

West's  
ANNOTATED  
CALIFORNIA CODES



GOVERNMENT CODE

Sections 86100 to End

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*Official  
California Government Code  
Classification*

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## TABLE OF CONTENTS

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	Page
Preface.....	III
Related Products From West.....	V
Westlaw Electronic Research Guide.....	XIII
California Codes.....	XV
List of West's Annotated California Codes.....	XIX
Abbreviations of Reports, Codes, Etc. ....	XXV
Effective Dates of Laws.....	XXXI
Cite this Book.....	XXXVII

## GOVERNMENT CODE

*A complete Analysis of the Government Code appears in Volume 32.  
Analysis of Sections, see beginning of Divisions, Parts, Chapters or Articles*

### TITLE 9. POLITICAL REFORM

Chapter	Section
6. Lobbyists .....	5
Article	
1. Registration And Reporting.....	6
2. Prohibitions .....	32
3. Exemptions .....	36
Chapter	
7. Conflicts of Interest .....	38
Article	
1. General Prohibition.....	38
2. Disclosure .....	64
3. Conflict of Interest Code .....	76
3.5. Multiagency Filers .....	94
4. Disqualification of Former Officers and Employees ....	95
4.5. Disqualification of State Officers and Employees .....	105
4.6. Loans to Public Officials .....	108
5. Filing.....	112

POLITICAL REFORM  
Title 9

Chapter 7

CONFLICTS OF INTEREST

Article	Section
1. General Prohibition .....	87100
2. Disclosure .....	87200
3. Conflict of Interest Code .....	87300
3.5. Multiagency Filers .....	87350
4. Disqualification of Former Officers and Employees .....	87400
4.5. Disqualification of State Officers and Employees .....	87450
4.6. Loans to Public Officials .....	87460
5. Filing .....	87500

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

Section	
87100.	Public officials; state and local; financial interest.
87100.1.	Financial interests in governmental decisions; registered professional engineers or licensed land surveyors rendering professional services as consultants.
87101.	Participation in legal governmental action or decision.
87102.	Additional requirements; remedies.

CONFLICTS OF INTEREST  
Ch. 7

Section	
87102.5.	Legislative n financial ir
87102.6.	Nongeneral l
87102.8.	Elected state financial ir
87103.	Financial int
87103.5.	Retail custon
87103.6.	Persons reta ments ma actions.
87104.	Public officia
87105.	Conflicts of duties; ap
87106.	Rejected.

Article 1, propo at the primary ele

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

Administrative adjudic  
 disputes: The work of air  
 trict hearing boards in C  
 Manaster 17 U.C.Davis L.  
 Legislators as private  
 legislative reform. 30  
 (1983).

Political Reform Act: G  
 tive process. Roger Jon

§ 87100. Public

No public official  
 participate in makin  
 influence a governm  
 has a financial intere  
 (Added by Initiative M

Commercial salmon fishi  
 Code § 8247.5.  
 Integrated Waste Manag  
 Public Resources C  
 Liability for civil action  
 Government Code  
 Los Angeles County Metr  
 Public Utilities Cor  
 Pasadena Metro Blue L  
 § 132410.  
 Powers and duties of the  
 § 132610.  
 Public official defined for  
 State Air Resources Boa  
 Health and Safety

## CONFLICTS OF INTEREST

§ 87302

### Ch. 7

#### 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.

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University physician-researcher conflicts of and proposed reform. Claire Turcotte Maatz, 7  
interest: The inadequacy of current controls 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

## § 87302

## POLITICAL REFORM

Title 9

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

## CONFLICTS OF INTEREST Ch. 7

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.  
Air Resources Board, see 49 Cal.  
Alcohol and drug program, see 115 Cal.  
Alcoholic beverage control, see 110 Cal.  
Board of Prison Terms, see 115 Cal.  
Boating and waterways, see 115 Cal.  
California Community College Board, see 115 Cal.  
California State University, see 115 Cal.  
Commission on State Management, see 115 Cal.  
Consumer affairs department, see 115 Cal.  
Corporations department, see 115 Cal.  
Corrections department, see 115 Cal.  
Conservation department, see 115 Cal.  
Education department, see 115 Cal.  
Exemption from provisions of interest code, see 2 Cal.  
Fair Political Practices Commission, see 115 Cal.  
Fire marshal, see 19 Cal.  
Health services department, see 115 Cal.  
Highway patrol, see 13 Cal.  
Horse Racing Board, see 115 Cal.  
Housing Finance Agency, see 115 Cal.  
Industrial relations department, see 115 Cal.  
Insurance department, see 115 Cal.  
Military department, see 115 Cal.  
Procedure for requesting procedures for the provisions of Cal. Code of Regs. § 115  
Public Employees' Retirement System, see 115 Cal.  
Public Employment Relations Board, see 115 Cal.  
Rehabilitation department, see 115 Cal.  
State Board of Equalization, see 115 Cal.  
State Board of Pilot Commissioners, see 115 Cal.  
State Controller, see 2 Cal.  
State Personnel Board, see 115 Cal.  
State Teachers' Retirement System, see 115 Cal.  
Student Aid Commission, see 115 Cal.

## CONFLICTS OF INTEREST

§ 87302

### Ch. 7

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.