

1 Amend 2 Cal. Code Regs. Section 18754 to read:

2 **§ 18754. Statements of Economic Interests (Members of Newly Created Boards or**
3 **Commissions of ~~Newly Created Agencies~~); When and Where to File.**

4 (a) ~~Applicability~~ Board or Commission of Newly Created Agency:

5 (1) Pursuant to ~~Government Code section~~ Section 87302.6, an individual who is a
6 member of a governing board or commission of a newly created agency shall disclose ~~his or her~~
7 economic interests pursuant to ~~Government Code sections~~ Sections 87202 through 87210. This
8 requirement applies until such time as the member's position is included in an approved conflict
9 of interest code in effect for the governing board or commission ~~of which he or she is a member.~~

10 (2) ~~For purposes of Government Code section 87302.6, "newly created agency" means~~
11 ~~any state agency or local government agency, as defined in Government Code sections 82003,~~
12 ~~82041, and 82049, which has come into existence on or after January 1, 2003.~~

13 (3)(2) A member of a governing board or commission of a newly created agency; is not
14 subject to this regulation if ~~subsection (A), (B), (C) or (D) of subdivision (a)(3) of this regulation~~
15 any of the following applies:

16 (A) The member also holds a position specified in ~~Government Code section~~ Section
17 87200 and the geographical jurisdiction of the newly created agency is the same as or is wholly
18 included within the jurisdiction in which the member must report ~~his or her~~ economic interests
19 pursuant to ~~article 2 of chapter 7 of this title, Government Code sections~~ Sections 87200 et seq.

20 (B) The member is also designated in a conflict of interest code for another agency and all
21 of the following apply:

22 (i) The geographical jurisdiction of the newly created agency is the same as or is wholly

1 included within the jurisdiction of the other agency;

2 (ii) The disclosure assigned to the member in the code of the other agency is the same as
3 that required under ~~article 2 of chapter 7 of this title, Government Code sections~~ Sections 87200
4 et seq.; ~~and~~

5 (iii) The filing officer is the same for both agencies.

6 (C) The newly created agency was formed as a result of the merger of two or more
7 agencies and all of the following apply:

8 (i) The member served on the governing board or commission of an agency abolished in
9 the merger in substantially the same capacity as the member will serve on the governing board or
10 commission of the newly created agency;

11 (ii) The geographical jurisdiction of the newly created agency is the same as the
12 jurisdiction of the abolished agency; ~~and~~.

13 (iii) The member was previously subject to the same disclosure as required for persons
14 listed in ~~Government Code section~~ Section 87200.

15 (D) The board or commission does not “possess decisionmaking authority” as defined in
16 ~~2 Cal. Code Regs. section 18701(a)(1)~~ Regulation 18700(c)(2)(A).

17 ~~(b)~~ (3) When to file:

18 ~~(4)~~ (A) Assuming Office ~~Statements~~ Statement of Economic Interests:

19 ~~(A)~~ (i) Every member of a governing board or commission of a newly created agency ~~that~~
20 ~~has come into existence on or after January 1, 2003, but prior to the effective date of this~~
21 ~~regulation,~~ shall file an assuming office statement within 30 days ~~from the effective date of this~~
22 ~~regulation~~ of assuming office pursuant to Section 87202.

1 ~~(B) (ii) Except as provided in subdivision (b)(1)(A) above, every~~ Notwithstanding
2 subdivision (a)(3)(A)(i), a member of a governing board or commission of a newly created
3 agency shall file an assuming office statement not more than 30 10 days after assuming office or,
4 after being nominated or appointed to that board or commission as required by Section 87202(a)
5 if his or her the member's nomination or appointment is subject to State Senate confirmation by
6 the Commission on Judicial Appointments or the State Senate, not more than 10 days after being
7 nominated or appointed to office.

8 ~~(2)~~ (B) Annual Statements Statement of Economic Interests:

9 ~~(A) (i)~~ Every member of a governing board or commission of a newly created agency
10 shall, no later than April 1 of each year, file an annual statement.

11 ~~(B) (ii)~~ Every person who assumes office as a member of a governing board or
12 commission of a newly created agency between October 1 and December 31 and files an
13 assuming office statement pursuant to this section regulation need not file his or her first an
14 annual statement until one year later than the date applicable under subsection subdivision
15 (a)(3)(B)(i) ~~(b)(2)(A), above.~~

16 ~~(3)~~ (C) Leaving Office Statement of Economic Interests:

17 ~~(A)~~ Every person who leaves his or her position as ceases to be a member of a governing
18 board or commission of a newly created agency shall, within 30 days after leaving office, file a
19 leaving office statement within 30 days after leaving office pursuant to Section 87204 or Section
20 87302(b), as applicable.

21 ~~(B)~~ If a person leaves his or her position as a member of a governing board or
22 commission of a newly created agency between January 1 and the filing deadline for his or her

1 ~~annual statement of economic interests, the person's leaving office statement may serve as his or~~
2 ~~her annual statement if, prior to the filing deadline for the annual statement, the person notifies~~
3 ~~the filing officer in writing that he or she intends to follow this procedure.~~

4 ~~(4) Members Beginning and Completing a Term of Office: A member of a governing~~
5 ~~board or commission of a newly created agency who completes a term of office under this~~
6 ~~regulation and, within 30 days thereafter, begins a term of the same office or another such office~~
7 ~~of the same jurisdiction, is not deemed to assume office or leave office for purposes of filing~~
8 ~~statements under this regulation.~~

9 ~~(e) (4) Where to file: Pursuant to subdivision (o) of Government Code section 87500~~
10 ~~Section 87500(o) and 2-Cal. Code Regs. section 18730, subdivision Regulation 18730(b)(4),~~
11 ~~members of governing boards or commissions of newly created agencies shall file the statements~~
12 ~~required under this regulation with their newly created agency or with the agency's code~~
13 ~~reviewing body, as provided by that code reviewing body.~~

14 ~~(d) (5) Effect Upon Initial Statement Required Under Government Code section Section~~
15 ~~87302(b): An assuming office statement or annual statement filed under this section by a member~~
16 ~~of a governing board or commission of a newly created agency is deemed to satisfy the~~
17 ~~requirement at Government Code section of Section 87302(b) that an initial statement be filed by~~
18 ~~that member within 30 days after the effective date of the new conflict of interest code applicable~~
19 ~~to that member.~~

20 ~~(b) Newly Created Board or Commission of Existing Agency. An individual who is a~~
21 ~~member of a newly created governing board or commission of an existing agency shall file~~
22 ~~statements of economic interests as specified under subdivision (a), as though the individual is a~~

- 1 member of a governing board or commission of a newly created agency, except that the
- 2 individual's assuming office statement shall be filed pursuant to Section 87302(b).
- 3 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82003, 82041,
- 4 82049, 87202-87210, 87300-87302.6, and 87500, Government Code.