

West's
ANNOTATED
CALIFORNIA CODES



GOVERNMENT CODE

Sections 75075 to 86099

*Official
California Government Code
Classification*

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WEST

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Cross References

Attorneys, conflicts of interest, see Business and Professions Code § 6035 et seq.

Bay Area Water Supply and Conservation Agency, conflicts of interest contracts, sales and purchases, application of this title, see Water Code § 81410.

California Consumer Power and Conservation Financing Authority, board members subject to Act, liability insurance, see Public Utilities Code § 3326.

California Earthquake Authority as subject to Political Reform Act, see Insurance Code § 10089.17.

California Stem Cell Research and Cures Bond Act, public and financial accountability standards, see Health and Safety Code § 125290.30.

California Stem Cell Research and Cures Bond Act, scientific and medical working groups, generally, see Health and Safety Code § 125290.50.

California Whistleblower Protection Act, see Government Code § 8547 et seq.

Code of Fair Campaign Practices, text of code and copy of chapter, supply of forms to candidates, see Elections Code § 20440.

Commission campaign spending limits, commission members as subject to this title, see Public Resources Code § 29758.

Conflicts of interest, general prohibition, see Government Code § 87100 et seq.

Department of Financial Institutions, deputies and employees, prohibited conduct, see Financial Code § 234.

Ethics code, receipt of campaign contribution regulated pursuant to this title as not conflicting with proper discharge of duties, see Government Code § 8922.

Exposition Metro Line Construction Authority, board, see Public Utilities Code § 132615.

Investigation of, or surveillance over, any person for nontax administration related purposes, construction with reference to this title, see Revenue and Taxation Code § 21014.

Limitations on contributions in district elections, see Elections Code § 10544.

Pasadena Metro Blue Line Construction Authority, generally, see Public Utilities Code § 132415.

Pasadena Metro Blue Line Construction Authority, code of conduct, see Public Utilities Code § 132410.

Powers and duties of the Exposition Metro Line Construction Authority, see Public Utilities Code § 132610.

Relatives or cohabitants of water replenishment districts board members who have financial interests not otherwise regulated by the Political Reform Act, additional prohibitions, see Water Code § 60167.

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Conflict of interest codes, Alcoholic Beverage C Alcoholic Beverage C California Trade and Horse Racing Board, State Controller, see Student Aid Commiss

Agency reform. 40 S (2003).

Appearance of fairness loophole in California's 17 Cal.W.L.Rev. 75 (1980)

Buckley v. Valeo and (form after California's Don't You Love Me Like rence Michael Bogert, (1992-93).

California initiative pr single-subject rule. 14

California initiatives : rule. Daniel H. Lowen: 936 (1983).

California legislation: Emil Steck, Jr. 6 Pac.L.J.

Campaign contribution California. 41 Cal.L.Rev Campaign law cracked Cal.Law. 11 (Dec.1982).

Campaign spending a Recent experience, publi first amendment. Dan UCLA L.Rev. 505 (1982).

Corporate political c and the practice. Willia #1 Los Angeles B.J. 547.

Electoral politics and 69 Cal.L.Rev. 1098 (1981)

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1977.

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1975. Wherever reference is made in this title to the effective date of this title,
the date referred to is January 7, 1975.

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975.)

Cross References

Secretary of State, generally, see Government Code § 12150 et seq.

Law Review and Journal Commentaries

Initiative process. 48 S.Cal.L.Rev. 922 Donato, Patrick J. Marley and Patricia V. Tu-
(1975). bert. 7 Sw.U.L.Rev. 453 (1975).

Political Reform Act: Greater access to initia-
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Chapter 2, proposed by Initiative Measure, was approved by the electors at the primary election held June 4, 1974, eff. Jan. 7, 1975.

Law Review and Journal Commentaries

More about Noerr—Lobbying, antitrust and the right to petition, Jerrold L. Walden 14 UCLA L.Rev. 1211 (1967).

Political Reform Act: Greater access to initiative process. Roger Jon Diamond, Peter R. di

Donato, Patrick J. Marley and Patricia V. Tubert. 7 Sw.U.L.Rev. 453 (1975).

Proposition 9. Joanne Garvey and Vigo Nielsen, Jr. 50 Cal.St.B.J. 254 (1975).

§ 82000. Interpretation of this title

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter shall govern the interpretation of this title. (Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975.)

Derivation: Elec.C. (Stats.1939, c. 26, pp. 111-112).
Elec.C. former § 111 c. 23, p. 745, § 11500.
Elec.C. former § 111 c. 23, p. 751, § 11800

Treatises and Practice
1 Witkin Cal. Proc. ¶ 111 of Interest.

§ 82001. Adju

"Adjusting an amount received of each fiscal year authorized from the Act and other collected routinely to other (Added by Initiative Amended by Stats.1

State agency defined f

**§ 82002. Adm
pr**

(a) "Administrative consideration, amendment, regulation, or other proceeding, (commencing with

(b) "Rate-making the Public Utilities foreseeable that a rate cases, perform

(c) "Quasi-legislative before the Public Utilization of the established class of persons that may establish (Added by Initiative Amended by Stats

Section 5 of Stats provides:

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(d) Two or more measures being voted upon in the same city, county, multicounty, or state election.

(Added by Stats.1985, c. 1456, § 4. Amended by Stats.1990, c. 626 (S.B.2795), § 1; Stats.1991, c. 191 (A.B.602), § 1; Stats.1995, c. 295 (A.B.1085), § 1.)

Historical and Statutory Notes

Addition of this section by Initiative Measure, Proposition 40, was rejected by the voters at the General Election held Nov. 6, 1984.

Cross References

Campaign advertising or communication, see Elections Code § 304.
Candidate defined for purposes of this title, see Government Code § 82007.
Election defined for purposes of this title, see Government Code § 82022.
General purpose committees defined for purposes of this title, see Government Code § 82027.5.
Measure defined for purposes of this title, see Government Code § 82043.

§ 82047.6. Proponent of a state ballot measure

"Proponent of a state ballot measure" means "proponent" as defined in Section 9002 of the Elections Code.

(Added by Stats.1988, c. 704, § 1. Amended by Stats.1994, c. 923 (S.B.1546), § 104.)

Historical and Statutory Notes

Subordination of legislation by Stats.1994, c. 923 (S.B.1546), see Historical and Statutory Notes under Code of Civil Procedure § 203.

Cross References

Measure defined for purposes of this title, see Government Code § 82043.

§ 82048. Public official

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

(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 Board of Governors and designated employees of the State Bar of California.
- (3) A member of the Judicial Council.
- (4) A member of the Commission on Judicial Performance, provided that he or she 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.

(5) A federal officer or employee serving in an official federal capacity on a state or local government agency.

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975. Amended by Stats.1984, c. 727, § 5, operative July 1, 1985; Stats.2004, c. 484 (S.B. 1353), § 3.)

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Chapter 7, proposed by Initiative Measure, was approved by the electors at the primary election held June 4, 1974, eff. Jan. 7, 1975.

Cross References

California State University, semiannual ethics courses, see Education Code § 89500.7.
 "Income" defined, see Government Code § 82030.
 Injunctive relief for conflicts of interest, see Government Code § 91003.
 Insurance regulation, conflict-of-interest and financial disclosure requirements, Conservation and Liquidation Office officers and employees, see Insurance Code § 1035.2.
 "Interest in real property" defined, see Government Code § 82033.
 "Investment" defined, see Government Code § 82034.
 University of California, semiannual ethics courses, see Education Code § 92611.7.
 Violations, see Government Code § 91000.

Law Review and Journal Commentaries

Appearance of fairness doctrine: Closing a loophole in California's Political Reform Act. 17 Cal.W.L.Rev. 75 (1980).
 California's Governmental Conflict of Interests Act: Public Interest vs. right to privacy. Burt Pines and Daniel U. Smith (June 1974) 49 Los Angeles B.Bull. 321.
 Campaign spending and ballot propositions: Recent experience, public choice theory and the first amendment. Daniel H. Lowenstein 29 UCLA L. Rev. 505 (1982).
 Corporate "termination bonus" for executives entering public service: Proper government recruiting aid or conflict of interest? 49 S.Cal. L.Rev. 827 (1976).
 Financial disclosure by public officials and public employees—intrusion into right of privacy. 18 UCLA L.Rev. 534 (1971).
 Government Conflict of Interests Act; comment. 5 Pac.L.J. 475 (1974).
 Is California's mutual benefit corporation law the appropriate domicile for community associations? Curtis C. Sproul 18 U.S.F.L.Rev. 695 (1984).
 Regulation of campaign contributions: Maintaining the integrity of the political process through an appearance of fairness. 56 S.Cal. L.Rev. 669 (1983).
 Review of selected 1990 California legislation. 22 Pac.L.J. 542 (1991).

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Article 1, proposed at the primary election

Interested persons, defined
 Regulation of public utility
 Code § 7701.1.

Administrative adjudication disputes: The work of administrative hearing boards in California. Manaster 17 U.C.Davis L. Review 30 (1983).
 Legislators as private legislative reform. 30 (1983).

Political Reform Act: Legislative process. Roger Jones

§ 87100. Public officials

No public official shall participate in making or influencing a governmental decision if the official has a financial interest therein. (Added by Initiative Measure)

Commercial salmon fishing Code § 8247.5.
 Integrated Waste Management Public Resources Code
 Liability for civil action Government Code
 Los Angeles County Metropolitan Public Utilities Code
 Pasadena Metro Blue Line § 132410.
 Powers and duties of the State Board of Public Health and Safety § 132610.
 Public official defined for State Air Resources Board Health and Safety

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- 87102.6. Nongeneral legislation; definitions.
- 87102.8. Elected state officers; use of position to influence governmental decisions; financial interest; remedies.
87103. Financial interest in decision by public official.
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- 87103.6. Persons retained or employed by state or local governmental agencies; payments made to defray costs to process applications, approvals, or other actions.
87104. Public officials of state agencies; acting as agent or attorney; limitations.
87105. Conflicts of interest for public officials with financial interests in decisions; duties; application of section.
87106. Rejected.

Article 1, proposed by Initiative Measure, was approved by the electors at the primary election held June 4, 1974, eff. Jan. 7, 1975.

Cross References

Interested persons, defined with reference to this article, see Public Resources Code § 30323.
Regulation of public utilities, hearings and judicial review, conflicts of interest, see Public Utilities Code § 1701.1.

Law Review and Journal Commentaries

Administrative adjudication of air pollution disputes: The work of air pollution control district hearing boards in California. Kenneth A. Manaster 17 U.C.Davis L.Rev. 1117 (1984).

Legislators as private attorneys: Need for legislative reform. 30 UCLA L.Rev. 1052 (1983).

Political Reform Act: Greater access to initiative process. Roger Jon Diamond, Peter R. di

Donato, Patrick J. Marley and Patricia V. Tubert. 7 Sw.U.L.Rev. 453 (1975).

Proposition 9. Joanne Garvey and Vigo Nielsen, Jr. (1976) 51 Cal.St. B.J. 198.

Ties that bind: Conflicts of interest in university-industry links. 17 U.C.Davis L.Rev. 895 (1984).

§ 87100. Public officials; state and local; financial interest

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975.)

Cross References

Commercial salmon fishing review board, limited exemption from this section, see Fish and Game Code § 8247.5.

Integrated Waste Management Board, conflicts of interest, restrictions on board members, see Public Resources Code § 40411.

Liability for civil action for employees realizing economic benefits in violation of this section, see Government Code § 91005.

Los Angeles County Metropolitan Transportation Authority, members as subject to this section, see Public Utilities Code § 130051.5.

Pasadena Metro Blue Line Construction Authority, code of conduct, see Public Utilities Code § 132410.

Powers and duties of the Exposition Metro Line Construction Authority, see Public Utilities Code § 132610.

Public official defined for purposes of this title, see Government Code § 82048.

State Air Resources Board, scientific review panel members, financial disclosure statements, see Health and Safety Code § 39670.

§ 87102.8

significant financial impact on the lobbyist employer specified in subparagraph (1).

"(3) The officer knows or has reason to know that the action or decision before the agency in which the state elected officer serves will have a direct and significant financial impact on any person, distinguishable from its impact on the

public generally or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency."

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Cross References

"Earned income" defined for purposes of this title, see Government Code § 82039.5.
Elected state officer defined for purposes of this title, see Government Code § 82021.
Lobbyist employer defined for purposes of this title, see Government Code § 82039.5.
Person defined for purposes of this title, see Government Code § 82047.

Code of Regulations References

Fair Political Practices Commission, conflicts of interest, determining whether directly or indirectly involved in a government decision,
In general, see 2 Cal. Code of Regs. § 18704.1.
Business entities, sources of income, sources of gifts, see 2 Cal. Code of Regs. § 18704.1.
Economic interest in personal finances, see 2 Cal. Code of Regs. § 18704.5.
Interest in real property, see 2 Cal. Code of Regs. § 18704.2.
Fair Political Practices Commission, conflicts of interest, economic interest,
Business entities, defined, see 2 Cal. Code of Regs. § 18703.1.
Real property, defined, see 2 Cal. Code of Regs. § 18703.2.
Source of gifts, defined, see 2 Cal. Code of Regs. § 18703.4.
Source of income, defined, see 2 Cal. Code of Regs. § 18703.3.
Fair Political Practices Commission, conflicts of interest, materiality standard,
In general, see 2 Cal. Code of Regs. § 18705.3.
Economic interest in personal finances, see 2 Cal. Code of Regs. § 18705.5.
Economic interests in business entities, see 2 Cal. Code of Regs. § 18705.1.
Economic interests in persons who are sources of gifts, see 2 Cal. Code of Regs. § 18705.4.
Economic interests in persons who are sources of income, see 2 Cal. Code of Regs. § 18705.3.
Economic interests in real property, see 2 Cal. Code of Regs. § 18705.2.
Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency, see 2 Cal. Code of Regs. § 18232.

Law Review and Journal Commentaries

Agency reform. 40 San Diego L.Rev. 177 (2003).

Library References

States 72.
Westlaw Topic No. 360.
C.J.S. States § 123.

Research References

Encyclopedias

CA Jur. 3d Administrative Law § 54, Conflict-Of-Interest Rules.
CA Jur. 3d Public Officers and Employees § 213, Proscriptions Against Financial Conflicts of Interest.
CA Jur. 3d Zoning and Other Land Controls § 221, Are Economic Interests Involved?
CA Jur. 3d Zoning and Other Land Controls § 222, Direct Involvement.

CA Jur. 3d Zoning and Other Land Controls § 224, Real Property, Redevelopment, Public Streets and Utilities.
CA Jur. 3d Zoning and Other Land Controls § 231, Material Effect on Persons Who Are Sources of Gifts to Public Official.
CA Jur. 3d Zoning and Other Land Controls § 233, Material Effect on Personal Economic Interests of Public Official.

§ 87103. Financial interest in decision by public official

A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a

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material financial interest in a decision on the official, as defined in Section 87100, in the following:

- (a) Any business investment worth two percent of the net worth of the official.
- (b) Any real property interest worth two percent of the net worth of the official.
- (c) Any source of income from an institution made in the public interest, or more in value than the interest within 12 months preceding the decision.
- (d) Any business partner, trustee, employee, or agent of the official.
- (e) Any donor of, or recipient of, aggregating two hundred dollars or more received by, or pro tanto when the decision is made, from this subdivision shall be deemed to be the same amount determined in Section 89503.

For purposes of investment or interest in a decision by an agent in which the official directly or indirectly, (Added by Initiative I Amended by Stats.1977 c. 931, § 4; Stats.1981 c. 455 (S.B.946), § 2, eff.

The 1979 amendment inserting "on terms available" and "on the course of business", and "to," preceding "receive

The 1980 amendment graph by substituting "or trust in which the official, spouse, and dependent indirectly, or beneficial, or greater for "by any business entity" by the public official or has a substantial interest in the decision and third sentence which had read: "A public official has a financial interest in a decision if the decision will have a more than 50 percent of the net worth of the public official in the entity. A public

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material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975. Amended by Stats.1979, c. 686, p. 2152, § 2; Stats.1980, c. 183, p. 405, § 2; Stats.1984, c. 931, § 4; Stats.1985, c. 611, § 1.5; Stats.1994, c. 386 (S.B.1602), § 1; Stats.1997, c. 455 (S.B.946), § 2, eff. Sept. 24, 1997; Stats.2000, c. 130 (A.B.974), § 7.)

Historical and Statutory Notes

The 1979 amendment amended subd. (c) by inserting "on terms available to the public without regard to official status," following "regular course of business", and by inserting "provided to," preceding "received by or promised to".

The 1980 amendment changed the last paragraph by substituting "or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater for "by any business entity controlled by the public official or by a trust in which he has a substantial interest"; and deleted the second and third sentences of the last paragraph which had read: "A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than 50 percent of the ownership interest in the entity. A public official has a substantial

interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000)."

The 1984 amendment substituted the reference to investments of "\$1000 or more" for "more than \$1000" in subds. (a) and (b); provided for gifts in subd. (c); and inserted subd. (e).

The 1985 amendment inserted, in the introductory paragraph, "on the official or a member of his or her immediate family or" following "effect on the public generally,".

The 1994 amendment, at the beginning of the introductory paragraph, substituted "A public official" for "An official", and at the end of that paragraph substituted ", or on any of the following" for "or on"; in subd. (e), added the second

West's
ANNOTATED
CALIFORNIA CODES



GOVERNMENT CODE

Sections 86100 to End

*Official
California Government Code
Classification*

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GOVERNMENT CODE

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Chapter 7, proposed by Initiative Measure, was approved by the electors at the primary election held June 4, 1974, eff. Jan. 7, 1975.

Cross References

California State University, semiannual ethics courses, see Education Code § 89500.7.
 "Income" defined, see Government Code § 82030.
 Injunctive relief for conflicts of interest, see Government Code § 91003.
 Insurance regulation, conflict-of-interest and financial disclosure requirements, Conservation and Liquidation Office officers and employees, see Insurance Code § 1035.2.
 "Interest in real property" defined, see Government Code § 82033.
 "Investment" defined, see Government Code § 82034.
 University of California, semiannual ethics courses, see Education Code § 92611.7.
 Violations, see Government Code § 91000.

Law Review and Journal Commentaries

Appearance of fairness doctrine: Closing a loophole in California's Political Reform Act. 17 Cal.W.L.Rev. 75 (1980).
 California's Governmental Conflict of Interests Act: Public Interest vs. right to privacy. Burt Pines and Daniel U. Smith (June 1974) 49 Los Angeles B.Bull. 321.
 Campaign spending and ballot propositions: Recent experience, public choice theory and the first amendment. Daniel H. Lowenstein 29 UCLA L. Rev. 505 (1982).
 Corporate "termination bonus" for executives entering public service: Proper government recruiting aid or conflict of interest? 49 S. Cal. L.Rev. 827 (1976).
 Financial disclosure by public officials and public employees—intrusion into right of privacy. 18 UCLA L.Rev. 534 (1971).
 Government Conflict of Interests Act; comment. 5 Pac.L.J. 475 (1974).
 Is California's mutual benefit corporation law the appropriate domicile for community associations? Curtis C. Sproul 18 U.S.F.L.Rev. 695 (1984).
 Regulation of campaign contributions: Maintaining the integrity of the political process through an appearance of fairness. 56 S. Cal. L.Rev. 669 (1983).
 Review of selected 1990 California legislation. 22 Pac.L.J. 542 (1991).

Article 1

GENERAL PROHIBITION

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87100.	Public officials; state and local; financial interest.
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87104.	Public officials
87105.	Conflicts of duties; applicable
87106.	Rejected.

Article 1, proposed at the primary election

Interested persons, defined
 Regulation of public utility Code § 1701.1.

Administrative adjudication disputes: The work of air traffic hearing boards in California. U.C. Davis L. Rev. 30 (1983).

Political Reform Act: Legislative process. Roger Jones

§ 87100. Public officials

No public official participate in making influence a government has a financial interest (Added by Initiative Measure)

Commercial salmon fishing Code § 8247.5.

Integrated Waste Management Public Resources Code Liability for civil action Government Code

Los Angeles County Metropolitan Public Utilities Commission Pasadena Metro Blue Line § 132410.

Powers and duties of the State § 132610.

Public official defined for State Air Resources Board Health and Safety

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Conflict of interest codes—Cont'd

- Industrial relations department, see 8 Cal. Code of Regs. § 17000.
- Insurance department, see 10 Cal. Code of Regs. § 2690 et seq.
- Military department, see 12 Cal. Code of Regs. § 1.
- Procedure for requesting exemption, see 2 Cal. Code of Regs. § 18751.
- Procedures for the promulgation and adoption by Fair Political Practices Commission, see 2 Cal. Code of Regs. § 18750.
- Public Employees Retirement System, see 2 Cal. Code of Regs. § 560.
- Public Employment Relations Board, see 8 Cal. Code of Regs. § 31001.
- Rehabilitation department, see 9 Cal. Code of Regs. § 7400.
- State Board of Equalization, see 18 Cal. Code of Regs. § 6001 et seq.
- State Board of Pilot Commissioners, see 7 Cal. Code of Regs. § 212.5.
- State Controller, see 2 Cal. Code of Regs. § 1142 et seq.
- State Personnel Board, see 2 Cal. Code of Regs. § 549 et seq.
- State Teachers' Retirement System, see 5 Cal. Code of Regs. § 22000.
- Student Aid Commission, see 5 Cal. Code of Regs. § 30060.
- Treasurer of the State, see 2 Cal. Code of Regs. § 1897.
- Veterans affairs department, see 12 Cal. Code of Regs. § 600.
- Water Resources Control Board, see 23 Cal. Code of Regs. § 644 et seq.
- Youth and Adult Correctional Agency, see 15 Cal. Code of Regs. § 7001.
- Fair Political Practices Commission, provisions of conflict of interest code, see 2 Cal. Code of Regs. § 18730.

Law Review and Journal Commentaries

- University physician-researcher conflicts of interest: The inadequacy of current controls and proposed reform. Claire Turcotte Maatz, 7 High Tech. L.J. 137 (1992).

Library References

- Officers and Public Employees ¶ 110. Westlaw Topic No. 283.
- C.J.S. Officers and Public Employees §§ 234 to 245.

Research References

Treatises and Practice Aids

- 7 Witkin Cal. Summ. 9th Constitutional Law § 210, Conflict of Interest Codes.

§ 87302. Required provisions; exemptions

Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the

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information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) 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. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(1) File a written resignation with the appointing power.

(2) File a written statement with the filing officer on a form prescribed by the commission and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency

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or receive, or become being appointed to the)
(Added by Initiative Measure Amended by Stats. 1978, c. 1980, c. 765, p. 2279, § 1, c. 857 (A.B. 1271), § 1, Stats.)

Agency defined for purposes
Business entity defined for purposes
Closing date defined for purposes
Commission defined for purposes
Computation of time, see Code of Civil Procedure, § 3
Designated employee defined
Filing officer defined for purposes
Income defined for purposes
Interest in real property defined
Investment defined for purposes
Notice, actual and constructive
Payment defined for purposes

Conflict of interest codes,
Agricultural Labor Relations Board, see 29 Cal. Code of Regs. § 10100
Air Resources Board, see 19 Cal. Code of Regs. § 10100
Alcohol and drug program, see 19 Cal. Code of Regs. § 10100
Alcoholic beverage control board, see 19 Cal. Code of Regs. § 10100
Board of Prison Terms, see 19 Cal. Code of Regs. § 10100
Boating and waterways commission, see 19 Cal. Code of Regs. § 10100
California Community College Board, see 19 Cal. Code of Regs. § 10100
California State University Board of Regents, see 19 Cal. Code of Regs. § 10100
Commission on State Management, see 19 Cal. Code of Regs. § 10100
Consumer affairs department, see 19 Cal. Code of Regs. § 10100
Corporations department, see 19 Cal. Code of Regs. § 10100
Corrections department, see 19 Cal. Code of Regs. § 10100
Conservation department, see 19 Cal. Code of Regs. § 10100
Education department, see 19 Cal. Code of Regs. § 10100
Exemption from provisions of conflict of interest code, see 2 Cal. Code of Regs. § 10100
Fair Political Practices Commission, see 19 Cal. Code of Regs. § 10100
Fire marshal, see 19 Cal. Code of Regs. § 10100
Health services department, see 19 Cal. Code of Regs. § 10100
Highway patrol, see 13 Cal. Code of Regs. § 10100
Horse Racing Board, see 19 Cal. Code of Regs. § 10100
Housing Finance Agency, see 19 Cal. Code of Regs. § 10100
Industrial relations department, see 19 Cal. Code of Regs. § 10100
Insurance department, see 19 Cal. Code of Regs. § 10100
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Procedure for requesting procedures for the promulgation of rules, see 19 Cal. Code of Regs. § 10100
Public Employees' Retirement System, see 19 Cal. Code of Regs. § 10100
Public Employment Relations Board, see 19 Cal. Code of Regs. § 10100
Rehabilitation department, see 19 Cal. Code of Regs. § 10100
State Board of Equalization, see 19 Cal. Code of Regs. § 10100
State Board of Pilot Commissioners, see 19 Cal. Code of Regs. § 10100
State Controller, see 2 Cal. Code of Regs. § 10100
State Personnel Board, see 19 Cal. Code of Regs. § 10100
State Teachers' Retirement System, see 19 Cal. Code of Regs. § 10100
Student Aid Commission, see 19 Cal. Code of Regs. § 10100

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or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(Added by Initiative Measure approved by the electors June 4, 1974, eff. Jan. 7, 1975. Amended by Stats.1978, c. 537, p. 1697, § 3; Stats.1979, c. 674, p. 2075, § 5; Stats. 1980, c. 765, p. 2279, § 1; Stats.1987, c. 1188, § 1; Stats.1989, c. 499, § 2; Stats.1991, c. 857 (A.B.1271), § 1; Stats.1992, c. 441 (A.B.2941), § 1.)

Cross References

Agency defined for purposes of this title, see Government Code § 82003.
Business entity defined for purposes of this title, see Government Code § 82005.
Closing date defined for purposes of this title, see Government Code § 82010.
Commission defined for purposes of this title, see Government Code § 82012.
Computation of time, see Code of Civil Procedure §§ 12 and 12a and Government Code § 6800 et seq.
Designated employee defined for purposes of this title, see Government Code § 82019.
Filing officer defined for purposes of this title, see Government Code § 82027.
Income defined for purposes of this title, see Government Code § 82030.
Interest in real property defined for purposes of this title, see Government Code § 82033.
Investment defined for purposes of this title, see Government Code § 82034.
Notice, actual and constructive, defined, see Civil Code § 18.
Payment defined for purposes of this title, see Government Code § 82044.

Code of Regulations References

Conflict of interest codes,
Agricultural Labor Relations Board, see 8 Cal. Code of Regs. § 21200.
Air Resources Board, see 17 Cal. Code of Regs. § 95000 et seq.
Alcohol and drug programs, see 9 Cal. Code of Regs. § 9100.
Alcoholic beverage control department, see 4 Cal. Code of Regs. § 150 et seq.
Board of Prison Terms, see 15 Cal. Code of Regs. § 2005.
Boating and waterways department, see 14 Cal. Code of Regs. § 8600.
California Community Colleges, board of governors, see 5 Cal. Code of Regs. § 50500.
California State University, see 5 Cal. Code of Regs. § 43800.
Commission on State Mandates, see 2 Cal. Code of Regs. § 1189.10.
Consumer affairs department, see 16 Cal. Code of Regs. § 3830 et seq.
Corporations department, see 10 Cal. Code of Regs. § 250.30 et seq.
Corrections department, information practices, see 15 Cal. Code of Regs. § 3450.
Conservation department, see 14 Cal. Code of Regs. § 1670.
Education department, see 5 Cal. Code of Regs. § 70.
Exemption from provisions of § 87302, requiring adoption and promulgation of conflict of interest code, see 2 Cal. Code of Regs. § 18751.
Fair Political Practices Commission, see 2 Cal. Code of Regs. §§ 18351, 18730.
Fire marshal, see 19 Cal. Code of Regs. § 2200 et seq.
Health services department, see 22 Cal. Code of Regs. § 20100 et seq.
Highway patrol, see 13 Cal. Code of Regs. § 1800 et seq.
Horse Racing Board, see 4 Cal. Code of Regs. § 2000 et seq.
Housing Finance Agency, see 25 Cal. Code of Regs. § 10001.
Industrial relations department, see 8 Cal. Code of Regs. § 17000.
Insurance department, see 10 Cal. Code of Regs. § 2690 et seq.
Military department, see 12 Cal. Code of Regs. § 1.
Procedure for requesting exemption, see 2 Cal. Code of Regs. § 18751.
Procedures for the promulgation and adoption by Fair Political Practices Commission, see 2 Cal. Code of Regs. § 18750.
Public Employees' Retirement System, see 2 Cal. Code of Regs. § 560.
Public Employment Relations Board, see 8 Cal. Code of Regs. § 31001.
Rehabilitation department, see 9 Cal. Code of Regs. § 7400.
State Board of Equalization, see 18 Cal. Code of Regs. § 6001 et seq.
State Board of Pilot Commissioners, see 7 Cal. Code of Regs. § 212.5.
State Controller, see 2 Cal. Code of Regs. § 1142 et seq.
State Personnel Board, see 2 Cal. Code of Regs. § 549 et seq.
State Teachers' Retirement System, see 5 Cal. Code of Regs. § 22000.
Student Aid Commission, see 5 Cal. Code of Regs. § 30060.