

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1757

Introduced by Assembly Member Waldron

February 14, 2014

An act to amend Section ~~8751~~ 87200 of the Government Code, relating to ~~state government~~: *the Political Reform Act of 1974*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, as amended, Waldron. ~~Arts Council~~. *California Film Commission: conflicts of interest: disqualification.*

Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local levels of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would add members of the California Film Commission to those specified officers who must publicly identify a financial interest

giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by exposing these members to potential criminal penalties for failing to make the disclosures and recuse themselves where required by this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~Existing law establishes the Arts Council composed of 11 members, with the Speaker of the Assembly and the Senate Committee on Rules each appointing one member and the Governor appointing 9 members who are subject to confirmation by the Senate.~~

~~This bill would make technical, nonsubstantive changes to this law.~~

~~Vote: majority ²/₃. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.~~

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

- 1 SECTION 1. Section 87200 of the Government Code is
- 2 amended to read:
- 3 87200. This article is applicable to elected state officers, judges
- 4 and commissioners of courts of the judicial branch of government,
- 5 members of the Public Utilities Commission, members of the State
- 6 Energy Resources Conservation and Development Commission,
- 7 members of the Fair Political Practices Commission, members of
- 8 the California Coastal Commission, members of the High-Speed
- 9 Rail Authority, *members of the California Film Commission,*
- 10 members of planning commissions, members of the board of
- 11 supervisors, district attorneys, county counsels, county treasurers,
- 12 and chief administrative officers of counties, mayors, city

1 managers, city attorneys, city treasurers, chief administrative
2 officers and members of city councils of cities, and other public
3 officials who manage public investments, and to candidates for
4 any of these offices at any election.

5 *SEC. 2. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

14 *SEC. 3. The Legislature finds and declares that this bill furthers*
15 *the purposes of the Political Reform Act of 1974 within the meaning*
16 *of subdivision (a) of Section 81012 of the Government Code.*

17 ~~SECTION 1. Section 8751 of the Government Code is amended~~
18 ~~to read:~~

19 ~~8751. (a) There is in the state government an Arts Council~~
20 ~~that shall be composed of 11 members. On or before January 10,~~
21 ~~1979, the Speaker of the Assembly and the Senate Committee on~~
22 ~~Rules shall each appoint one member to represent the general~~
23 ~~public. Prior to appointing the remaining nine members, the~~
24 ~~Governor shall request and consider recommendations from~~
25 ~~organizations representing the arts community and when making~~
26 ~~his or her appointments shall give consideration to the various arts~~
27 ~~disciplines and ethnic and geographic parts of the state. All~~
28 ~~appointments made to the council by the Governor shall be subject~~
29 ~~to confirmation by the Senate.~~

30 ~~(b) Five of the 11 members shall hold office for four years, four~~
31 ~~shall hold office for three years, and two shall hold office for two~~
32 ~~years. Terms of office shall be determined by lot at the first meeting~~
33 ~~of the council after January 1, 1979.~~

34 ~~(c) This section shall not prevent the reappointment or~~
35 ~~replacement of any individual presently serving on the existing~~
36 ~~Arts Council unless that person has already served for more than~~
37 ~~four consecutive years as a member of the California Arts Council~~
38 ~~or Arts Commission.~~

39 ~~(d) In January of each year, the members of the council shall~~
40 ~~select a chairperson. Members of the council shall receive one~~

- 1 ~~hundred dollars (\$100) per meeting and shall be reimbursed for~~
- 2 ~~necessary traveling and other expenses incurred in the performance~~
- 3 ~~of official duties.~~

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