

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

August 20, 1996

George R. Boggs, Ph.D.
President/Superintendent
Palomar College
1140 West Mission Road
San Marcos, CA 92069-1487

Re: Your Request for Advice
Our File No. G-96-223

Dear Dr. Boggs:

This is in response to your letter dated July 12, 1996, regarding the Political Reform Act (the "Act")¹ and the Commission's regulations. Since your request does not directly pertain to your responsibilities under the Act, we are treating your request as one for general assistance.

ISSUE PRESENTED

What is the intent of the language contained in Subdivision 8 of Regulation 18730 which states in part: "This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official?"

DISCUSSION

Government Code Sections 89503 and 89505, Stats. of 1990, Ch. 84, set out prohibitions both on the receipt of honoraria and gifts of \$250 or more, applicable to members of state boards or commissions and all state agency designated employees. These sections further provide that each state agency must amend its conflict of interest code to include the prohibitions and limitations set forth in Sections 89503 and 89505.

¹ Government Code Sections 81000-91015. Commission regulations appear at Title 2, Sections 18000-18995 of the California Code of Regulations.

In 1991, the Commission amended Regulation 18730 which applies to all state agencies. The Commission included the language pertaining to gifts and honoraria verbatim from the statute. This amendment made it no longer necessary for state agencies to individually amend their conflict of interest code.

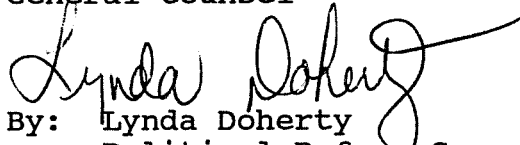
Government Code Sections 89503 and 89505 imposed specific prohibitions on the receipt of honoraria and gifts by state agency boards and commissions and on state agency designated employees. The provisions of Section 89503 and 89505 do not apply to any part-time member of the governing board of any public institution of higher education. We do not have specific information as to why the exception for "part-time members of the governing board of any public institution of higher education, unless the member is also an elected official" was included. We do know that it was a decision of the Legislature, not the Commission. I have attached a copy of the enrolled bill analysis for your information. As you can see, it does not provide any information regarding the intent of the language. You may be able to obtain additional information from the archives at the Secretary of State's Office or the author's bill file.

Effective January 1, 1996, Sections 89503 and 89505 were repealed. The language which you inquire about now exists in new Government Code Sections 89502 and 89503. (Stats. 1995, Ch. 690.)

I hope this information assists you. If you have any further questions, please feel free to contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Lynda Doherty
Political Reform Consultant
Legal Division