



California Regulatory Notice Register

REGISTER 2016, NO. 52-Z

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DECEMBER 23, 2016

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*Time-
Dated
Material*

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BOARD OF FORESTRY AND FIRE PROTECTION

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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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sion should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. 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 after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend Title 2 of the California Code of Regulations (CCR) § 599.502, subdivision (g), paragraph (4). The proposed regulations would clarify the rules under which members in a combination enrollment enroll in a basic or supplemental health plan and when they may enroll in basic and supplemental plans offered by one or more different carriers.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing December 23, 2016 and closing at 5:00 p.m. February 6, 2017. 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; via E-mail at Regulation_Coordinator@calpers.ca.gov or mailed to the following address:

Anthony Martin, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-9347

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, the Board has not scheduled a public hearing on this matter. However, if an interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulations Coordinator a request for a public hearing at least 15 days prior to the close of the written comment period, January 23, 2017, a public hearing shall be scheduled before the CalPERS Pension & Health Benefits Committee. Notice of the time, date,

and place of the 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 the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC § 20121 and § 22796.

Reference citation: GC § 22793, § 22844, §22850, and §22860.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current Public Employees' Medical and Hospital Care Act (PEMHCA) regulations, employees and annuitants are required to enroll themselves and family members into one basic or supplemental plan. Where the eligibility rules do not allow for all of the parties to enroll in one basic or one supplemental plan, employees and annuitants are required to enroll themselves and their family members into only one basic plan and into only one supplemental plan offered by one or more different carriers. These regulations may be susceptible to multiple interpretations regarding combination enrollments. As currently written, the regulations could be interpreted as allowing members in combination enrollments to enroll in plans provided by different carriers when in fact this option is not, and never has been available. This rulemaking action will provide clarity to CalPERS members and other stakeholders regarding the rules for members in combination enrollments.

This rulemaking action (1) affirms that members in a combination enrollment must enroll into one basic plan and one supplemental plan provided by the same carrier at the time of enrollment and (2) allows for members in a combination enrollment to enroll into one basic plan and one supplemental plan provided by one or more different carriers contingent upon Board authorization. This contingency language would give the Board the authority to allow for split carrier enrollments should CalPERS change its business model and systems in the future to accommodate such enrollments. Until such time, the clarification being sought will help CalPERS members better understand their enrollment options. Furthermore, it may decrease CalPERS staff hours spent on responding to inquiries and possible future appeals related to combination enrollments.

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CalPERS has evaluated and determined that the proposed regulations are not inconsistent nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC § 11346.5, subdivision (a), paragraphs (3)(D).

There is no existing, comparable federal regulation or statute.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED RULEMAKING ACTION

The Board has made the following initial determinations:

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** This regulation package will not impose any mandates on local agencies and school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will not provide any costs or savings to any state agency. This regulation package will be cost-neutral to CalPERS. Any costs associated with implementing proposed regulations will be absorbed by existing CalPERS resources.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs on any local agency or school district.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose nondiscretionary costs on any local agencies.
- E. **COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** There are no costs or savings in federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of businesses in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

CalPERS believes the adoption of this regulation benefits the health and welfare of California residents by ensuring program integrity and sustainability of the CalPERS health benefits program which covers more than 1.4 million active and retired state, local government, and school employees, and their family members.

- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect on housing costs.
- J. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC § 17500 THROUGH § 17630:** There are no costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through § 17630.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as 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 provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at a requested hearing or during the written comment period.

X. CONTACT PERSON

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

Primary Contact:
 Diane DeVita
 California Public Employees' Retirement System
 P.O. Box 720724
 Sacramento, CA 94229-0724
 Telephone: (916) 795-0945
 Fax: (916) 795-4105
 E-mail: diane.devita@calpers.ca.gov

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Secondary Contact:
 Annie Leung
 California Public Employees' Retirement System
 P.O. Box 720724
 Sacramento, CA 94229-0724
 Telephone: (916) 795-2662
 Fax: (916) 795-4105
 E-mail: annie.leung@calpers.ca.gov

Please direct requests concerning processing of this rulemaking action to the CalPERS Regulations Coordinator, at the address shown in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection by contacting the Regulations Coordinator at the address shown in Section II. To date the file consists of this notice, the Initial Statement of Reasons (ISOR) and the text of the proposed regulations. A copy of the proposed text and the ISOR is available at no charge by written request to the CalPERS Regulations Coordinator, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulations after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared 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 or asked to be kept notified of the results of the regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulations Coordinator at the address shown in Section II.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“Safety Element Review, 2017”

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7

Adopt Article 6 1210.00-1210.03

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on March 8, 2017 at its regularly scheduled meeting commencing at 8:30 a.m. in the Natural Resources Building Auditorium, 1416 9th Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on February 7, 2017.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attn: Edith Hannigan
 Board Analyst
 P.O. Box 944246
 Sacramento, CA 94244-2460