

# State of California



# Fair Political Practices Commission

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Technical Assistance/Administration ••• Executive/Legal ••• Enforcement ••• Conflict of Interest  
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October 14, 1977

77-10-132

Edwin L. Miller, Jr.  
District Attorney  
County Courthouse  
San Diego, California 92101

Dear Mr. Miller:

Thank you for your letter of September 23, 1977, in which you seek advice with respect to the following:

"Are payments of money from the United States Government for periodic active duty by reservists in the armed forces or retirement pay earned for past service included within the definition of "income" contained in Government Code Section 82030?"

Government Code Section 82030(a) defines "income" as "...income of any nature from any source..." Subsection (b) of this section excludes from the definition of "income":

"(2) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;..."

In the Moore Opinion, 3 FPFC Opinions 33 (attached), the Fair Political Practices Commission held that pursuant to Section 82030(b)(2), pensions from state or local government agencies are not income within the meaning of the Political Reform Act and therefore need not be reported nor be the subject of disqualification under the Act.

No such specific exclusion exists, however, for payments or pensions received from the federal government. Therefore, federal payments or pensions are reportable sources of income within Government Code Section 82030.

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The Commission believes that the reporting of income received from the Federal Government does not serve a useful purpose under the Act, particularly when the benefits of such disclosure are compared with the intrusion on the filer's privacy. Accordingly, for the past two years, the Commission has sought legislation exempting income received from the federal government from the income disclosure provisions of the Act. However, the Legislature has not enacted these bills and, therefore, income from the federal government continues to be reportable.

Even though income from the federal government must be reported by those persons filing statements pursuant to Section 87200, local conflict of interest codes may exempt designated employees from reporting such income if the designated employees in question will not make decisions which will foreseeably and materially affect the federal government. See Section 87302(b).

If you have any further questions on this or any other matter, please do not hesitate to call this office.

Sincerely,



Alfredo Flores  
Research Specialist I  
Conflicts of Interest Division

AF:jo

77132

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September 23, 1977

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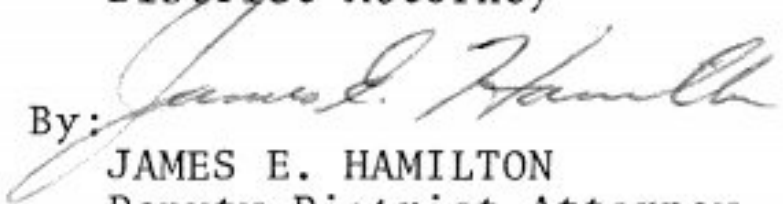
Ladies and Gentlemen:

We have been asked the following question by several officeholders and employees subject to the disclosure provisions of Chapter 7 of the Political Reform Act:

Are payments of money from the United States Government for periodic active duty by reservists in the armed forces or retirement pay earned for past service includable within the definition of "income" contained in Government Code section 82030?

Very truly yours,

EDWIN L. MILLER, JR.  
District Attorney

By:   
JAMES E. HAMILTON  
Deputy District Attorney

JEH:jmf