

AMENDED IN SENATE MAY 17, 2012
AMENDED IN SENATE MAY 8, 2012
AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1001

**Introduced by Senator Yee
(Coauthor: Senator Blakeslee)**

February 6, 2012

An act to amend Section 86102 of, and to add Sections 84101.5 and 84613 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1001, as amended, Yee. Political Reform Act of 1974: lobbyists and committees: fees.

(1) Existing provisions of the Political Reform Act of 1974 require a committee, as defined, to file a statement of organization with the Secretary of State and, as applicable, to file semiannual campaign statements.

This bill would require the Secretary of State to charge each committee that is required to file a statement of organization, and would require each committee to pay, except as specified and subject to specified deadlines, a fee ~~not to exceed~~ of \$50 per year until the committee is terminated. The bill would require the Fair Political Practices Commission to adjust this fee ~~limit~~ on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index and to round the adjustment to the nearest \$5.

(2) Existing provisions of the Political Reform Act of 1974 regulate the activities of lobbyists, lobbying firms, and lobbyist employers, as

defined, in connection with attempts to influence legislative and administrative action by legislative and other state officials. The act requires that lobbying firms and lobbyist employers register with the Secretary of State, and authorizes the Secretary of State to charge each lobbying firm and lobbyist employer a fee of up to \$25 per year for each lobbyist required to be listed on its registration statement.

This bill *instead* would ~~increase the maximum amount of this fee to require the Secretary of State to charge each lobbying firm and lobbyist employer a fee of \$50 per year for each lobbyist required to be listed on its registration statement.~~ The bill would require the Fair Political Practices Commission to adjust this fee ~~limit~~ on December 1 of each even-numbered year to reflect any increase in the Consumer Price Index and to round the adjustment to the nearest \$5.

(3) This bill would establish the Political Disclosure, ~~Access, and Transparency Account~~ *Accountability, Transparency, and Access Fund* in the State Treasury and require that moneys collected as fees *from committees, as described in (1) above, and one-half of fees collected from lobbying firms and lobbyist employers, as described in (2) above,* be deposited in ~~the account~~ *this fund*. The bill would require that *the other 1/2 of the fees collected for lobbyist registration prior to January 1, 2013, from lobbying firms and lobbyist employers* be deposited in the General Fund. The bill would require that moneys deposited in ~~the account~~ *the Political Disclosure, Accountability, Transparency, and Access Fund* be expended for the maintenance, repair, and improvement of the online or electronic disclosure program implemented by the Secretary of State, except that the bill would also allow the Secretary of State to use these moneys for purposes of implementing the bill. ~~The bill would prohibit the use of these moneys to improve or replace the online or electronic disclosure program until the Secretary of State has completed and submitted to the Joint Legislative Budget Committee and the Department of Finance a feasibility study report regarding a new online or electronic disclosure program.~~ *The bill would provide that expenditures from this fund for purposes of the maintenance, repair, and improvement of the online or electronic disclosure program are subject to the project approval and oversight process established by the California Technology Agency, as specified.*

(4) 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.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 84101.5 is added to the Government
2 Code, to read:

3 84101.5. (a) Notwithstanding Section 81006, the Secretary of
4 State shall charge each committee that is required to file a statement
5 of organization pursuant to subdivision (a) of Section 84101, and
6 each committee that is required to file a statement of organization
7 pursuant to subdivision (a) of Section 84101 shall pay, a fee of ~~not~~
8 ~~more than~~ fifty dollars (\$50) per year until the committee is
9 terminated pursuant to Section 84214.

10 (b) A committee shall pay the fee prescribed in subdivision (a)
11 no later than 15 days after filing its statement of organization.

12 (c) (1) A committee annually shall pay the fee prescribed in
13 subdivision (a) no later than January 15 of each year.

14 (2) A committee that is created and pays the initial fee pursuant
15 to subdivision (b) in the final three months of a calendar year is
16 not subject to the annual fee pursuant to paragraph (1) for the
17 following calendar year.

18 (3) A committee that existed prior to January 1, 2013, shall pay
19 the fee prescribed in subdivision (a) no later than February 15,
20 2013, and in accordance with paragraph (1) in each year thereafter.
21 A committee that terminates pursuant to Section 84214 prior to
22 January 31, 2013, is not required to pay a fee pursuant to this
23 paragraph.

24 (d) (1) A committee that fails to timely pay a fee required by
25 this section is subject to a penalty equal to three times the amount
26 of the fee.

27 (2) The Commission shall enforce the requirements of this
28 section.

29 (e) The Commission shall adjust the fee ~~limit~~ in subdivision (a)
30 on December 1 of each even-numbered year to reflect any increase
31 in the Consumer Price Index. The Commission shall round each
32 adjustment pursuant to this subdivision to the nearest five dollars
33 (\$5).

1 SEC. 2. Section 84613 is added to the Government Code, to
2 read:

3 84613. (a) ~~(1) The Political Disclosure, Access, and~~
4 ~~Transparency Account Accountability, Transparency, and Access~~
5 ~~Fund~~ is hereby established in the State Treasury. Moneys collected
6 pursuant to ~~Sections~~ Section 84101.5 and *one-half of the moneys*
7 *collected pursuant to Section 86102* shall be deposited in the
8 Political Disclosure, ~~Access, and Transparency Account~~
9 ~~Accountability, Transparency, and Access Fund~~.

10 ~~(2) Fees collected pursuant to Section 86102 prior to January~~
11 ~~1, 2013, shall be deposited in the General Fund.~~

12 (b) (1) Moneys deposited in the Political Disclosure, ~~Access,~~
13 ~~and Transparency Account Accountability, Transparency, and~~
14 ~~Access Fund~~ are subject to appropriation by the Legislature and
15 shall be expended for the maintenance, repair, and improvement
16 of the online or electronic disclosure program implemented by the
17 Secretary of State pursuant to this chapter. ~~In~~

18 (2) *In addition to paragraph (1), the Secretary of State may also*
19 *use moneys deposited in the Political Disclosure, Access, and*
20 *Transparency Account Accountability, Transparency, and Access*
21 *Fund for purposes of implementing the act that added this section.*

22 (c) ~~Moneys deposited in the Political Disclosure, Access, and~~
23 ~~Transparency Account shall not be used to improve or replace the~~
24 ~~online or electronic disclosure program until the Secretary of State~~
25 ~~has completed and submitted to the Joint Legislative Budget~~
26 ~~Committee and the Department of Finance a feasibility study report~~
27 ~~regarding a new online or electronic disclosure program.~~

28 (c) *Any expenditure of moneys from the Political Disclosure,*
29 *Accountability, Transparency, and Access Fund for the purposes*
30 *described in paragraph (1) of subdivision (b) is subject to the*
31 *project approval and oversight process established by the*
32 *California Technology Agency pursuant to Section 11546.*

33 SEC. 3. Section 86102 of the Government Code is amended
34 to read:

35 86102. (a) ~~Each~~ *The Secretary of State shall charge each*
36 *lobbying firm and lobbyist employer required to file a registration*
37 *statement under this chapter may be charged not more than a fee*
38 *of fifty dollars (\$50) per year for each lobbyist required to be listed*
39 *on its registration statement.*

1 (b) The Commission shall adjust the registration fee ~~limit~~ in
2 subdivision (a) on December 1 of each even-numbered year to
3 reflect any increase in the Consumer Price Index. The Commission
4 shall round each adjustment pursuant to this subdivision to the
5 nearest five dollars (\$5).

6 (c) *One-half of the moneys collected pursuant to this section*
7 *shall be deposited in the Political Disclosure, Accountability,*
8 *Transparency, and Access Fund, and the other one-half of the*
9 *moneys shall be deposited in the General Fund.*

10 SEC. 4. The Legislature finds and declares that this bill furthers
11 the purposes of the Political Reform Act of 1974 within the
12 meaning of subdivision (a) of Section 81012 of the Government
13 Code.