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SB-1476 Political Reform Act of 1974: State Bar of California. (2023-2024)

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Date Published: 09/23/2024 09:00 PM

Senate Bill No. 1476

CHAPTER 489

An act to amend Sections 82011, 82048, and 87311.5 of, and to add Section 87211 to, the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, Blakespear. Political Reform Act of 1974: State Bar of California.

Under existing law, unless expressly provided by law, the State Bar of California is not subject to various state laws prescribing the mode of procedure for exercising the powers of state public bodies or state agencies, as specified. Existing law, the Political Reform Act of 1974, defines "public official" broadly, but it expressly excludes specified persons, including those affiliated with the State Bar of California, from that definition.

Under the act, each agency is required to adopt and promulgate a Conflict of Interest Code that requires designated employees of the agency, as defined, to file statements disclosing specified economic interests. Existing law generally requires such a code to contain specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. However, the act specifically provides that the Conflict of Interest Code for members of the Board of Governors of, and designated employees of, the State Bar of California need not contain such a provision. The act further requires certain enumerated public officials to file their conflict of interest statements, and make specified disclosures, pursuant to specific provisions of the act.

This bill would instead expressly require include board members and designated employees of the State Bar of California within its definition of "public official." The bill would eliminate the above-referenced exception for Conflict of Interest Codes with respect to board members and designated employees of the State Bar of California, thereby requiring these codes to contain such disqualification provisions. The bill would also specify that board members and designated employees of the State Bar of California are not enumerated public officials required to comply with specified filing and disclosure requirements; rather, they would only need to file conflict of interest statements and make specified disclosures pursuant to the requirements of their own code.

A violation of the act's provisions is punishable as a misdemeanor. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 82011 of the Government Code is amended to read:

82011. "Code reviewing body" means all of the following:

- (a) The commission, with respect to the conflict of interest code of a state agency other than an agency in the judicial branch of government, or any local government agency with jurisdiction in more than one county.
- (b) The board of supervisors, with respect to the conflict of interest code of any county agency other than the board of supervisors, or any agency of the judicial branch of government, and of any local government agency, other than a city agency, with jurisdiction wholly within the county.
- (c) The city council, with respect to the conflict of interest code of any city agency other than the city council.
- (d) The Attorney General, with respect to the conflict of interest code of the commission.
- (e) The Chief Justice of California or the Chief Justice's designee, with respect to the conflict of interest code of the members of the Judicial Council, Commission on Judicial Performance, and Board of Trustees of the State Bar of California.
- (f) The Board of Trustees of the State Bar of California with respect to the conflict of interest code of the State Bar of California.
- (g) The Chief Justice of California, the administrative presiding judges of the courts of appeal, and the presiding judges of superior courts, or their designees, with respect to the conflict of interest code of any agency of the judicial branch of government subject to the immediate administrative supervision of that court.
- (h) The Judicial Council of California, with respect to the conflict of interest code of any state agency within the judicial branch of government not included under subdivisions (e), (f), and (g).

SEC. 2. Section 82048 of the Government Code is amended to read:

82048. (a) (1) "Public official" means every member, officer, employee, or consultant of a state or local government agency.

(2) Notwithstanding subdivision (e) of Section 6001 of the Business and Professions Code, "public official" includes a designated employee of, and a Member of the Board of Trustees of, the State Bar of California.

(b) Notwithstanding subdivision (a), "public official" does not include the following:

- (1) A judge or court commissioner in the judicial branch of government.
- (2) A member of the Judicial Council.
- (3) A member of the Commission on Judicial Performance, provided that the member is subject to the provisions of Article 2.5 (commencing with Section 6035) of Chapter 4 of Division 3 of the Business and Professions Code as provided in Section 6038 of that article.
- (4) A federal officer or employee serving in an official federal capacity on a state or local government agency.

SEC. 3. Section 87211 is added to the Government Code, to read:

87211. This article does not apply to either of the following of the State Bar of California, who shall file statements under conflict of interest codes developed consistent with Section 87302:

- (a) A member of the Board of Trustees.
- (b) A designated employee.

SEC. 4. Section 87311.5 of the Government Code is amended to read:

87311.5. (a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures that guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

(b) Conflict of Interest Codes of the Judicial Council and the Commission on Judicial Performance shall not be subject to the provisions of subdivision (c) of Section 87302.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 6. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.