

AMENDED IN SENATE JULY 24, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1769

Introduced by Assembly Member McPherson

February 24, 1995

An act to amend Section 82011 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1769, as amended, McPherson. Political Reform Act of 1974: code reviewing body.

Existing provisions of the Political Reform Act of 1974 require various state and local agencies to adopt a conflict-of-interest code. Among other things, conflict-of-interest codes enumerate positions within the agency that involve the making of decisions that may have a material financial effect on a financial interest held by the person or persons in that position, require employees in specified positions in the agency to file statements of economic interests, and set forth the circumstances under which employees in these positions must disqualify themselves from participating in certain agency decisions. Upon adoption of a conflict of interest code, an agency must submit the code to a code reviewing body. The code reviewing body has final authority for approval of the code.

Existing

Existing provisions of the Political Reform Act of 1974 provide that the Supreme Court *or its designee is the code*

reviewing body for the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California, and that the Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts are the code reviewing body for any administrative agencies within that court's supervision.

This bill would specify that the Chief Justice or his or her designee is the code reviewing body for the Judicial Council, Commission on Judicial Performance, and Board of Governors of the State Bar of California.

This bill would further specify that the ~~presiding judge or his or her designee in each of these courts is the Chief Justice, the administrative presiding judges of the courts of appeal, and the presiding judges of superior and municipal courts, or their designees, are the respective code reviewing body~~ bodies for the agencies under ~~that court's~~ those courts' supervision.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the 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 with a $\frac{2}{3}$ vote of each house and compliance with the specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Section 82011 of the Government Code
2 is amended to read:

3 82011. “Code reviewing body” means all of the
4 following:

5 (a) The commission, with respect to the
6 conflict-of-interest code of a state agency other than an
7 agency in the judicial branch of government, or any local
8 government agency with jurisdiction in more than one
9 county.

10 (b) The board of supervisors, with respect to the
11 conflict-of-interest code of any county agency other than
12 the board of supervisors, or any agency of the judicial
13 branch of government, and of any local government
14 agency, other than a city agency, with jurisdiction wholly
15 within the county.

16 (c) The city council, with respect to the
17 conflict-of-interest code of any city agency other than the
18 city council.

19 (d) The Attorney General, with respect to the
20 conflict-of-interest code of the commission.

21 (e) ~~The Supreme Court or its Chief Justice or his or her~~
22 *designee*, with respect to the conflict-of-interest code of
23 the members of the Judicial Council, Commission on
24 Judicial Performance, and Board of Governors of the
25 State Bar of California.

26 (f) The Board of Governors of the State Bar of
27 California with respect to the conflict-of-interest code of
28 the State Bar of California.

29 ~~(g) The presiding judge or his or her designee of the~~
30 ~~following courts: the Supreme Court, the court of appeal,~~
31 ~~the superior court, the municipal court, or the justice~~
32 ~~court~~ *The Chief Justice of California, the administrative*
33 *presiding judges of the courts of appeal, and the presiding*
34 *judges of superior and municipal courts, or their*
35 *designees*, with respect to the conflict-of-interest code of
36 any agency of the judicial branch of government subject
37 to the immediate administrative supervision of that court.



1 (h) The Judicial Council of California, with respect to
2 the conflict-of-interest code of any state agency within
3 the judicial branch of government not included under
4 subdivisions (e), (f), and (g).

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

15 Notwithstanding Section 17580 of the Government
16 Code, unless otherwise specified, the provisions of this act
17 shall become operative on the same date that the act
18 takes effect pursuant to the California Constitution.

19 SEC. 3. The Legislature finds and declares that the
20 provisions of this act further the purpose of the Political
21 Reform Act of 1974 within the meaning of subdivision (a)
22 of Section 81012 of the Government Code.

