



FAIR POLITICAL PRACTICES COMMISSION

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January 26, 1999

Travis Pitts
Executive Director
California Building Standards Commission
1130 K Street, Suite 101
Sacramento, California 95814

**Re: Your Request for Advice
Our File No. G-98-307**

Dear Mr. Pitts:

This letter is in response to your request for advice regarding Sections 11146 - 11146.4.¹ The Commission can only provide advice regarding a person's duties under the Political Reform Act (the "Act").² (Section 83114.) Sections 11146 - 11146.4 are outside the Commission's jurisdiction. However, we have provided our interpretation of the relevant sections of the Act to assist you in determining your commissioner's duties pursuant to Sections 11146 - 11146.4.

QUESTION

Are the commissioners of the California Building Standards Commission required to receive mandatory ethics training pursuant to Sections 11146 - 11146.4?

CONCLUSION

Your commissioners are members of a state agency, as defined in the Act, and file statements of economic interests pursuant to the Act. Therefore, we interpret the ethics training requirements to apply to them, if the commissioners hold a position enumerated in Section 11146(b)(1).

¹ All references are to the Government Code.

² Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

FACTS

The California Building Standards Commission ("CBSC") is comprised of ten members, appointed by the Governor, subject to Senate confirmation and subject to filing requirements of the Act. The authority for these appointments is contained in Health and Safety Code, division 13, part 2.5, chapter 2, article 1, commencing with Section 18920.

Last year AB 2179 was passed by the Legislature and signed by the Governor. (Ch. 364 (1998).) AB 2179 added Sections 11146 -11146.4, which are outside of the jurisdiction of the Commission. This legislation requires all state agencies to conduct semi-annual orientation courses that certain state officials and employees must attend once every two years. The Commission, along with the Attorney General's Office and the Department of Personnel Administration, will be developing program content and materials.

ANALYSIS

Pursuant to Section 83114 of the Act, the Commission may provide written advice regarding any person's duties under the Act. The new mandatory ethics training program instituted by Sections 11146 - 11146.4 is not part of the Act. Therefore, we cannot provide you advice regarding your duties under the mandatory ethics training program.

The new legislation does cross reference certain definitions and provisions of the Act. For example, the new legislation's definition of a "state agency" incorporates the Act's definition of a "state agency."³ (Sections 11146 and 82049.) In addition, the new legislation's definition of "filer" includes persons required to file statements of economic interests under certain articles of the Act. (Section 11146(b).) Therefore, to the extent that we can apply the relevant sections of the Act to your commission and its members, we may be able to assist you in determining whether your members are subject to the new legislation.

Under the Act, a state agency includes the CBSC. In addition, you state that the CBSC members do file statements of economic interests pursuant to the Act. Therefore, at least one of the two requirements of the term "filer," as used in Section 11146(b), is met. The second requirement is that the person hold a position listed in Section 11146(b)(1). We conclude that your commissioners are subject to the ethics training requirements if they satisfy Section 11146(b)(1).

³ Under the Act, "state agency" means every state office, department, division, bureau, board and commission, and the Legislature. (Section 82049.) Government Code Section 11146 does not include the Legislature, however.

If you have any other questions regarding this matter, please contact me at
(916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel

A handwritten signature in black ink, appearing to read 'Marte Castaños', with a long horizontal flourish extending to the right.

By: Marte Castaños
Staff Counsel, Legal Division

SGC:MC:tls