

CONCURRENCE IN SENATE AMENDMENTS

AB 1286 (Boerner)

As Amended July 2, 2025

2/3 vote

SUMMARY

Requires certain public officials to disclose an arrangement for prospective employment on an official's statement of economic interests (SEI), also referred to as a Form 700.

Senate Amendments

Clarify that all elected, appointed, and nominated officials with high-level decision-making authority have the same reporting deadlines, and disclose the same prospective employment information on their SEIs.

COMMENTS

As part of the Political Reform Act's (PRA) comprehensive scheme to prevent conflicts of interest by state and local public officials, existing law identifies certain elected and other high-level state and local officials who must file SEIs (commonly referred to as a Form 700). Similarly, candidates for those positions must file SEIs. Other state and local public officials and employees are required to file SEIs if the position they hold is designated in an agency's conflict of interest code. A position is required to be designated in an agency's conflict of interest code when the position entails the making or participation in the making of governmental decisions that may foreseeably have a material financial effect on the decision maker's financial interests.

The PRA places several restrictions on the activities of public officials who are leaving governmental employment. For instance, the PRA prohibits all public officials from making, participating in making, or influencing a governmental decision that directly relates to a prospective employer. Once a public official is employed and begins receiving income from the employer, they are prohibited from making or participating in a governmental decision that has a material financial effect on the employer as a source of income. Sources of income and business positions held are disclosed on the Form 700. However, an official is not required to publicly disclose whether, or on what date, the official accepts an offer for employment. Thus, it may be difficult for the public or the Fair Political Practices Commission (FPPC) to determine if a public official was making governmental decisions that benefit, or otherwise involve, the future employer after the official has accepted the job offer. This bill requires certain officials with high-level decision-making authority to disclose an arrangement for prospective employment on the official's Form 700, including the date the official accepted the job offer.

California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

The Senate amendments clarify that all elected, appointed, and nominated officials with high-level decision-making authority have the same reporting deadlines, and disclose the same prospective employment information on their SEIs. The bill, as amended in the Senate, is generally consistent with Assembly actions.

According to the Author

"Government transparency is important to maintain the public's trust and AB 1286 will close a reporting gap that would require additional disclosure from public officials leaving office. Presently, the Political Reform Act forbids officials from participating in decisions that affect their future employers, as it would create a conflict of interest. However, public officials are not required to disclose when they accept a future job offer, creating an opportunity for those in power to make decisions relating to their future employer without the public's knowledge. By adding prospective employment disclosure to Form 700s, AB 1286 closes this gap, creating transparency for the public and allowing for the monitoring and investigating of ethical violations that occur when public officials make decisions that affect their future employers before leaving office."

Arguments in Support

In support of this bill, the League of Women Voters of California, writes: "The bill would close an important gap in disclosure requirements. When an official has made arrangements for future employment, a conflict of interest may arise if the official has occasion to act on matters which could impact the employer's interests. This is parallel to the conflicts which can arise from the officials' real estate or other investments – which must be disclosed under current law."

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM ELECTIONS: 7-0-0**

YES: Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Tangipa

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Alanis

ABS, ABST OR NV: Pellerin

ASSEMBLY FLOOR: 77-0-2

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bains, Ellis

SENATE FLOOR: 35-0-5

YES: Allen, Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Becker, Padilla, Reyes, Umberg

UPDATED

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