

Assembly Bill No. 952

Passed the Assembly September 7, 2011

Chief Clerk of the Assembly

Passed the Senate August 22, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 185034 of, and to add Section 185025 to, the Public Utilities Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 952, Jones. High-speed rail.

Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor. Members of the authority are subject to the Political Reform Act of 1974.

This bill would prohibit a member, employee, or consultant of the authority from being the recipient of any gift, as defined, in a specified provision of the act. The bill would prohibit a construction company, engineering firm, consultant, legal firm, or any other company, vendor, or business entity with a contract or seeking a contract with the authority, or subcontractor of any of the foregoing, or owner, employee, or any member of their immediate families of any of these companies, firms, vendors, entities, or subcontractors, from making any gift to a member, employee, or consultant of the authority, or to any member of their immediate families. The bill would authorize the authority itself to receive gifts, and to transfer those gifts as specified, with the written approval of the Department of Finance.

This bill, with certain exceptions, would prohibit a member, employee, or consultant of the authority from appearing before the authority on behalf of, or in any way representing before the authority, any individual or private or public entity for 3 years after termination of the employment or contract relationship with the authority.

The bill would provide that these provisions shall become operative under a different section of the Public Utilities Code if AB 145 and this bill both are enacted and become effective on or before January 1, 2012, as specified.

Existing law provides that the authority may accept grants, fees, and allocations from various sources, including the state, the federal government, foreign governments, and private sources.

This bill would delete the reference to foreign governments.

The bill would provide that this provision shall not become operative if AB 145 is enacted and becomes effective on or before January 1, 2012, as specified.

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

SECTION 1. Section 185025 is added to the Public Utilities Code, to read:

185025. (a) No member, employee, or consultant of the authority shall be the recipient of any gift, as defined in Section 82028 of the Government Code. No construction company, engineering firm, consultant, legal firm, or any other company, vendor, or business entity with a contract or seeking a contract with the authority, or subcontractor of any of the foregoing, or owner, employee, or any member of their immediate families of any of these companies, firms, vendors, entities, or subcontractors, shall make any gift to a member, employee, or consultant of the authority, or to any member of their immediate families. The authority itself may receive gifts, subject to written approval of the Department of Finance. The authority may transfer the gifts it receives to any person subject to this section only with the written approval of the Department of Finance.

(b) A member, employee, or consultant of the authority shall not, for compensation, appear before the authority on behalf of, or in any way represent before the authority, any individual or private or public entity for a period of three years after termination of the person's relationship with the authority. This prohibition shall not apply to a state employee or officer, or an elected local official, who appears before the authority in his or her official capacity on behalf of the public entity that the employee, officer, or official represents.

(c) The provisions of this section shall be enforced by the Attorney General, district attorney, or city attorney with jurisdiction, pursuant to the rules and penalties set forth in the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

SEC. 1.5. Section 185115 is added to the Public Utilities Code, to read:

185115. (a) No member, employee, or consultant of the authority shall be the recipient of any gift, as defined in Section 82028 of the Government Code. No construction company, engineering firm, consultant, legal firm, or any other company, vendor, or business entity with a contract or seeking a contract with the authority, or subcontractor of any of the foregoing, or owner, employee, or any member of their immediate families of any of these companies, firms, vendors, entities, or subcontractors, shall make any gift to a member, employee, or consultant of the authority, or to any member of their immediate families. The authority itself may receive gifts, subject to written approval of the Department of Finance. The authority may transfer the gifts it receives to any person subject to this section only with the written approval of the Department of Finance.

(b) A member, employee, or consultant of the authority shall not, for compensation, appear before the authority on behalf of, or in any way represent before the authority, any individual or private or public entity for a period of three years after termination of the person's relationship with the authority. This prohibition shall not apply to a state employee or officer, or an elected local official, who appears before the authority in his or her official capacity on behalf of the public entity that the employee, officer, or official represents.

(c) The provisions of this section shall be enforced by the Attorney General, district attorney, or city attorney with jurisdiction, pursuant to the rules and penalties set forth in the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

SEC. 2. Section 185034 of the Public Utilities Code is amended to read:

185034. The authority may do any of the following:

(1) Conduct engineering and other studies related to the selection and acquisition of rights-of-way and the selection of a franchisee, including, but not limited to, environmental impact studies, socioeconomic impact studies, and financial feasibility studies.

(2) Evaluate alternative high-speed rail technologies, systems and operators, and select an appropriate high-speed rail system.

(3) Establish criteria for the award of a franchise.

(4) Accept grants, fees, and allocations from the state, from political subdivisions of the state or from the federal government, and private sources.

(5) Select a proposed franchisee, a proposed route, and proposed terminal sites.

(6) Enter into contracts with public and private entities for the preparation of the plan.

(7) Prepare a detailed financing plan, including any necessary taxes, fees, or bonds to pay for the construction of the high-speed train network.

(8) Develop a proposed high-speed rail financial plan, including necessary taxes, bonds, or both, or other indebtedness, and submit the plan to the Legislature and to the Governor.

(9) Keep the public informed of its activities.

SEC. 3. Section 1.5 of this bill shall become operative only if (1) both this bill and Assembly Bill 145 of the 2011–12 Regular Session are enacted and become effective on or before January 1, 2012, and (2) Assembly Bill 145 repeals and adds Division 19.5 (commencing with Section 18500) of the Public Utilities Code, in which case Section 1 of this bill shall not become operative.

SEC. 4. Section 2 of this bill shall not become operative if (1) Assembly Bill 145 of the 2011–12 Regular Session is enacted and becomes effective on or before January 1, 2012, and (2) that bill repeals and adds Division 19.5 (commencing with Section 18500) of the Public Utilities Code.

Approved _____, 2011

Governor