

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an Adjunct Professor here at McGeorge School of Law. Today's podcast is on the revolving door limitation in the California Legislature.

You may be aware that there are rules for those individuals who leave government service. We refer to this as the so-called revolving door between the public and private sectors. Article IV, Section 5(e) of the California Constitution actually provides this limitation.

It states that "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, before the Legislature for 12 months after leaving office."

In other words, this constitutional prohibition in Article IV that deals with the Legislature specifically bans for one year, 12 months, a member of the Legislature from lobbying for compensation, be paid, his or her former colleagues in the Legislature.

In addition, our Government Code, found in Title IX, Chapter 7, Article 4, also disqualifies certain former officers and employees. It begins in Section 87406. Specifically, in subdivision (a), it cites this act as the Milton Marks Post-government Employment Restrictions Act of 1990.

Essentially, in Section 87406(b)(1) of the California Government Code, specifies that a member of the Legislature, for a period of one year after he or she leaves office, is prohibited from acting as either an agent or attorney or in some other way representing any person, for compensation, if that person makes any formal or informal appearances or any oral or written communications before the Legislature.

In addition, it applies to any committee or subcommittee of the Legislature, again, if that appearance is to communicate in an effort to influence any legislative action.

87406(b)(2) is a recent addition. It only applies to members of the Legislature who resign from office prior to the expiration of their term.

What it says is that it extends the one-year prohibition to include any time between when their resignation took effect and the rest of their term of that two-year session. So it adds to the banning one-year revolving door prohibition to include any time that is left over on the legislator's term in office.

These provisions of California's Government Code are changes to, or amendments to, the Political Reform Act of 1974, PRA. You may recall from other podcasts that the PRA places certain restrictions on legislators and other public officials when they leave government service, and in particular their ability to advocate to their former colleagues.

When a former member of the Senate or Assembly has left the Legislature, they do have a one-year ban on certain services. Again, the one-year ban is extended if the legislator resigns from office or the expiration of his or her term.

The Fair Political Practices Commission provides additional guidance for lawmakers on this. Basically, the FPPC says that the post-employment activities of former state legislators are

restricted, again specifying the one-year prohibition if they're paid to communicate with their former colleagues in order to influence any actions or proceedings.

There's also a ban on influencing prospective employers. In other words, a public official is also prohibited from making, participating in making, or influencing any governmental decisions that would directly relate to a prospective employer with whom he or she, i.e., that public official, is discussing or negotiating employment with.

That's an overview of some of the revolving door limitations in the State of California. Thanks for joining.