

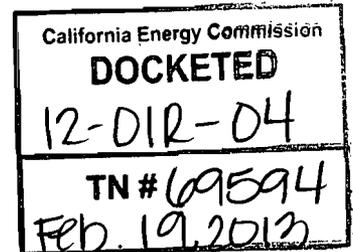
CALIFORNIA ENERGY COMMISSION

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Sacramento, California 95814

Main website: www.energy.ca.gov



In the matter of:)	Docket No. 12-OIR-04
)	
Proposed Amendments to Energy)	Order No. 13-0213-09
Commission Conflict of Interest)	
Regulations, California Code of)	
Regulations, Title 20, Section 2402)	



**Adoption Order
Amending the Energy Commission's
Conflict-of-Interest Regulations**

I. PURPOSE OF THE PROCEEDING

The California Energy Commission, pursuant to the authority vested by section 87306 of the Government Code, hereby adopts amendments to the listing of designated positions, their assigned disclosure categories, and the text of a disclosure category in the Commission's conflict of interest regulation as contained in title 20, section 2402 (Appendix).

The proposed amendments modify, delete, and add designated positions as well as modify, delete, and add disclosure categories to ensure that all current 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, are appropriately categorized. Additionally, a disclosure category has been amended for clarity.

II. BACKGROUND

The Political Reform Act of 1974 (Gov. Code, § 87100 et seq.) requires that each state agency adopt a conflict of interest code applicable to certain positions affiliated with the agency, and amend the code as necessary due to changed circumstances. In addition, Government Code section 87306, subdivision (b), mandates that each state agency submit a biennial report that identifies all new positions that must file a Form 700 Statement of Economic Interests, any changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. The Energy Commission must submit the next biennial report to the Fair Political Practices Commission by March 1, 2013. (Gov. Code, § 87306, subd. (b).)

The standard for whether an employee must report a particular financial interest is whether the employee is involved in the making or the participation in the making of decisions which may foreseeably have a material effect on their financial interests. (Gov. Code, § 87302, subd. (a).) Financial interests include investments, business positions, interests in real property, and sources of income which are reportable. (*Ibid.*)

III. PROCEDURAL REQUIREMENTS

On February 13, 2013 the Energy Commission held a public hearing to consider the adoption of amendments to the Commission's Conflict of Interest Code. The amendments update the list of designated positions and associated reporting requirements in Title 20, California Code of Regulations, section 2402, subdivision (a), as well as clarify and make nonsubstantive edits to disclosure Category 6, pertaining to utility equipment, in section 2402, subdivision (b). The amendments, along with a biennial report submitted to the Fair Political Practices Commission pursuant to Government Code section 87306, ensure that an agency's Conflict of Interest Code remains current and accurate.

To develop the amendments, the Energy Commission complied with all procedural requirements set forth in Fair Political Practice Commission regulations (Cal. Code of Regs., tit. 2, § 18750, subd. (c)) and the Energy Commission's rulemaking regulations (tit. 20, § 1222, subd. (a)), including the holding of a 45-day written comment period with the proposed amendments made available to interested persons. A Notice of Intention summarizing the amendments was published in the California Regulatory Notice Register on December 28, 2012. The Notice of Intention, the express terms of the proposed amendments with changes clearly delineated, and the written explanation of the reasons for the amendments were published on the Energy Commission's intranet web page for employees and other interested persons on the same day. The comment period ran from December 28, 2012 to February 13, 2013.

Upon adoption of the proposed amendments, the Energy Commission will submit the amendments to the Fair Political Practices Commission for review.

IV. FINDINGS

Adoption of the proposed amendments:

- Will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code;
- Will not result in any nondiscretionary cost or savings to local agencies;
- Will not result in any cost or savings in federal funding to the state;
- Will not impose a mandate on local agencies or school districts; and

- Will not have any potential cost impact on private persons or businesses, including small businesses.

The Energy Commission has determined that no alternative considered by the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons than the proposed action.

V. DIRECTIVES TO STAFF

The Energy Commission directs Commission Staff to take all actions necessary to submit the proposed amendments to the Fair Political Practices Commission per Title 2, section 87306, subdivision (e), including but not limited to, supplying copies of any written comments and summarizing the hearing in which the amendments were adopted, in addition to filing the Fair Political Practices Commission's 2013 State Agency Biennial Notice.

Pursuant to Government Code section 87306, and after consideration of the record in this proceeding, the Energy Commission adopts the proposed amendments to Title 20, California Code of Regulations, section 2402.

It is so Ordered.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the California Energy Commission held on February 13, 2013.

AYE: Weisenmiller, Douglas, McAllister

NAY: None

ABSENT: None

ABSTAIN: None



Harriet Kallemeyn

Secretariat

California Energy Commission