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§ 2401. General Provisions.

The Political Reform Act, (Government Code Sections 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 Cal. Code of Regs. Sect. 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 Cal. 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 State Energy Resources Conservation and Development Commission (Energy Commission).

Individuals holding designated positions shall file their statements of economic interests with the Energy Commission, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statement for the Executive Director, the Energy Commission will make and retain a copy and forward the original statement to the Fair Political Practices Commission. The Energy Commission shall forward copies of statements for appointed members of the Energy Commission to the Fair Political Practices Commission. All other statements will be retained by the Energy Commission.

Note: Authority cited: Sections 81008, 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

HISTORY

1. New article 1 (sections 2401-2424 and Appendix A) filed 4-29-77; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 3-17-77 (Register 77, No. 18).
2. Repealer of article 1 (sections 2401-2424 and Appendix A) and new article 1 (sections 2401-2402) filed 3-6-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 5-12-80 (Register 81, No. 10).
3. Amendment of section filed 2-27-92; operative 3-30-92. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 1-17-92 (Register 92, No. 49).
4. Amendment of article heading and section filed 7-8-2010; operative 8-7-2010. Approved by Fair Political Practices Commission 5-3-2010 (Register 2010, No. 28).

5. Amendment of section and Note filed 1-28-2014; operative 2-27-2014 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by Fair Political Practices Commission 12-27-2013 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2014, No. 5).

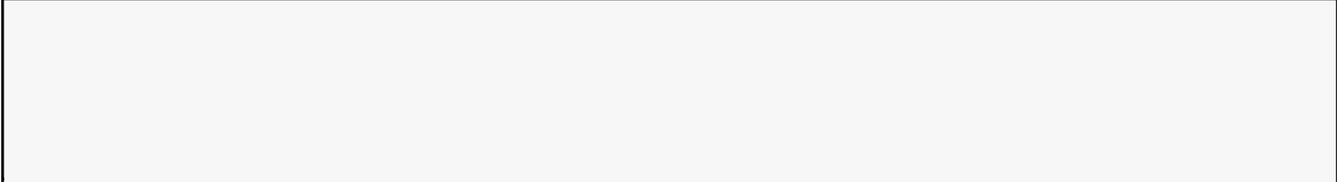
6. Amendment of final paragraph filed 4-6-2016; operative 5-6-2016 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by the Fair Political Practices Commission 2-29-2016 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2016, No. 15).

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§ 2402. Appendix.

Assigned

Disclosure

Categories

(a) Designated Positions

ALL OFFICES AND DIVISIONS

CEA Positions (All ~~L~~levels)

1

Exempt Positions

~~*~~

Special Consultant

1

Interjurisdictional Exchange (any office or division)

1

COMMISSIONERS' OFFICES

Advisor to a Commissioner (All Classifications)

1

OFFICE OF EXECUTIVE DIRECTOR

~~Deputy Executive Director for Strategic Planning and Media~~

~~1~~

Information Officer II (Supervisory) (Media)

1

Information Officer I (Specialist) (Media)

7,9

~~Staff Management Auditor~~

~~10~~

Graphic Designer (Media)

9

Staff Management Auditor

10

Energy Commission Specialist III (IEPR)

1

Energy Commission Specialist II (IEPR)

2,7,9

Energy Commission Specialist I (IEPR)

2,7

<u>Energy Commission Specialist (All levels) (Compliance and Enforcement)</u>	<u>2,4,7</u>
<u>Associate Energy Specialist (Compliance and Enforcement)</u>	<u>4,7</u>
Research Specialist III (Economics)	1
Environmental Scientist (Nuclear)	4,5
Training Officer II	2
 OFFICE OF CHIEF COUNSEL	
Chief Counsel	1
Assistant Chief Counsel	1
Attorney (All levels)	1
Hearing Adviser (All levels)	1
 OFFICE OF THE PUBLIC ADVISER	
Public Adviser	1
Associate Public Adviser	1
 ADMINISTRATIVE AND FINANCIAL MANAGEMENT SERVICES DIVISION	
<u>PERSONNEL SERVICES OFFICE HUMAN RESOURCES AND SUPPORT SERVICES BRANCH</u>	 2
Staff Services Manager III	2
<u>BUSINESS MANAGEMENT SERVICES OFFICE</u>	
Business Services Assistant	2
Business Services Officer (All levels)	2
 SELECTION AND EEO OFFICE	
Staff Services Manager II (Supervisor)	2
 INFORMATION TECHNOLOGY SERVICES BRANCH	
Information Systems Analyst (Assistant, Associate, Staff, and Senior)	3
Data Processing Manager (All levels)	3
Programmer Analyst (All levels)	3
System Software Specialist (All levels)	3

BUDGET, CONTRACTS, GRANTS, AND LOANS

Staff Services Manager II-Contracts, Grants, and Loans	1
Staff Services Manager II-Budget	2,7
Associate Governmental Program Analyst	2,7
Staff Services Analyst	2,7

EFFICIENCY DIVISION

Energy Resources Specialist III (Managerial)	2,4,7
Electric Generation Systems Program Specialist III	2,4,7
Energy Commission Supervisor II	2,4,7
Energy Commission Specialist (All levels)	2,4,7
Associate Energy Specialist	4,7
Mechanical Engineer (All levels)	4,7
Electrical Engineer (All levels)	4,7
Civil Engineer (All levels)	4,7

RENEWABLE ENERGY DIVISION

Energy Resources Specialist III (Managerial)	2,4,7
<u>Energy Resources Specialist III (Supervisory)</u>	<u>2,4,7</u>
Energy Commission Supervisor II	2,4,7
<u>Energy Generation Systems Specialist (All levels)</u>	<u>2,4,7</u>
Energy Commission Specialist (All levels)	2,4,7
Associate Energy Specialist	4,7
Mechanical Engineer (All levels)	4,7
Engineering Geologist	2,4,7

SITING, TRANSMISSION, AND ENVIRONMENTAL

PROTECTION DIVISION

Energy Resources Specialist III (Managerial)	1
Energy Resources Specialist III (Supervisory)	5,6,7,8
Planner - Energy Facilities Siting (All levels)	5,6,7,8

Electric Transmission Systems Program Specialist (All levels)	5,6,8
<u>Electric Generation Systems Program Specialist (All levels)</u>	<u>5,6,8</u>
Energy Commission Specialist (All levels)	5,6,8
Staff Toxicologist	5,6,8
Electrical Engineer (All levels)	5,6,8
Mechanical Engineer (All levels)	5,6,8
Engineering Geologist (All levels)	5,6,8
Civil Engineer (All levels)	5,6,8
Air Resources Supervisor I	5,6
Air Resources Engineer	5,6

ENERGY RESEARCH AND DEVELOPMENT DIVISION

Energy Resources Specialist III (Managerial)	1
Energy Commission Supervisor II	5,6,7,9
Energy Commission Specialist (All levels)	5,6,7,9
Associate Automotive Equipment Standards Engineer	5,6,7
Electric Generation System Specialist (All levels)	5,6,7
Associate Energy Specialist	5,6,7
Associate Geologist	5,6,7
Mechanical Engineer (All levels)	5,6,7
Electrical Engineer (All levels)	5,6,7
Electric Generation Systems Program Specialist I	5,6,7

FUELS AND TRANSPORTATION DIVISION

Energy Resources Specialist III (Managerial)	2,6,7
Energy Commission Supervisor II	6,7
Air Pollution Specialist	6,7
Energy Commission Specialist (All levels)	6,7
Automotive Equipment Standards Engineer (All L levels)	6,7
Associate Energy Specialist	6,7
Air Resources Engineer	6,7

ENERGY ASSESSMENTS DIVISION

Energy Resources Specialist III (Managerial)	2,5,6
Energy Commission Specialist (All levels)	5,6
Energy Commission Supervisor II	5,6
Electric Generation System Specialist (All levels)	5,6
Mechanical Engineer (All levels)	5,6
Electric Generation System Program Specialist (All levels)	5,6
Electric Transmission System Program Specialist (All levels)	5,6
Electrical Engineer (All levels)	5,6
Engineering Geologist	5,6
Research Specialist III & IV	5,6
Associate Automotive Equipment Standards Engineer	5,6

CONSULTANTS/NEW POSITIONS

Consultants/New Positions	<u>**</u>
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* Exempt Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code (Category 1), subject to the following limitation: The Executive Director may determine in writing that a particular exempt 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 exempt position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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't Code § 81008.)

** Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code (Category 1), subject to the following limitation: The Executive Director 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 Director'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't Code § 81008.)

Officials Covered By Government Code Section 87200

The following positions are not covered by the conflict-of-interest code because they must file a statement of economic interests under Government Code Section 87200 and therefore, are listed for informational purposes only:

Commissioner, State Energy Resources Conservation and Development Commission

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair

Political Practices Commission makes the final determination whether a position is covered by Section 87200.

(b) Disclosure Categories

For purposes of the following categories, “business entity” means any organization or enterprise operated for profit, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. “Business position” refers to status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity.

Category 1

Designated positions assigned to this category must report all interest in real property, sources of income, including receipt of gifts, loans, and travel payments, and investments and business positions in business entities.

Category 2

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in, business entities that provide services (including training or consulting services), supplies, materials, machinery, or equipment of the type purchased, leased, or obtained by contract by the Energy Commission for use by the Energy Commission, its members, employees, or consultants.

Category 3

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in, business entities that manufacture, sell, distribute, or otherwise provide computers, computer hardware, computer software, computer services, computer models, or computer-related supplies, materials, machinery, or equipment of the type utilized by the Energy Commission.

Category 4

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in, business entities engaged in the design, manufacture, sale, distribution, assessment, calibration, evaluation, or testing of any appliance, equipment, product, program, service, or structure required to be approved by or to meet standards set by the Energy Commission.

Category 5

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in,

- business entities that engage in the design, development, construction, sale, application for certification, acquisition of facilities that generate electricity, including, wind, solar, geothermal, hydroelectric, ocean, garbage, and biomass; and
- sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the Energy Commission.

Category 6

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in,

- business entities that are energy or environmental consultants, research firms, or engineering firms,

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• business entities that design, build, manufacture, sell, distribute, or service equipment of the type that is utilized by electric power suppliers, including, wind, solar, geothermal, hydroelectric, ocean, garbage, and biomass, or

- any energy-producing entity that is a party to an Energy Commission proceeding; and
- sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the Energy Commission.

Category 7

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in, business entities of the type that have applied for or received any loan or grant from the Energy Commission.

Category 8

Designated positions assigned to this category must report all interests in real property located within the State of California that is zoned or used primarily for industrial or commercial purposes.

Category 9

Designated positions assigned to this category must report income, including receipt of gifts, loans, and travel payments, from, and investments and business positions in, business entities of the type that have contracted with the Energy Commission to provide services related to the design, editing, production, drafting, artwork, printing, publication, or distribution of an Energy Commission document.

Category 10

Designated positions assigned to this category must report whether, during the reporting period, he/she had a financial interest in any of his/her assignments. If he/she had no such interest, they shall file Fair Political Practices Commission Form 700-A. Otherwise, they shall disclose their pertinent financial interest on the schedules for Fair Political Practices Commission Form 700.

Note: Authority cited: Sections 87300 and 87306, Government Code. Reference: Sections 87200 and 87302, Government Code.

HISTORY

1. Amendment filed 2-27-92; operative 3-30-92. Submitted to OAL for printing only. Approved by Fair Political Practices Commission 1-17-92 (Register 92, No. 49).
2. Amendment of subsection (a) filed 5-30-96; operative 6-29-96. Approved by Fair Political Practices Commission 3-29-96 (Register 96, No. 22).
3. Amendment filed 6-2-2004; operative 7-2-2004. Approved by Fair Political Practices Commission 3-24-2004 (Register 2004, No. 23).
4. Amendment filed 7-8-2010; operative 8-7-2010. Approved by Fair Political Practices Commission 5-3-2010 (Register 2010, No. 28).
5. Amendment filed 1-28-2014; operative 2-27-2014 pursuant to Cal. Code Regs., tit. 2, section 18750(I). Approved by Fair Political Practices Commission 12-27-2013 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit.

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2, section 18750(k) (Register 2014, No. 5).

6. Amendment of subsections (a) and (b) filed 4-6-2016; operative 5-6-2016 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by the Fair Political Practices Commission 2-29-2016 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2016, No. 15).

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