



EDMUND G. BROWN, JR., GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

# 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:** South Bay Area Schools  
Insurance Authority  
Southern CA Association  
of Governments  
Tahoe-Truckee Sanitation  
Agency

**ADOPTION**

**MULTI-COUNTY:** Sacramento County Board of  
Education  
Sacramento Office of Education

A written comment period has been established commencing on March 9, 2012, and closing on April 23, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia Fisher, 428 J Street, Suite 620, Sacramento, California 95814.

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 April 23, 2012. 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 Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620,

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Sacramento, California 95814, 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 Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations.

### I. PROPOSED REGULATORY ACTION

In this filing, the proposed addition to California Code of Regulations Article 5.5, sections 577 and 578 will specify dates the State of California must remit payment of employer and employee retirement contributions to the Public Employees' Retirement Trust Fund.

### II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on **March 9, 2012** and closing on **April 23, 2012 at 5:00 p.m.** The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; e-mail at: [Christina\\_Nutley@CalPERS.ca.gov](mailto:Christina_Nutley@CalPERS.ca.gov); or mailed to the following address:

Christina Nutley, Regulations Coordinator  
California Public Employees' Retirement System  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 795-2397

### III. PUBLIC HEARING

A public hearing regarding this proposed regulatory action has not been scheduled. Pursuant to Government Code section 11346.8, any interested person, or his or

her duly authorized representative, may submit a written request for a public hearing to CalPERS no later than 15 days prior to the close of the written comment period. Such requests must be received no later than 5 p.m., Monday, April 9, 2012. If scheduled, notice of the time, date, and place of the requested public hearing will be provided to every person who has filed a request for notice with CalPERS.

### IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

### V. AUTHORITY AND REFERENCE

CalPERS' authority to add the proposed amendment to the California Code of Regulations derives from the CalPERS Board of Administration's plenary authority and fiduciary responsibility over the assets of the public retirement system, pursuant to the California Constitution (Section 17 of Article XVI) and the Public Employees' Retirement Law (PERL) (California Government Code Title 2, Division 5, Part 3), including Government Code sections 20120 and 20121. Proposed Article 5.5, and sections 577 and 578, implement and make specific Government Code sections 20771, 20826 and 20831.

### VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the transfer of State retirement contributions from the appropriate employer funds to the CalPERS retirement fund. Government Code (GC) section 20831, provides for quarterly payments of state employer retirement contributions, but does not cite specific payment dates within each quarter. GC Section 20771 directs the State Controller to deduct from employee compensation the employee's normal rate of retirement contribution and the amount of any other contributions payable, and remit the money to the retirement fund.

The proposed regulations will provide a payment schedule as well as specific dates for State of California employer and employee retirement contribution payments.

The proposed regulations will protect the earning potential of the retirement fund. Additionally, the proposed regulations will assist the State in managing its cash flow.

The addition of section 577 requires the State of California to remit to the CalPERS board the em-

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menting the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

### X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Holly Fong  
Fiscal Services Division  
California Public Employees' Retirement System  
P.O. Box 942701  
Sacramento, CA 94229-2701  
Telephone: (916) 795-2079  
E-mail: [Holly\\_Fong@CalPERS.ca.gov](mailto:Holly_Fong@CalPERS.ca.gov)

Please direct requests concerning processing of this regulatory action to Christina Nutley, CalPERS Regulations Coordinator, at the address shown above, or (916) 795-2397 ([Christina\\_Nutley@CalPERS.ca.gov](mailto:Christina_Nutley@CalPERS.ca.gov)).

### XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Christina Nutley, Regulations Coordinator, at the address shown in Section II.

### XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed regulations after the public comment period has closed. It may amend the proposed regulations as modified, if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the

date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

### XIII.

One can access the regulatory material regarding this action at CalPERS' website <http://www.calpers.ca.gov/index.jsp?bc=/about/leg-reg-statutes/regulatory/current/home.xml>.

### TITLE 2. SECRETARY OF STATE

NOTICE IS HEREBY GIVEN that the Secretary of State is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Secretary of State at its office not later than 5:00 p.m. on April 27, 2012.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed below no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Secretary of State, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY AND REFERENCE

Under authority established in California Government Code sections 12172.5 and 15601, the California Secretary of State proposes to implement, interpret or make specific Government Code section 12172.5 by revising Section 20811(c) of the California Code of Regulations.

California Government Code section 12172.5 states, "The Secretary of State may adopt regulations to assure