

TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE OF PROPOSED RULEMAKING TO AMEND THE CONFLICT OF INTEREST CODE OF THE DEPARTMENT OF CHILD SUPPORT SERVICES

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) proposes to amend its Conflict of Interest Code. Amendment is to update the Conflict of Interest Code to follow the Fair Political Practices Commission model for Conflict of Interest Code text, to reflect structural changes in the organization of the DCSS, changes in positions with potential conflicts of interest and assignment of reporting requirements to some new position classifications. The provisions of the DCSS Conflict of Interest Code that will be amended include the appendices that list the positions with reporting requirements and the reporting requirement categories.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The proposed amended text of the DCSS Conflict of Interest Code including appendices and the Initial Statement of Reasons for this rulemaking are posted to the DCSS public website at:

<http://www.childsup.ca.gov/Resources/ChildSupportRegulations.aspx>

Any further revised version of the text and the Final Statement of Reasons will be posted to this webpage when they become available. The department has available all of the information upon which this rulemaking is based. That information is too voluminous to include here. If you do not have internet access, copies of the amended DCSS Conflict of Interest Code and Initial Statement of Reasons may be secured from the contact person listed below.

CONTACT PERSON

Any inquiries regarding this action to amend the DCSS Conflict of Interest Code may be directed to: Name: Lara Chandler

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Fax: 916-464-5069

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Postal Address: Dept. of Child Support Services

Office of Legal Services

MS-110

Attn: Lara Chandler

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WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the DCSS. All comments should be submitted to the contact person named above at the addresses or phone number provided. The written comment period shall begin on August 23, 2013 and end on October 7, 2013 at 5:00 P. M. The DCSS shall consider only comments received by the contact person at the DCSS Legal Offices by the deadline.

PUBLIC HEARING

The DCSS has not scheduled a public hearing for this proposed action. Any interested person or his or her representative may request a public hearing. If DCSS receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, the DCSS will conduct a public hearing on this proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Child Support Services (DCSS) adopted its original Conflict of Interest Code (COIC) in 2001. DCSS has subsequently grown, restructured organizationally, and changed and added some position classifications and their duties. The DCSS COIC needs to be amended to update it so that it properly reflects which departmental positions require disclosure of any personal financial interests with potential for conflict with duties, and what types of personal financial interests must be disclosed. Government Code section 87306 authorizes this amendment of the DCSS COIC.

The DCSS COIC is a regulation adopted into Title 22 of the California Code of Regulations at section 123000. It consists of section 123000, the Designated Positions Appendix, and the Disclosure Categories Appendix.

The text of section 123000 essentially functions to incorporate by reference the comprehensive COIC adopted by the Fair Political Practices Commission (FPPC). The complex requirements of the FPPC's COIC have been carefully developed and departments are encouraged to incorporate them by reference rather than draft their own language for this complex area of law. Section 123000 does not require any amendment at this time.

The Designated Positions Appendix has required the most amending because the DCSS has grown substantially since the original adoption of our COIC. There has also been increased specialization and position duty and title differentiation. All changes reflect current position titles and duties.

The Disclosure Categories Appendix contains seven different disclosure categories into which positions with potential for conflicts of interest may be assigned. The only substantive amendment on this appendix is made to add category seven. This change is to conform to the FPPC model and clarify those positions with regulatory authority that report in category seven.

AUTHORITY AND REFERENCE

Authority: Family Code sections 17306, 17310 & 17312; Government Code section 87306.

Reference: Government Code sections 87300 – 87302 & 87306

DISCLOSURES REGARDING THE PROPOSED ACTION

The DCSS has determined that the adoption of the proposed amendments to the DCSS Conflict of Interest Code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

CONSIDERATION OF ALTERNATIVES

The DCSS must determine that no reasonable alternative considered by the DCSS or that has otherwise been identified or brought to the attention of the DCSS would be more effective in carrying out the purpose for which these regulations are being implemented, or would be as effective, as and less burdensome to affected private persons than these regulations.