

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.