

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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March 16, 2007

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**Amendment of Conflict of Interest Code
Section 9100, Title 9, California Code of Regulations****CONFLICT OF INTEREST CODE****Notice of Rulemaking and Public Comment Period**

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs (ADP) proposes to amend its employee conflict of interest code, Section 9100, Title 9, California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

This regulatory action will only affect ADP employees. The Political Reform Act (Section 81000 et seq. of the Government Code) requires each state and local government agency to adopt and promulgate a conflict of interest code, identifying those classifications of ADP employees required to complete a statement of economic interest. ADP's conflict of interest code is contained in Section 9100, Title 9 of the California Code of Regulations (CCR).

ADP is updating its conflict of interest code by adding new classifications which make independent decisions or enter into independent negotiations.

AUTHORITY:

This regulation is being adopted pursuant to Sections 87300 and 87306 of the Government Code, and Section 11755 of the Health and Safety Code.

REFERENCE:

The statutory references for this regulatory action are Sections 87300 through 87302 and 87306 of the Government Code.



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<http://www.flexyourpower.ca.gov>

FISCAL IMPACT STATEMENTS:

ADP does not anticipate any cost associated with this regulatory change.

Costs or Savings in Federal Funding to the State: No costs or savings are anticipated.

Costs or Savings to Any State Agency: No costs or savings are anticipated.

Costs or Savings to Any Local Agency or School District: No costs or savings are anticipated.

Nondiscretionary Costs or Savings Imposed on Local Agencies: This regulatory action will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination: ADP has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Cost Impacts on Representative Private Persons or Businesses: ADP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Business: ADP does not anticipate any adverse economic impact on business because this regulatory change affects only ADP employees.

ADP has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses. This regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Effect on Small Businesses: The proposed regulatory action will not affect small businesses. ADP has determined that this regulatory action will result in no cost or savings to small businesses because the regulatory action affects only ADP employees.

Effect on Housing Costs: This regulatory action will not affect housing costs in any way.

WRITTEN COMMENT PERIOD:

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on April 30, 2007.** Please submit any written comments before that time, as comments cannot be accepted after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug

Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (915) 323-5873 or e-mail at MCONWAY@ADP.STATE.CA.US.

SCOPE OF TESTIMONY:

Section 11346.8(c) of the Government Code prohibits state agencies from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since ADP cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period ADP will not consider testimony regarding changes which are outside the scope of this notice.

If you wish to request ADP to amend, adopt, or repeal additional sections of regulation, ADP is required to consider those changes in a separate regulatory action.

PUBLIC HEARING:

ADP has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, ADP will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES:

Pursuant to Section 11346.5(a)(13) of the Government Code, ADP must determine that no reasonable alternative considered by ADP or that has otherwise been identified and brought to the attention of ADP would be more effective in carrying out the purpose for which this regulatory action was taken. ADP must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. ADP will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES:

ADP may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. ADP will make available to any interested persons, for at least 15 days prior to the date on which ADP adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. ADP will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please call ADP's regulations coordinator at (916) 327-4742 if you

wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS:

ADP has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an explanation for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on ADP's web site at <http://www.adp.ca.gov> .

PERSON TO CONTACT FOR ADDITIONAL INFORMATION:

ADP's contact for this regulation package is Mary Conway, the Department's Regulations Coordinator, at (916) 327-4742. Kathy Booth at (916) 324-2197 is the back up contact.

FINAL STATEMENT OF REASONS:

After the close of the 45-day public comment period, ADP will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on ADP's web site at <http://www.adp.ca.gov>.