

TITLE 2. ADMINISTRATION

NOTICE OF PROPOSED RULEMAKING

The State Controller proposes to adopt the proposed amendments described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The State Controller has not scheduled a public hearing on this proposed action. However, the State Controller will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Controller's Office. Comments may also be submitted by facsimile at (916) 322-1220 or by email to dbrownfield@sco.ca.gov. The written comment period closes at 5:00 p.m. on January 16, 2012. The State Controller will only consider comments received at the State Controller's Office by that time. Submit comments to:

Dave Brownfield
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Code of Civil Procedure section 1580 authorizes the State Controller to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 1530 and 1532 of the Code of Civil Procedure.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Code of Civil Procedure sections 1530 and 1532 set forth requirements for reporting and remitting unclaimed property. California Code of Regulations, title 2, sections 1155.250 and 1155.350 set forth specific procedures for the reporting and remitting of unclaimed property pursuant to Code of Civil Procedure sections 1530 and 1532. This rulemaking action will amend California Code of Regulations, title 2, sections 1155.250 and 1155.350 by changing forms incorporated by reference, and by removing language for which statutory authority has been repealed.

As currently adopted, California Code of Regulations, title 2, section 1155.250 incorporates two forms by reference: SCO EFT-1 (03/98) and SCO EFT-3 (01/98). This rulemaking action will amend Section 1155.250 by updating the two forms incorporated by reference to SCO EFT-

1(01/11) and SCO EFT-3(01/11). The revised forms accommodate changes in statutory requirements, administrative needs, and technological changes. The proposed amendment to Section 1155.250 will also delete the language requiring prior approval to remit funds by Fedwire.

As currently adopted, California Code of Regulations, title 2, section 1155.350 incorporates two forms by reference: UFS-1(02/98) and Form UP 27 (2/98). This rulemaking action will replace UFS-1 (02/98) with UFS-1 (04/09), and it will delete the reference to Form UP 27 (02/98).

This rulemaking action will also repeal California Code of Regulations, title 2, section 1175. As currently adopted, Section 1175 requires any person or holder to retain records pertaining to property for a period of seven years after such property is reported, or would have been reported. The repeal of this regulation will remove this affirmative recordkeeping requirement. The repeal of this regulation does not impose any additional reporting or recordkeeping requirements.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Controller 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 sections 17500 through 17630: None.

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

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The State Controller is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these amended regulations 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.

Significant effect on housing costs: None.

Small Business Determination

The State Controller's Office has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the State Controller must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the State Controller would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Controller invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Dave Brownfield, Staff Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 322-7535
Email: dbrownfield@sco.ca.gov

The backup contact person for these inquiries is:

Rick Chivaro, Chief Counsel
State Controller's Office
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Telephone: (916) 445-2636
Email: rchivaro@sco.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 Dave Brownfield at the above address.

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

The State Controller will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulations, and the initial statement of reasons. Copies may be obtained by contacting Dave Brownfield at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the State Controller may adopt the proposed regulations substantially as described in this notice. If the State Controller makes modifications which are sufficiently related to the proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Controller adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Dave Brownfield at the address indicated above. The State Controller will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Dave Brownfield at the above address.

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:
http://www.sco.ca.gov/upd_rptg_notice.html.