

Assembly Bill No. 573

CHAPTER 117

An act to add Section 8924.5 to the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 573, Portantino. California Council on Science and Technology: fellows.

Existing law, commonly known as the code of ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would clarify that the services of a California Science and Technology Policy Fellow provided by the California Council on Science and Technology and duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules are not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called code of ethics. The bill would also provide that such a fellow is not an employee of either house of the Legislature for purposes of the code of ethics. In addition, the bill would require that a fellow be selected according to criteria, and pursuant to a process, approved by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules. The bill would further require the council to execute an agreement for a fellow to be bound to abide by standards of conduct, economic interest disclosure requisites, and other requirements specified by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 1988, the Legislature adopted Assembly Concurrent Resolution No. 162 (Resolution Chapter 148 of the Statutes of 1988) in which the Legislature requested the President of the University of California, in collaboration with the presidents of the University of Southern California,

the California Institute of Technology, and Stanford University and the Chancellor of the California State University, to establish, within one year, the California Council on Science and Technology for the purpose of reporting to the presidents and the chancellor and responding appropriately to the Governor, the Legislature, and other relevant entities on public policy issues significantly related to science and technology.

(b) In response, the council was organized as a nonprofit corporation pursuant to Section 501(c)(3) of the Internal Revenue Code and has operated for 20 years providing expert, unbiased advice to various agencies of state government in connection with science and technology policy issues.

(c) The council proposes to fund and administer, at no cost to the state, the California Science and Technology Policy Fellowships in which, commencing in 2009, the council would place Ph.D.-level, or equivalent, scientists, engineers, and other experts in legislative offices for the purpose of providing Members, committees, and legislative staff with unbiased advice in connection with science and technology-related legislation.

(d) The California Science and Technology Policy Fellowships would be modeled after, and adapted for California from, the 35-year-old Science and Technology Policy Fellowships Program administered for the benefit of the United States Congress by the American Association for the Advancement of Science, an international nonprofit organization dedicated to advancing science around the world for societal benefit.

(e) The California Science and Technology Policy Fellowships would be the first professional development program in the nation that places Ph.D.-level, or equivalent, science and technology experts in state legislative offices through a formal fellowship program.

(f) According to findings of the National Academy of Sciences in its 2008 publication “State Science and Technology Policy Advice,” the United States is entering a new era of scientific and technological development in which state governments will assume a greater role in establishing science and technology policy than in the past.

(g) Given that California’s legislators must address multifaceted policy issues with increasingly complex and interrelated components based on science and technology, including, but not limited to, biotechnology, nanotechnology, energy, water, transportation, and health care, it is vitally important that the Members receive the benefit of unbiased advice from science and technology experts so that the Legislature may make informed decisions on those issues.

(h) It is the narrow intent of the Legislature in enacting this act to clarify that a Member of the Legislature, in receiving the benefit of the services of a California Science and Technology Policy Fellow provided by the council under this professional development program, is not receiving compensation, a reward, or a gift for purposes of the code of ethics contained in Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code; and it is the further narrow intent of the Legislature to provide that a California Science and Technology Policy Fellow provided by the council is not an employee of either house of the

Legislature for purposes of that code of ethics but will be subject to standards of conduct specified by the Legislature.

SEC. 2. Section 8924.5 is added to the Government Code, to read:

8924.5. (a) The Legislature finds and declares that the California Council on Science and Technology was organized as a nonprofit corporation pursuant to Section 501(c)(3) of the Internal Revenue Code in response to Assembly Concurrent Resolution No. 162 (Resolution Chapter 148 of the Statutes of 1988). The council was uniquely established at the request of the Legislature for the specific purpose of offering expert advice to state government on public policy issues significantly related to science and technology. The establishment of the California Science and Technology Policy Fellowships as a professional development program is consistent with the Legislature's intent in requesting the creation of the council and is expressly designed to fulfill the council's mission of assisting state policymakers as they face increasingly complex decisions related to science and technology challenges confronting the state in the 21st century.

(b) The services of a California Science and Technology Policy Fellow provided by the California Council on Science and Technology and duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules are not compensation, a reward, or a gift to a Member of the Legislature for purposes of paragraph (4) of subdivision (b) of Section 8920.

(c) A California Science and Technology Policy Fellow provided by the California Council on Science and Technology and duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules is not an employee of either house of the Legislature for purposes of this article.

(d) For purposes of this section, a California Science and Technology Policy Fellow is "duly authorized by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules" only if both of the following requirements are satisfied:

(1) The California Science and Technology Policy Fellow has been selected according to criteria, and pursuant to a process, approved by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

(2) The California Council on Science and Technology has executed an agreement with the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules whereby the California Science and Technology Policy Fellow is bound to abide by standards of conduct, economic interest disclosure requisites, and other requirements specified by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Legislature to begin receiving the benefit of the expert advice of California Science and Technology Policy Fellows provided by the California Council on Science and Technology as soon as possible so that the Legislature may make informed decisions on the various urgent science and technology issues confronting the state, it is necessary that this act take effect immediately.