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SENATE RULES COMMITTEE

DARRELL STEINBERG
CHAIR

Date: July 7, 2014
To: All Senate Members and Staff
From: Senate Rules Committee
Subject: Changes to Senate Rules

On Monday June 9, the Senate passed three resolutions (SR 43, 44, and 45) to update, enhance and fortify the fundamental principle that a public office is a public trust and that trust is eroded by actions that appear to place the private interests of public officials above the public good.

The resolutions amended Senate Rules 12.3 and 13 and added a new Senate Rule 56. The following is a summary of the impact of those changes. (A separate memo released today and posted on the Senate Committee on Legislative Ethics website provides a series of hypotheticals and responses to the blackout periods created by Rule 56.)

The Senate Standards of Conduct (Standards), which serve as an ethical code for the Senate and jurisdiction for the Senate Committee on Legislative Ethics, has been updated significantly:

- Each Senator shall conduct himself/herself so as to justify the high trust reposed in him/her by the people to promote confidence in the integrity of the Senate.
- A Senator or officer or employee of the Senate shall not engage in unethical conduct or tolerate such conduct by others.
- Each Senator and each officer or employee of the Senate has a responsibility to report any and apparent and substantial violation of the Standards.
- Each Senator or officer or employee of the Senate has the right to consult with the Senate Committee on Legislative Ethics, or, at the option of the individual, the Senate Ombudsperson (see below) regarding the propriety of any conduct that may violate the Standards.
- A Senator or officer or employee of the Senate shall not retaliate against a person who the reports possible violation of these Standards or against a person who the Senator, officer, or employee believes made such a report.
- A Senator or an officer or employee of the Senate shall not discuss legislative business of any kind while attending or hosting an event at which campaign funds or contributions are solicited, provided, or discussed.

A copy of the updated Standards is being distributed to all offices. The new Standards are printed on yellow paper, dated and laminated to replace the former standards (white paper). Please post them in a visible area in every Senate office.

Current Senate Rules have been amended to codify whistleblower protection, as reflected in the Standards, to ensure the reporting of suspected violations of the Standards, federal or state laws.

Additionally, the position of Ombudsperson is created. The Ombudsperson will act as an independent and confidential avenue for Senators, officers, and employees to report and discuss issues related to possible unethical conduct. The Ombudsperson is in the process of setting up an independent hotline to receive, respond, and track ethics complaints from the public, including Senators, officers and employees. When merited, the Ombudsperson would report matters requiring further action to the Senate President pro Tempore, Senate Minority leader, Senate Committee on Legislative Ethics Chair and Vice Chair, and Secretary of the Senate. The Ombudsperson provides the ethics training for Senators, staff and, with the Assembly, lobbyists. Cary Rudman currently serves as the Ombudsperson.

The amended rules also provide for increased ethics training. Senators now must attend an individual training or review session in addition to the general Senator training workshop. Each officer and employee of the Senate must now take the staff training workshop once every legislative session.

A new Senate Rule has created fundraising blackout periods for Senators. In general, Senators would be prohibited from soliciting or accepting campaign contributions from lobbyist employers for limited periods immediately preceding the passage of the state budget and the end of the legislative session each year. Because this rule will create a blackout period from August 1 through August 31, 2014 inclusive, please read the accompanying detailed memo on "Blackout Periods" or access it on the Senate Committee on Legislative Ethics website.

If you have any questions, please contact Cary Rudman by phone, (916) 651-1507, or e-mail him at cary.rudman@sen.ca.gov.