

NATIVE AMERICAN HERITAGE COMMISSION

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Terrie L. Robinson, General Counsel
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February 13, 2015

Office of Administrative Law
300 Capitol Mall, Suite 250
Sacramento, CA 95814-4339

Re: Publication of Notice of Intention to Amend the Conflict-of-Interest Code
of the Native American Heritage Commission

To Whom It May Concern:

Enclosed please find the two copies of the Form 400 for the Publication of Notice of Intention to Amend the Conflict-of-Interest Code for the Native American Heritage Commission, four copies of the Notice, one copy of the proposed Native American Heritage Commission Conflict-of-Interest Code, and an Initial Statement of Reasons.

Yours very truly,

A handwritten signature in cursive script that reads "Terrie L. Robinson".

Terrie L. Robinson
General Counsel

cc: Cynthia Jones, FPPC

STD. 400 (REV. 01-09)

	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	For use by Office of Administrative Law (OAL) only		
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 Conflict-of-Interest Code		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE February 27, 2015
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other		4. AGENCY CONTACT PERSON Terrie L. Robinson	TELEPHONE NUMBER (916) 373-3716	FAX NUMBER (Optional) (916) 373-5471
<input type="checkbox"/> OAL USE ONLY		<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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
	REPEAL
TITLE(S)	

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 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)

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

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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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	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
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TYPED NAME AND TITLE OF SIGNATORY

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 Director, 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>
Commission Members	Full 1
Executive Secretary	Full 1
Environmental Scientist	Full
<u>General Counsel</u>	<u>1</u>

Consultants/New Positions*

* Consultants and 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

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

- which 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, or the type utilized by the Commission.

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE NATIVE AMERICAN HERITAGE COMMISSION

NOTICE IS HEREBY GIVEN that the Native American Heritage Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Native American Heritage Commission proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes position(s) previously not included and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 13, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than March 30, 2015, by contacting the Contact Person set forth below.

The Native American Heritage Commission has prepared a written

explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Native American Heritage Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Native American Heritage Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Terrie L. Robinson, General Counsel
Native American Heritage Commission
1550 Harbor Blvd., Suite 100, West Sacramento, CA 95691
(916) 373-3716
terrie.robinson@nahc.ca.gov

NATIVE AMERICAN HERITAGE COMMISSION

INITIAL STATEMENT OF REASONS IN SUPPORT OF PROPOSE AMENDMENT TO CONFLICT OF INTEREST CODE

The Native American Heritage Commission (NAHC) filled its General Counsel position (Attorney III) in December of 2013. The NAHC's current Conflict of Interest Code did not include the General Counsel position as a designated position for which a Statement of Economic Disclosure (Form 700) should be filed. It also erroneously included the Environmental Scientist position as a designated position. As part of the biennial review of the NAHC's Conflict of Interest Code, it was determined that the NAHC's Conflict of Interest Code needed to be amended to include the General Counsel as a designated position and to exclude the Environmental Scientist position from being a designated position.