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**AB-2573 Policy fellows: status of services: associations.** (2023-2024)

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**Assembly Bill No. 2573**

**CHAPTER 238**

An act to add Sections 8924.8, 18000.8, 18599.8, and 89504.8 to the Government Code, relating to state government.

[ Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2573, Mike Fong. Policy fellows: status of services: associations.

Existing law, commonly known as the code of ethics, prohibits a Member of the Legislature, state elective or appointive officer, or judge or justice from having any interest, engaging in any business, transaction, or professional activity, or incurring any obligation that is in substantial conflict with the proper discharge of their duties in the public interest and of their responsibilities, as specified. Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, and regulates the making of gifts to public officials. Existing law, the State Civil Service Act, creates the Department of Human Resources and grants to the department the powers, duties, and authority necessary to operate the state civil service system.

Existing law requires that a California Science and Technology Policy Fellow provided by the California Council on Science and Technology (CCST) be selected according to criteria, and pursuant to a process, approved by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules and requires the CCST to execute an agreement for a policy fellow to be bound to abide by standards of conduct, economic interest disclosure requisites, and other requirements specified by the Senate Committee on Rules, the Assembly Committee on Rules, or the Joint Committee on Rules, to be considered duly authorized by those rules committees. Under existing law, for purposes of the code of ethics, the services of a duly authorized policy fellow provided by the CCST are not compensation, a reward, or a gift to a Member of the Legislature and are not an interest, business, transaction, professional activity, or obligation of a Member of the Legislature, state elective or appointive officer, judge, or justice that is in substantial conflict with the proper discharge of their duties in the public interest or of their responsibilities, and a policy fellow is not an employee of either house of the Legislature. Existing law also provides that the services of a duly authorized policy fellow are not a gift for purposes of the Political Reform Act of 1974 and not compensation of a state elective or appointive officer, and the policy fellow is not included in "state civil service" for the purposes of the State Civil Service Act, as specified.

The bill would provide that the services of a policy fellow provided by an association, as defined, are not compensation, a reward, a gift, an interest, a business, a transaction, a professional activity, or an obligation, and a policy fellow is not an employee of the Legislature or included in the state civil service, similar to the above-described provisions that apply to a California Science and Technology Policy Fellow provided by the CCST. The bill would state that these provisions are declaratory of existing law.

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

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

**SECTION 1.** Section 8924.8 is added to the Government Code, to read:

**8924.8.** (a) The services of a policy fellow provided by an association are not compensation, a reward, or a gift to a Member of the Legislature for purposes of paragraph (4) of subdivision (b) of Section 8920 and are not an interest, business, transaction, professional activity, or obligation of a Member of the Legislature that is in substantial conflict with the proper discharge of their duties in the public interest or of their responsibilities for purposes of subdivision (a) of Section 8920.

(b) (1) The services of a policy fellow provided by an association are not an interest, business, transaction, professional activity, or obligation of a state elective or appointive officer that is in substantial conflict with the proper discharge of their duties in the public interest or of their responsibilities for purposes of subdivision (a) of Section 8920.

(2) The services of a policy fellow provided by an association are not an interest, business, transaction, professional activity, or obligation of a judge or justice that is in substantial conflict with the proper discharge of their duties in the public interest or of their responsibilities for purposes of subdivision (a) of Section 8920.

(c) A policy fellow provided by an association is not an employee of either house of the Legislature for purposes of this article.

(d) For purposes of this section, "association" means any of the following organizations that are exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code:

(1) The Asian Pacific Islander Capitol Association.

(2) The California Legislative Black Staff Association.

(3) The Capitol LGBTQ Association.

(4) The California Latino Capitol Association Foundation.

(e) This section does not constitute a change in, but is declaratory of, existing law.

**SEC. 2.** Section 18000.8 is added to the Government Code, to read:

**18000.8.** (a) The services of a policy fellow provided by an association are not compensation of a state elective or appointive officer for the purposes of this article.

(b) For purposes of this section, "association" means any of the following organizations that are exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code:

(1) The Asian Pacific Islander Capitol Association.

(2) The California Legislative Black Staff Association.

(3) The Capitol LGBTQ Association.

(4) The California Latino Capitol Association Foundation.

(c) This section does not constitute a change in, but is declaratory of, existing law.

**SEC. 3.** Section 18599.8 is added to the Government Code, to read:

**18599.8.** (a) The "state civil service" does not include a policy fellow provided by an association.

(b) For purposes of this section, "association" means any of the following organizations that are exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code:

(1) The Asian Pacific Islander Capitol Association.

(2) The California Legislative Black Staff Association.

(3) The Capitol LGBTQ Association.

(4) The California Latino Capitol Association Foundation.

(c) This section does not constitute a change in, but is declaratory of, existing law.

**SEC. 4.** Section 89504.8 is added to the Government Code, to read:

**89504.8.** (a) The services of a policy fellow provided by an association are not a gift to a state elective or appointive officer for the purposes of this article.

(b) For the purposes of this section, "association" means any of the following organizations that are exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code:

- (1) The Asian Pacific Islander Capitol Association.
- (2) The California Legislative Black Staff Association.
- (3) The Capitol LGBTQ Association.
- (4) The California Latino Capitol Association Foundation.

(c) This section does not constitute a change in, but is declaratory of, existing law.