

Introduced by Senator HuesoFebruary 27, 2015

An act to amend Section 25205 of the Public Resources Code, relating to the State Energy Resources Conservation and Development Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 693, as introduced, Hueso. State Energy Resources Conservation and Development Commission: qualifications: conflicts of interest.

Existing law establishes the State Energy Resources Conservation and Development Commission, commonly known as the Energy Commission. Existing law prescribes certain qualifications for members of the Energy Commission, including a prohibition against receiving a substantial portion of income from specified energy-related entities in the 2 years preceding appointment to the Energy Commission. Existing law prohibits members of the Energy Commission from being employed by an electric utility or applicant or, within 2 years after the member ceases to be a member of the Energy Commission, a person who engages in the sale or manufacture of a major component of a facility. Existing law prohibits a member of the Energy Commission from holding any other elected or appointed public office or position, except as specified. Existing law prohibits persons with specified relationships to a member or employee of the Energy Commission from appearing in proceedings and other matters in which the Energy Commission is a party or has a direct and substantial interest. Existing law prohibits a member or employee of the Energy Commission from participating personally and substantially as a member or employee of the Energy Commission in particular matters in which to his or her knowledge, he or she, his or her spouse, minor child, or partner, or any organization in which he or

she is serving, or has served, has a direct or indirect financial interest. Existing law makes the violation of these provisions a felony subject to fine of not more than \$10,000 or imprisonment, or both.

This bill would increase the maximum fine to \$50,000 for a violation of those provisions.

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 25205 of the Public Resources Code is
2 amended to read:

3 25205. (a) ~~No~~—A person shall *not* be a member of the
4 commission who, during the two years prior to appointment on
5 the commission, received any substantial portion of his or her
6 income directly or indirectly from any electric utility, or who
7 engages in sale or manufacture of any major component of any
8 facility. A member of the commission shall not be employed by
9 any electric utility, applicant, or, within two years after he or she
10 ceases to be a member of the commission, by any person who
11 engages in the sale or manufacture of any major component of any
12 facility.

13 (b) Except as provided in Section 25202, the members of the
14 commission shall not hold any other elected or appointed public
15 office or position.

16 (c) The members of the commission and all employees of the
17 commission shall comply with all applicable provisions of Section
18 19251 of the Government Code.

19 (d) A person who is a member or employee of the commission
20 shall not participate personally and substantially as a member or
21 employee of the commission, through decision, approval,
22 disapproval, recommendation, the rendering of advice,
23 investigation, or otherwise, in a judicial or other proceeding,
24 hearing, application, request for a ruling, or other determination,
25 contract, claim, controversy, study, plan, or other particular matter
26 in which, to his or her knowledge, he or she, his or her spouse,
27 minor child, or partner, or any organization, except a governmental
28 agency or educational or research institution qualifying as a
29 nonprofit organization under state or federal income tax law, in
30 which he or she is serving, or has served as officer, director, trustee,

1 partner, or employee while serving as a member or employee of
2 the commission or within two years prior to his or her appointment
3 as a member of the commission, has a direct or indirect financial
4 interest.

5 (e) A person who is a partner, employer, or employee of a
6 member or employee of the commission shall not act as an attorney,
7 agent, or employee for any person other than the state in connection
8 with any judicial or other proceeding, hearing, application, request
9 for a ruling, or other determination, contract, claim, controversy,
10 study, plan, or other particular matter in which the commission is
11 a party or has a direct and substantial interest.

12 (f) The provisions of this section shall not apply if the Attorney
13 General finds that the interest of the member or employee of the
14 commission is not so substantial as to be deemed likely to affect
15 the integrity of the services ~~which~~ *that* the state may expect from
16 the member or employee.

17 (g) Any person who violates any provision of this section is
18 guilty of a felony and shall be subject to a fine of not more than
19 ~~ten~~ *fifty* thousand dollars ~~(\$10,000)~~ *(\$50,000)* or imprisonment
20 pursuant to subdivision (h) of Section 1170 of the Penal Code, or
21 both that fine and imprisonment.

22 (h) The amendment of subdivision (d) of this section enacted
23 by the 1975–76 Regular Session of the Legislature does not
24 constitute a change in, but is declaratory of, existing law.

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