

State of California  
Office of Administrative Law

RECEIVED  
BY: JAN 11 2015

In re:  
Native American Heritage Commission

Regulatory Action:

Title 2, California Code of Regulations

Adopt sections:

Amend sections: 48000

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

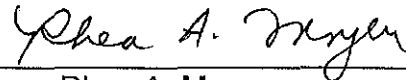
OAL Matter Number: 2015-1216-01

OAL Matter Type: File and Print Only (FP)

This is a Conflict of Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: January 6, 2015



Rhea A. Moyer  
Legal Analyst

For: DEBRA M. CORNEZ  
Director

Original: Cynthia Gomez  
Copy: Terrie L. Robinson

**OFFICE OF ADMINISTRATIVE LAW**

300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
(916) 323-6225 FAX (916) 323-6826



DEBRA M. CORNEZ  
Director

**MEMORANDUM**

TO: Terrie L. Robinson  
FROM: OAL Front Desk  
DATE: January 7, 2016  
RE: Return of Rulemaking Materials  
OAL Matter Number 2015-1216-01  
OAL Matter Type File and Print Only (FP)

OAL hereby returns the rulemaking record your agency submitted for review regarding "Conflict of Interest Code."

If this is an approved matter, it contains a copy of the regulation(s) stamped "ENDORSED APPROVED" by the Office of Administrative Law and "ENDORSED FILED" by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped "ENDORSED FILED" by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation's effective date. Additionally, the effective date of the regulation will be noted on OAL's web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

**Please note this new requirement:** Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency's regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

NOTICE FILE NUMBER *request* REGULATORY ACTION NUMBER *2015-1210-DIFP* EMERGENCY NUMBER

*Z-2015-0213-03*

*2015-1210-DIFP*

For use by Office of Administrative Law (OAL) only

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

*JAN -6 2016*  
*1:56 PM*

**2015 DEC 16 P 2:15**  
**OFFICE OF ADMINISTRATIVE LAW**

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
*Native American Heritage Commission*

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	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 <i>2015, 9-2</i>	PUBLICATION DATE <i>2/27/2015</i>

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

1a. SUBJECT OF REGULATION(S) <i>Conflict of Interest Code</i>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) <i>Z-2015-0213-03</i>
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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
	AMEND <i>Section 48000</i>
TITLE(S) <i>2 per agency request</i>	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 type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<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)  
*February 27, 2015 - April 13, 2015; October 14, 2015 - October 29, 2015*

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input 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"/> 5100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <i>30 days after filing per 2 CCR 18750(l)</i>
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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

<i>Terrie Robinson</i>	TELEPHONE NUMBER <i>(916) 393-3716</i>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <i>Terrie.Robinson@naha.ca.gov</i>
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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 <i>Cynthia Gomez</i>	DATE <i>December 15, 2015</i>
TYPED NAME AND TITLE OF SIGNATORY <i>Cynthia Gomez, Executive Secretary</i>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

*JAN 06 2016*

Office of Administrative Law

~~CONFLICT OF INTEREST CODE~~

~~NATIVE AMERICAN HERITAGE COMMISSION~~

~~The Political Reform Act, Government Code Section 81000, et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Sec. 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, and the place of filing is specified, shall constitute the conflict of interest code of the **NATIVE AMERICAN HERITAGE COMMISSION.**~~

~~Designated employees shall file statements of economic interests with the **NATIVE AMERICAN HERITAGE COMMISSION** who shall make the statements available for public inspection and reproduction. Upon receipt of the statements of the **COMMISSION MEMBERS AND THE EXECUTIVE SECRETARY**, the agency shall make and retain copies of the statements and send the originals to the Fair Political Practices Commission.~~

~~CONFLICT OF INTEREST CODE~~

~~NATIVE AMERICAN HERITAGE COMMISSION~~

APPENDIX

Designated Positions

Assigned Disclosure Categories

<del>Commission Members</del>	<del>Full</del>
<del>Executive Secretary</del>	<del>Full</del>
<del>Environmental Scientist (2)</del>	<del>Full</del>
<del>Consultants</del>	<del></del>

Disclosure Categories

~~Full~~

~~All investments, and business positions in business entities or income from sources which engage in the acquisition, disposal or development of real property and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Native American Heritage Commission.~~

~~Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:~~

~~The Executive Secretary may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Secretary's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.~~

NATIVE AMERICAN HERITAGE COMMISSION

CONFLICT-OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires  
state and local government agencies to adopt and promulgate conflict-of-interest codes.  
The Fair Political Practices Commission has adopted a regulation (2 California Code of  
Regulations Section 18730) that contains the terms of a standard conflict-of-interest code,  
which can be incorporated by reference in an agency's code. After public notice and  
hearing, the standard code may be amended by the Fair Political Practices Commission to  
conform to amendments in the Political Reform Act. Therefore, the terms of 2 California  
Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair  
Political Practices Commission are hereby incorporated by reference. This regulation and  
the attached Appendices, designating positions and establishing disclosure categories,  
shall constitute the conflict-of-interest code of the Native American Heritage  
Commission (Commission).

Individuals holding designated positions shall file their statements of economic  
interests with the Commission which will make the statements available for public  
inspection and reproduction. (Gov. Code Sec. 81008.) Upon receipt of the statements of  
the Commission Members and the Executive Secretary, the Commission shall make and  
retain copies and forward the originals to the Fair Political Practices Commission. All  
other statements will be retained by the Commission.

AUTHORITY: Government Code sections 87300, 87306 and 19990.

REFERENCE: Government Code Sections 87300-87302, 87306.

NATIVE AMERICAN HERITAGE COMMISSION  
CONFLICT-OF-INTEREST CODE

Appendix A

<u>Designated Positions</u>	<u>Disclosure Categories</u>
<u>Commission Members</u>	<u>1</u>
<u>Executive Secretary</u>	<u>1</u>
<u>General Counsel</u>	<u>1</u>

Consultants/New Positions\*

\* Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Executive Secretary may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Secretary's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code § 81008).

Appendix B  
Disclosure Category 1

Interests in real property in the State of California, and investments and business positions in business entities, and all sources of income (including receipt of gifts, loans and travel payments) that:

- engage in the acquisition, disposal or development of real property. Such sources include developers and landowners of commercial or residential property;
- provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Commission; and
- appear before or participate in other types of proceedings formally or informally with the Commission.

This is the last page of the conflict of interest code for the **Native American Heritage Commission**.



**CERTIFICATION OF FPPC APPROVAL**

Pursuant to Government Code Section 87303, the conflict of interest code for the **Native American Heritage Commission** was approved on 12/8/2015.

A handwritten signature in black ink, appearing to read "B. Lau", written over a horizontal line.

Brian G. Lau

Senior Commission Counsel

Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: