

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 31

Introduced by Senator Correa

December 6, 2010

~~An act to add Title 9.5 (commencing with Section 91100) to the Government Code, relating to local government. An act to amend Section 87406.3 of the Government Code, relating to the Political Reform Act of 1974.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Correa. ~~Local government: lobbyist registration. Postgovernment employment: restrictions.~~

The Political Reform Act of 1974 prohibits, for a period of one year after the official leaves his or her position, elected and other specified local officials who held positions with a local government agency, as defined, from acting as agents or attorneys for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, as specified, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

This bill, in addition, would apply this prohibition to local appointed officials.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~The Political Reform Act of 1974 provides for the comprehensive regulation of lobbyists, as defined.~~

~~This bill would enact a comprehensive scheme to regulate lobbying entities, as defined, that lobby local government agencies, including requirements to register and make periodic reports regarding certain lobbying activities. The bill would require each local government agency to create a commission to implement and enforce the provisions of the bill. By requiring local government agencies to implement a new program, the bill would impose a state-mandated local program.~~

~~The bill would provide that any person who knowingly or willingly violates a provision of the bill, knowingly or willfully causes any other person to violate any provision of the bill, or knowingly or willfully aides and abets any other person in violation of any provision of the bill is guilty of a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 87406.3 of the Government Code is
2 amended to read:

3 87406.3. (a) A local elected *or appointed* official, chief
4 administrative officer of a county, city manager, or general manager
5 or chief administrator of a special district who held a position with
6 a local government agency as defined in Section 82041 shall not,
7 for a period of one year after leaving that office or employment,
8 act as agent or attorney for, or otherwise represent, for
9 compensation, any other person, by making any formal or informal
10 appearance before, or by making any oral or written communication
11 to, that local government agency, or any committee, subcommittee,
12 or present member of that local government agency, or any officer
13 or employee of the local government agency, if the appearance or
14 communication is made for the purpose of influencing
15 administrative or legislative action, or influencing any action or
16 proceeding involving the issuance, amendment, awarding, or
17 revocation of a permit, license, grant, or contract, or the sale or
18 purchase of goods or property.

19 (b) Subdivision (a) shall not apply to any individual who is, at
20 the time of the appearance or communication, a board member,
21 officer, or employee of another local government agency or an
22 employee or representative of a public agency and is appearing or
23 communicating on behalf of that agency.

24 (c) Nothing in this section shall preclude a local government
25 agency from adopting an ordinance or policy that restricts the
26 appearance of a former local official before that local government
27 agency if that ordinance or policy is more restrictive than
28 subdivision (a).

29 (d) Notwithstanding Sections 82002 and 82037, the following
30 definitions shall apply for purposes of this section only:

31 (1) "Administrative action" means the proposal, drafting,
32 development, consideration, amendment, enactment, or defeat by
33 any local government agency of any matter, including any rule,
34 regulation, or other action in any regulatory proceeding, whether

1 quasi-legislative or quasi-judicial. Administrative action does not
2 include any action that is solely ministerial.

3 (2) “Legislative action” means the drafting, introduction,
4 modification, enactment, defeat, approval, or veto of any ordinance,
5 amendment, resolution, report, nomination, or other matter by the
6 legislative body of a local government agency or by any committee
7 or subcommittee thereof, or by a member or employee of the
8 legislative body of the local government agency acting in his or
9 her official capacity.

10 ~~(e) This section shall become operative on July 1, 2006.~~

11 *SEC. 2. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*

20 *SEC. 3. The Legislature finds and declares that this bill furthers*
21 *the purposes of the Political Reform Act of 1974 within the meaning*
22 *of subdivision (a) of Section 81012 of the Government Code.*

23
24
25
26
27
28

**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, March 23, 2011. (JR11)**