

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1426

Introduced by Senator Blakeslee
(Principal coauthor: Senator Correa)

February 24, 2012

An act to amend Section ~~82013~~ of 86203 of, and to add Section 89504 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1426, as amended, Blakeslee. ~~Political Reform Act of 1974: committees.~~ Lobbyist employers: gifts.

The Political Reform Act of 1974 regulates the receipt of gifts by public officials and also regulates the activities of members of the lobbying industry, including lobbyist employers. Under existing law, public officials are prohibited from accepting gifts from any single source in any calendar year with a total value of more than \$250, as adjusted biennially by the Fair Political Practices Commission. Existing law also prohibits a lobbyist or lobbying firm from giving gifts to a public official aggregating more than \$10 in a calendar month or from acting as an agent or intermediary in the making of any gift or arranging for the making of any gift by any other person.

This bill would prohibit a lobbyist, lobbying firm, or lobbyist employer from giving to an elected state officer or a member of that officer's immediate family, and would prohibit an elected state officer from accepting from a lobbyist, lobbying firm, or lobbyist employer, certain gifts, including tickets to specified venues and events, spa treatments, recreational trips, and gift cards. However, under the bill, these prohibitions would not apply to a fundraising event for a bona fide charitable organization.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by creating additional crimes.

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 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 defines the term “committee” for purposes of that act.~~

~~This bill would make nonsubstantive changes to that provision.~~

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

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

1 SECTION 1. Section 86203 of the Government Code is
2 amended to read:

3 86203. (a) ~~It shall be~~ is unlawful for a lobbyist; or lobbying
4 firm; to make gifts to one person aggregating more than ten dollars
5 (\$10) in a calendar month, or to act as an agent or intermediary in
6 the making of any gift, or to arrange for the making of any gift by
7 any other person.

8 (b) (1) It is unlawful for a lobbyist, lobbying firm, or lobbyist
9 employer to give to an elected state officer or to a member of that
10 officer’s immediate family, from the date the officer is elected to
11 the date he or she vacates office, any of the following gifts:

- 12 (A) A theme park or amusement park ticket.
- 13 (B) A professional sporting event ticket.
- 14 (C) A collegiate or other amateur sporting event ticket with a
15 face value exceeding twenty-five dollars (\$25).
- 16 (D) A theater, concert, or other entertainment ticket with a face
17 value exceeding twenty-five dollars (\$25).
- 18 (E) A racetrack ticket.

1 (F) A spa treatment, or other beauty or cosmetic service.

2 (G) A golf, skiing, hunting, or fishing trip, or other recreational
3 outing or vacation.

4 (H) A gift card.

5 (2) The prohibitions in this subdivision do not apply to a
6 fundraising event for a bona fide charitable organization.

7 SEC. 2. Section 89504 is added to the Government Code, to
8 read:

9 89504. (a) An elected state officer, from the date the officer
10 is elected to the date he or she vacates office, shall not accept as
11 a gift from a lobbyist, lobbying firm, or lobbyist employer any of
12 the following:

13 (1) A theme park or amusement park ticket.

14 (2) A professional sporting event ticket.

15 (3) A collegiate or other amateur sporting event ticket with a
16 face value exceeding twenty-five dollars (\$25).

17 (4) A theater, concert, or other entertainment ticket with a face
18 value exceeding twenty-five dollars (\$25).

19 (5) A racetrack ticket.

20 (6) A spa treatment, or other beauty or cosmetic service.

21 (7) A golf, skiing, hunting, or fishing trip, or other recreational
22 outing or vacation.

23 (8) A gift card.

24 (b) The prohibitions in this section do not apply to a fundraising
25 event for a bona fide charitable organization.

26 SEC. 3. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 SEC. 4. The Legislature finds and declares that this bill
36 furthers the purposes of the Political Reform Act of 1974 within
37 the meaning of subdivision (a) of Section 81012 of the Government
38 Code.

39 SECTION 1. ~~Section 82013 of the Government Code is~~
40 ~~amended to read:~~

1 82013. “Committee” means a person or combination of persons
2 who directly or indirectly does any of the following:
3 (a) ~~Receives contributions totaling one thousand dollars (\$1,000)~~
4 ~~or more in a calendar year.~~
5 (b) ~~Makes independent expenditures totaling one thousand~~
6 ~~dollars (\$1,000) or more in a calendar year.~~
7 (c) ~~Makes contributions totaling ten thousand dollars (\$10,000)~~
8 ~~or more in a calendar year to, or at the behest of, candidates or~~
9 ~~committees.~~
10 A person or combination of persons that becomes a committee
11 shall retain its status as a committee until such time as that status
12 is terminated pursuant to Section 84214.