

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1678

Introduced by Assembly Member De La Torre

February 23, 2007

~~An act to amend Section 83109 of the Government Code, relating to the Political Reform Act of 1974.~~ *An act to amend Section 1092 of the Government Code, relating to conflicts of interest.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, as amended, De La Torre. ~~The Political Reform Act of 1974.~~ *Public officials: conflicts of interest.*

Existing law provides that Members of the Legislature, and state, county, district, judicial district, and county officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. A contract made in violation of any of these provisions may be avoided at the instance of any party except the officer interested in the contract, and may not be avoided because of the interest of an officer therein unless the contract is made in the official capacity of the officer, or by a board or body of which the officer is a member.

This bill would provide that the applicable statute of limitations for commencing an action under the provisions governing the avoidance of contracts in violation of existing law is 4 years. The bill would state that this change is declaratory of existing law.

~~An existing provision of the Political Reform Act of 1974 prohibits, for certain purposes, the inclusion of non-clerical personnel of the Fair Political Practices Commission in the same class in the civil service classification plan with any position of any other department or agency.~~

~~This bill would correct an obsolete cross-reference in that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1092 of the Government Code is amended
2 to read:

3 1092. (a) Every contract made in violation of any of the
4 provisions of Section 1090 may be avoided at the instance of any
5 party except the officer interested therein. No such contract may
6 be avoided because of the interest of an officer therein unless ~~such~~
7 *the* contract is made in the official capacity of ~~such~~ *the* officer, or
8 by a board or body of which he *or she* is a member.

9 (b) *An action under this section shall be commenced within four*
10 *years after the cause of action has accrued.*

11 SEC. 2. *The amendment of Section 1092 of the Government*
12 *Code made by Section 1 of this act does not constitute a change*
13 *in, but is declaratory of, existing law.*

14 ~~SECTION 1. Section 83109 of the Government Code is~~
15 ~~amended to read:~~

16 ~~83109. For purposes of Section 19818.6 of the Government~~
17 ~~Code, no non-clerical position under the Commission shall be~~
18 ~~included in the same class in the civil service classification plan~~
19 ~~with any position of any other department or agency.~~