

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO REGULATIONS REGARDING THE CONFLICT OF INTEREST CODE OF THE AIR RESOURCES BOARD

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of amendments to regulations regarding identification of designated employees and disclosure categories in the Board's Conflict of Interest Code.

DATE: September 28, 2000

TIME: 9:00 a.m.

PLACE: California Air Resources Board
Hearing Room
2020 L Street, Lower Level
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 28, 2000, and may continue at 8:30 a.m., September 29, 2000. This item may not be considered until September 29, 2000. Please consult the agenda for the meeting, which will be available at least 10 days before September 28, 2000, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by September 14, 2000, at (916) 322-5594, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls outside the Sacramento area, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Sections 95001, 95002, and 95005, title 17, California Code of Regulations (CCR).

Pursuant to the Political Reform Act of 1974 (Government Code section 81000 et seq.), the Board has adopted a Conflict of Interest Code. The Code designates the Board and staff positions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on financial interests. The Code also establishes disclosure categories that specify the kinds of financial interests that must be reported by the various designated employees. The staff is proposing amendments to the Code pursuant to Government Code

section 87306 to update the disclosure categories to reflect new positions, deletion of old positions, and reorganization of the Executive Office and Planning and Technical Support Division.

Section 95001 of title 17, CCR, lists those Board employees who are deemed "professional employees" for the purpose of disclosure required under these regulations. The proposed amendments would add eight positions: Analysts, Field Representatives, Managers, Officers, Programmers, Specialists, Supervisors, and Writers. The proposed amendments would delete seventeen positions: Air Pollution Research Specialists, Air Pollution Specialists, Air Resources Field Representatives, Auto Emissions Test Supervisors, Data Processing Analyst, Data Processing Managers, Economists, Government Program Analysts, Information Officers, Information Systems Analysts, Information Systems Managers, Management Analyst, Research Analysts, Staff Analysts, Staff Services Managers, Telecommunication Systems Analyst, and Vehicle Pollution Advisors.

Sections 95002 - 95006 of title 17, CCR, specify five categories of disclosure requirements. The proposed amendments to section 95002, title 17, CCR, include the additions to the Executive Office for the newly created positions of Chief Deputy Executive Officer, manager, specialists, special assistants, Contracts Analysts, Business Services Officer Supervisor, and Business Management Analysts. The sole proposed amendment to section 95005 of title 17, CCR reflects the renaming and the reorganization of the Planning and Technical Support Division in November 1998. Staff also proposes minor, grammatical and clarifying changes to these regulations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. The Staff Report and the full text of the proposed amendments in underline and strikeout format may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record that includes all information upon which the proposal is based. This material is available for inspection upon request to the agency contact person identified immediately below.

Further inquiries regarding this matter should be directed to Dr. Ash Lashgari, at (916) 323-1506, klashgar@arb.ca.gov (email), or 2020 L Street, 4th Floor, Sacramento, CA 95814.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other non-discretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.3, on private persons or businesses directly affected resulting from the proposed action. The Executive Officer has determined that no alternative considered by the agency would be more effective in carrying out the purpose of this regulation or would be as effective and less burdensome to affected private persons than the proposed amendment.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, September 27, 2000, or received by the Clerk of the Board at the hearing. To be considered by the ARB, e-mail submissions must be addressed to conflict@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, September 27, 2000.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in sections 39600 and 39601 of the Health and Safety Code, and sections 87300 and 87306 of the Government Code. The regulatory amendments are proposed to implement, interpret, or make specific sections 82019, 87300, 87301, 87302, and 87500 of the Government Code, and section 18730 of title 2, California Code of Regulations.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: July 18, 2000