appeals before the State Personnel Board, the six-month time limitation under Government Code section 18671.1 by which the Board shall render its decision after the filing of an appeal shall be extended by 60 days.

8. The deadlines specified in Government Code section 22844 and California Code of Regulations, title 2, sections 599.517 and 599.518, related to notification of requirement to enroll in Medicare (Cal. Code Regs., tit. 2, § 559.517, subd. (c)(2).), administrative review of termination of enrollment in basic health benefits plan including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions (Cal. Code Regs., tit. 2, § 559.517, subd. (g)(2), (3)), administrative review of the basis for delayed effective date including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions (Cal. Code Regs., tit. 2, § 559.517, subd. (h)(2), (3).), administrative review of decisions resulting from an appeals process related to coverage including requests for administrative review, acknowledgement of receipt of administrative review requests, and provision of administrative review decisions (Cal. Code Regs., tit. 2, § 559.518, subd. (d)(1), (2).), requests for administrative hearings related to administrative review decisions and provision of the CalPERS Board of Administration's decision related to administrative hearing (Cal. Code Regs., tit. 2, § 559.518, subd. (e)(1), (3).), are extended for a period of 60 days.

9. The Director of the Department of Alcoholic Beverage Control shall have the authority to suspend, for a period of up to 60 days, the deadlines for renewing licenses upon payment of annual fees and license renewal penalty fees that are due, as specified in Business and Professions Code section 24048.

10. The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19876, 19877, 19912(a)(1)(B), and any accompanying regulations; the deadlines for submission and processing of any application or related fee, as specified in Business and Professions Code sections 19868, 19876, 19877, 19942, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, as specified in section 12313 of Title 4 of the California Code of Regulations; and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work

permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19824, 19870, and 19912, are extended for a period of 60 days for any card room or third-party provider of proposition player service that suspends operations due to the proclaimed emergency.

11. For any shareholder meetings that already have been scheduled, or must occur before June 30, 2020, the requirements in Corporations Code sections 20 and 600 to request and receive the consent of shareholders for meetings of shareholders to be held by electronic transmission or by electronic video screen communication are hereby suspended, and the requirement in Corporations Code section 601 to provide written notice of such meetings is hereby suspended, to the extent that a corporation has provided notice to its shareholders that a meeting will occur at a physical location and subsequently provides notice by a press release, website posting and other means reasonably designed to inform shareholders that the meeting will occur by electronic transmission or by electronic video screen communication.

12. The Director of the Department of Consumer Affairs may, for 60 days from the date of this Order, waive any of the continuing education requirements in Divisions 2 and 3 of the Business and Professions Code, and any accompanying regulations.

13. In order to limit the need for in-person transactions at Department of Motor Vehicle offices and thereby facilitate adherence to physical distancing guidelines, the prohibition in Vehicle Code section 12814.5(e) against renewals by mail of driver's licenses and the requirements in Vehicle Code section 13002.1(b) for in-person renewals of identification cards, and any accompanying regulations, are waived for a period of 60 days.

14. To ensure the availability of fairgrounds for emergency activities, the restrictions on the use of the Fair and Expositions Fund contained in Business and Professions Code section 19620.15(h)(3)(C) are suspended, for the duration of the proclaimed emergency, for employees providing critical support for fairgrounds that are or may be activated for emergency activities.

15. The deadline specified in Government Code section 3304(d) for opening and completing investigations of alleged misconduct by public safety officers is extended by 60 days.

16. The deadline for serving a notice of adverse action specified in Government Code section 19635 is extended by 60 days.

17. The deadlines specified in Welfare and Institutions Code section 1961(A) and Government Code section 30061(b)(4) shall be extended by 30 days to allow counties sufficient time to submit updated Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant program plans to the Board of State and Community Corrections.

18. In order to enhance options for the delivery of food benefits to WIC participants and implement the administrative flexibilities for the WIC

Program contemplated in the Families First Coronavirus Response Act, Public Law No. 116-127, and other federal laws and waivers related to the WIC Program and COVID-19, for the duration of the authority granted by Congress or the COVID-19 waivers granted by the U.S. Department of Agriculture Food and Nutrition Service and any extensions thereto, the director of the State Department of Public Health may make temporary changes to Department's regulations governing WIC certification and eligibility, food delivery systems, and authorized supplemental foods in the California Code of Regulations, Title 22, Division 2, Subdivision 6, Chapter 6, Articles 2, 5, 6, and 7 and the California Women, Infants, and Children Program Bulletin Regulations Articles 3, 4, and 5 notwithstanding any other provision of State law. Any regulatory changes made pursuant to this paragraph shall be consistent with federal law and associated waivers and shall be posted on the Department's website.

19. In order to ensure timely payment of unemployment benefits, and as requested, notwithstanding Revenue and Taxation Code section 19542 or any other state laws, the Franchise Tax Board has the authority to share bank account information, received during Franchise Tax Board tax administration, of the Employment Development Department's unemployment benefit claimants, through no later than July 15, 2020, which shall be used solely for the express limited purpose of paying unemployment benefit claims.

20. California Code of Regulations, Title 15, section 3041(b)(2), shall be waived for any inmate who loses a current compensated assignment as a result of a modified program or transfer until such time as the inmate receives a new compensated assignment.

21. The deadline specified in Government Code section 12820 for transfer of Division of Juvenile Justice to the California Health and Human Services Agency and the establishment of the Department of Youth and Community Restoration, is extended from July 1, 2020, to July 1, 2021.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of March 2020.

GAVIN NEWSOM

Governor of California

ATTEST:

ALEX PADILLA
Secretary of State