

# State of California

A-76-286



# Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

October 12, 1976

Hon. Leo T. McCarthy  
Speaker, California Assembly  
State Capitol, Room 3164  
Sacramento, California 95814

Re: Conflict of Interest Code  
for Assembly Staff

Dear Assemblyman McCarthy:

In early April of this year, we discussed the applicability of the Political Reform Act, which requires adoption of a Conflict of Interest Code by all state agencies, to the California Legislature. At that time, the propriety of the Act requiring submission of the legislative Codes to the Commission for review and approval was raised. You urged the Commission to seek an Attorney General's opinion on the constitutional issue raised. We agreed to do so.

To allow time for receipt and review of the opinion, and without prejudice to the merits of any issue raised by the Legislature, the Commission extended the deadline for submission of a Conflict of Interest Code by the Legislature. In the meanwhile, Senate Concurrent Resolution 106, which embodies a Conflict of Interest Code for officers and employees of the Legislature, was introduced and passed by the Legislature. This Code substantially complies with the requirements of the Act, and legislative staff, identified as "designated employees", are now filing disclosure statements pursuant to the provisions of the Resolution.

On September 17, 1976, the Attorney General issued Opinion No. CV 76/105 (copy attached) concluding that:

1. The Legislature is an "agency" within the meaning of Government Code section 87300 and must adopt a Conflict of Interest Code.
2. However, the Legislature is not required to submit its Conflict of Interest Code to the Fair Political Practices Commission for approval pursuant to Government Code section 87303.

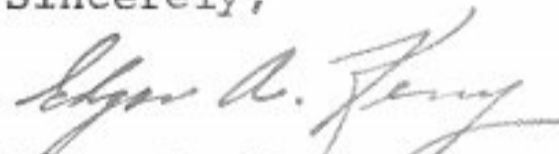
Hon. Leo T. McCarthy  
October 12, 1976

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In light of the above circumstances, the Commission is deleting the California Senate and Assembly from its list of state agencies required to submit Conflict of Interest Codes to the Commission for review and approval. To insure that your staff has the latest Commission regulations, policy statements, and other materials relating to Conflict of Interest Code development, however, we have provided Fred Taugher with the attached informational pamphlet on Conflict of Interest Codes, along with a copy of the above-referenced Attorney General's Opinion.

If we can be of further assistance to you or your staff on matters involving conflicts of interest, please feel free to contact us.

Sincerely,



Edgar A. Kerry  
Staff Attorney  
Conflicts of Interest  
Division

EAK:glb  
Enclosures

cc: Fred Taugher  
Consultant  
Assembly Rules Committee

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

October 12, 1976

10286

Mr. John Williams  
Auditor General  
925 L Street  
Suite 750  
Sacramento, California 95814

Re: Conflict of Interest Code  
for Office of Auditor General

Dear Mr. Williams:

In early April of this year, we discussed, with the Speaker of the Assembly and the President Pro Tem of the Senate, the applicability of the Political Reform Act, which requires adoption of a Conflict of Interest Code by all state agencies, to the California Senate and Assembly. At that time, the propriety of the Act requiring submission of the legislative Codes to the Commission for review and approval was raised. We agreed to seek an Attorney General's opinion on the constitutional issue raised.

In the meanwhile, Senate Concurrent Resolution 106, which embodies a Conflict of Interest Code for officers and employees of the Legislature, including the Office of the Auditor General, was introduced and passed by the Legislature. This Code substantially complies with the requirements of the Act, and legislative staff, including staff of the Auditor General, identified as "designated employees", are now filing disclosure statements pursuant to the provisions of this Resolution.

On July 15, 1976, the Legislative Counsel of California, in an opinion requested by Assemblyman Mike Cullen, Chairman of the Joint Legislative Audit Committee of the Legislature, stated that the Office of the Auditor General need not submit a Conflict of Interest Code to the Fair Political Practices Commission. The Opinion stated that:

The Office of the Auditor General is under the control of the Joint Legislative Audit Committee (Section 1050 et seq.), and the Auditor General and his staff are employees of the Committee (Section 10504). The office is supported from the Contingent

Mr. John Williams  
October 12, 1976

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Funds of the Assembly and Senate in the same manner as other Joint Committees of the Legislature (Section 10504). Thus, any discussion of the Legislature's duty to submit a Conflict of Interest Code is equally applicable to the Office of the Auditor General.

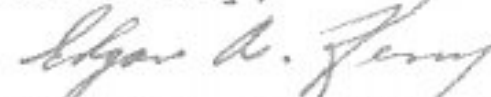
On September 17, 1976, the Attorney General issued Opinion No. CV 76/105 (copy attached) concluding that:

1. The Legislature is an "agency" within the meaning of Government Code section 87300 and must adopt a Conflict of Interest Code.
2. However, the Legislature is not required to submit its Conflict of Interest Code to the Fair Political Practices Commission for approval pursuant to Government Code section 87303.

In light of the above circumstances, the Commission is deleting the California Senate and Assembly and the Office of the Auditor General from its list of state agencies required to submit Conflict of Interest Codes to the Commission for review and approval. To insure that your staff has the latest Commission regulations, policy statements and other materials relating to Conflict of Interest Code development, however, we enclose an informational packet on Conflict of Interest Codes, along with a copy of the above-referenced Attorney General's Opinion.

If we can be of further assistance to you or your staff on matters involving conflicts of interest, please feel free to contact us.

Sincerely,



Edgar A. Kerry  
Staff Attorney  
Conflicts of Interest  
Division

EAK:glb  
Enclosure

cc: Hon. Mike Cullen  
Chairman, Joint Legislative  
Audit Committee of the Legislature

# State of California



# Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

October 12, 1976

Hon. James R. Mills  
Chairman, Rules Committee  
California State Senate  
State Capitol, Room 5100  
Sacramento, California 95814

Re: Conflict of Interest  
Code for Senate Staff

Dear Senator Mills:

In early April of this year, we discussed the applicability of the Political Reform Act, which requires adoption of a Conflict of Interest Code by all state agencies, to the Legislature. At that time the propriety of the Act requiring submission of the legislative Codes to the Commission for review and approval was raised. For further guidance in this matter, the Commission agreed to seek an Attorney General's opinion on the constitutional issue raised.

To allow time for receipt and review of the opinion and without prejudice to any issue raised by the Legislature, the Commission extended the deadline for submission of a Conflict of Interest Code by the Legislature. In the meantime, Senate Concurrent Resolution 106, which embodies a Conflict of Interest Code for officers and employees of the Legislature, was introduced and passed by the Legislature. This Code substantially complies with the requirements of the Act, and legislative staff, identified as "designated employees", are now filing disclosure statements pursuant to the provisions of the Resolution.

On September 17, 1976, the Attorney General issued Opinion No. CV 76/105 (copy attached) concluding that:

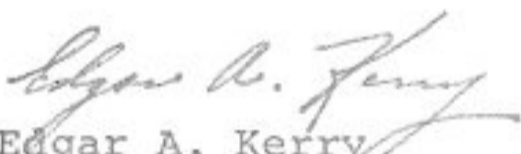
1. The Legislature is an "agency" within the meaning of Government Code section 87300 and must adopt a Conflict of Interest Code.

2. However, the Legislature is not required to submit its Conflict of Interest Code to the Fair Political Practices Commission for approval pursuant to Government Code section 87303.

In light of the above circumstances, the Commission is deleting the California Senate and Assembly from its list of state agencies required to submit Conflict of Interest Codes to the Commission for review and approval. To insure that your staff has the latest Commission regulations, policy statements, and other materials relating to Conflict of Interest Code development, however, we have provided John Williamson with the attached informational packet on Conflict of Interest Codes, along with a copy of the above-referenced Attorney General's Opinion.

If we can be of further assistance to you or your staff on matters involving conflicts of interest, please feel free to contact us.

Sincerely,

  
Edgar A. Kerry  
Staff Attorney  
Conflicts of Interest  
Division

EAK:glb  
Enclosure

cc: John C. Williamson  
Executive Officer  
Senate Rules Committee