

1 Amend 2 Cal. Code Regs. Section 18754:

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

4 (a) Applicability:

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

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

13 (3) 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 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 87200 et seq.~~ Article 2
20 of Chapter 7 of the Act (commencing with Section 87200).

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

1 (i) The geographical jurisdiction of the newly created agency is the same as or is wholly
2 included within the jurisdiction of the other agency;

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

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

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

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

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

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

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

18 (b) When to file:

19 (1) Assuming Office Statements of Economic Interests:

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

1 (B) Except as provided in subdivision (b)(1)(A) above, every member of a governing
2 board or commission of a newly created agency shall file an assuming office statement not more
3 than 30 days after assuming office or, if his or her nomination or appointment is subject to State
4 Senate confirmation, not more than 10 days after being nominated or appointed to office.

5 (2) Annual Statements of Economic Interests:

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

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

12 (3) Leaving Office:

13 (A) Every person who leaves his or her position as a member of a governing board or
14 commission of a newly created agency shall, within 30 days after leaving office, file a leaving
15 office statement.

16 (B) If a person leaves his or her position as a member of a governing board or
17 commission of a newly created agency between January 1 and the filing deadline for his or her
18 annual statement of economic interests, the person's leaving office statement may serve as his or
19 her annual statement if, prior to the filing deadline for the annual statement, the person notifies
20 the filing officer in writing that he or she intends to follow this procedure.

21 (4) Members Beginning and Completing a Term of Office: A member of a governing
22 board or commission of a newly created agency who completes a term of office under this
23 regulation and, within 30 days thereafter, begins a term of the same office or another such office

1 of the same jurisdiction, is not deemed to assume office or leave office for purposes of filing
2 statements under this regulation.

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

8 (d) Effect Upon Initial Statement Required Under ~~Government Code section~~ Section
9 87302(b): An assuming office statement or annual statement filed under this section by a
10 member of a governing board or commission of a newly created agency is deemed to satisfy the
11 requirement ~~at Government Code section~~ of Section 87302(b) that an initial statement be filed by
12 that member within 30 days after the effective date of the new conflict of interest code applicable
13 to that member.

14 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82003, 82041,
15 82049, 87200-87210, 87300-87302.6, and 87500, Government Code.