

December 9, 2009

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative related to conflicts of interest and passing legislation (A.G. File No. 09-0069).

Background

Ethics Rules on Contributions and Gifts for Legislators. The Political Reform Act of 1974, its subsequent amendments, and legislative rules govern conflicts of interest for Members of the Legislature. State law generally prohibits any public official from making or participating in any attempt to use his or her official position to influence a governmental decision in which he or she has a known financial interest. State law contains a variety of other rules and disclosure requirements concerning political contributions and gifts to public officials. The Fair Political Practices Commission (FPPC), the Senate Committee on Legislative Ethics, and the Assembly Legislative Ethics Committee monitor and enforce conflicts of interest rules.

General and Nongeneral Legislation. Nongeneral legislation is a bill, resolution, or constitutional amendment that has a direct and significant impact on one or more identifiable persons or identifiable pieces of property and that does not have a similar impact on the broader public or segment of the public. All other bills, resolutions, or constitutional amendments are general legislation.

Proposal

Prohibition on Introducing or Voting on Certain Legislation. This measure restricts the ability of state legislators to introduce or cast votes for certain legislation. For nongeneral legislation that will have a “direct and significant financial impact” on the source of a gift or contribution received by the Member within the previous 12 months, Members of the Legislature may not (1) introduce legislation as a lead author, (2) cast a

vote on the legislation in a legislative committee or subcommittee, or (3) cast a rollcall vote on the legislation on the floor of the Senate or Assembly.

Fiscal Effect

Minor Increase in State Costs. The proposed initiative may increase some state costs related to enforcement and monitoring. The FPPC or an internal legislative committee would most likely be charged with monitoring gifts, contributions, and voting patterns of Members and enforcing these rules. These costs would likely be minor.

Fiscal Summary. This measure would have the following fiscal impact:

- Minor increased state government costs associated with monitoring and enforcement of gifts, contributions, and actions by state legislators.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance