

This is Chris Micheli with the Sacramento governmental relations of firm Aprea & Micheli, and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. This is another topic on the common misconceptions about the California legislative process. Today's podcast deals with ethics.

So the first misconception is that the revolving door limitation applies to legislators and staff alike. Under Article IV, Section 5 (e) of the California State Constitution, the Legislature shall enact laws that prohibit a member of the Legislature whose term of office commences on or after December 3, 1990, from lobbying for compensation, as governed by the Political Reform Act of 1974 that governs lobbyists, before the Legislature for 12 months after leaving office.

However, no such limitation applies to legislative staff. It is not found in the Constitution or in statute. As such, legislative staff can turn around and lobby the Legislative Branch immediately upon leaving.

Misconception: Lobbyists can communicate by phone or text with Assembly members. Well, pursuant to Assembly Rule 117.5, while on the Assembly floor during any session, or even while serving on a committee during a policy committee hearing, Assembly members cannot use their cell phones to make or receive calls nor to send or receive text messages from any lobbyist.

Misconception: Both houses of the Legislature have adopted a formal Standards of Conduct for their members. The Senate has adopted an official Code of Conduct for its members while the Assembly has not. Nonetheless, both houses have extensive ethics and conflicts of interests rules and both houses of the Legislature are of course bound by Constitutional and statutory ethics rules as well.

Misconception: The \$10 gift rule, which has been in effect since 1974, applies equally to lobbyists and lobbyist employers. Well, the \$10 monthly gift rule is only imposed upon registered lobbyists. Lobbyist employers, in fact, have a yearly gift cap of \$490 in the year 2017.

Misconception: Only a court of law can remove a legislator from office. Under Article IV, Section 5 (a) (1) of the California State Constitution, each house of the Legislature shall judge the qualifications and elections of its members and may by a roll call vote entered in the journal, 2/3 of the membership concurring, expel a member of the Legislature. So it is actually the Legislature itself, rather than a court of law, that removes a legislator from office.

Hope you've enjoyed these few misconceptions on ethics rules in the California State Legislature.