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**AB-2396 Public contracting: conflicts of interest: exemption.** (2017-2018)

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**Assembly Bill No. 2396**

**CHAPTER 215**

An act to add Section 10413 to the Public Contract Code, relating to public contracting.

[ Approved by Governor August 27, 2018. Filed with Secretary of State August 27, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2396, Bigelow. Public contracting: conflicts of interest: exemption.

Existing law regulates the acquisition by the state of goods or services by contract. A provision of that existing law prohibits an officer or employee in the state civil service or other appointed state official, for compensation or with a personal financial interest, to engage in any employment, activity, or enterprise that is funded, or sponsored and funded, by any state agency or department through or by a state contract, unless required to do so as a condition of the officer's or employee's regular state employment.

This bill would exempt an employee or state officer, not including a member of the board of directors, of a district agricultural association from that conflict of interest prohibition for purposes of contracting with another district agricultural association, subject to the approval of the board of directors of the association of which the person is an employee or state officer.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 10413 is added to the Public Contract Code, to read:

**10413.** Notwithstanding Section 10410, an employee or state officer, not including a member of the board of directors, of a district agricultural association formed pursuant to Part 3 (commencing with Section 3801) of Division 3 of the Food and Agricultural Code, subject to the approval of the board of directors of that association, may receive compensation or have a financial interest as described in Section 10410 for purposes of contracting or employment with another district agricultural association. Nothing in this section shall preclude the applicability of Sections 1090, 18000, and 19990 of the Government Code to officers and employees of a district agricultural association.