

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Human Resources**

**Regulatory Action:**

**Title 02, California Code of Regulations**

**Adopt sections:**  
**Amend sections: 599.942**  
**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2023-1120-01**

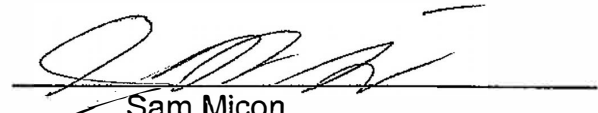
**OAL Matter Type: Regular Resubmittal (SR)**

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In this rulemaking, the Department of Human Resources updates its regulations regarding the required investment options in the State's deferred compensation plan.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2024.

**Date:** December 29, 2023

  
Sam Micon  
Attorney

**For:** Kenneth J. Pogue  
Director

**Original:** Eraina Ortega, Director  
**Copy:** Joseph Mesich

**RESUBMITTAL**

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2022-1121-05</b>	REGULATORY ACTION NUMBER <b>2023-1120-01SR</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State of California Department of Human Resources (CalHR), Savings Plus Program			

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

**DEC 29 2023**  
**1:35 PM**

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Investments		TITLE(S) 2	FIRST SECTION AFFECTED 599.942	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Joseph Mesich	TELEPHONE NUMBER (916) 324-9395	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2022 48-2</b>	PUBLICATION DATE <b>12/2/2022</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Investments		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0609-05S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 2		AMEND 599.942	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 15-Day Notice Start Date: October 20, 2023 15-Day Notice End Date: November 6, 2023			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Joseph Mesich		TELEPHONE NUMBER (916) 324-9395	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) joseph.mesich@calhr.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Eraina Ortega*

DATE

11/17/23

TYPED NAME AND TITLE OF SIGNATORY

Eraina Ortega, Director

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****DEC 29 2023****Office of Administrative Law**

**Title 2. Administration**  
**Division 1. Administrative Personnel**  
**Chapter 3. Department of Human Resources**  
**Subchapter 1. General Civil Service Rules**  
**Article 27. 457 Deferred Compensation Plan**  
**Section 599.942 Investments**

**Text of Proposed Regulation**

**Section 599.942 Investments**

The Plan shall consist of at least three investment funds, each of which is diversified and has materially different risk and return characteristics. In addition to the plan investment options, Savings Plus shall offer a Self-Directed Brokerage Account (SDBA) option.~~the following investment offerings: a savings plan; two annuity products, both fixed and variable; and one mutual fund provider.~~ Nothing herein shall be construed to permit any type of investment prohibited by the state Constitution or to unduly limit the addition of new options.

Note: Authority cited: Sections 16431, 19815.4(d) and 19993, Government Code. Reference: Sections ~~19815.2, 19815.4, 19815.6,~~ 19993, 19993.05, 53601 and 53602, Government Code.

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Note: Authority cited: Sections 16431, 19815.4(d) and 19993, Government Code. Reference: Sections 19815.4, 19993, 19993.05, 53601 and 53602, Government Code.