

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1200**

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**Introduced by Assembly Member Gordon**

February 27, 2015

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An act to amend Section 82002 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Gordon. Political Reform Act of 1974: lobbying: procurement contracts.

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, including requirements that lobbyists, lobbying firms, and lobbyist employers register and file periodic reports with the Secretary of State. For purposes of these provisions, “administrative action” is defined to include the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding.

This bill would additionally define the term “administrative action” to include ~~the awarding of specified statewide contracts by the Office of Procurement in the Department of General Services;~~ *governmental procurement, which would be defined to include various actions regarding procurement contracts,* thereby making the above-described lobbying requirements applicable to actions that attempt to influence ~~those statewide contracts;~~ *governmental procurement.*

Because a willful violation of the act’s provisions is punishable as a misdemeanor, this 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 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.

Vote: 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 82002 of the Government Code is  
2 amended to read:

3 82002. (a) “Administrative action” means any of the following:

4 (1) The proposal, drafting, development, consideration,  
5 amendment, enactment, or defeat by any state agency of any rule,  
6 regulation, or other action in any ratemaking proceeding or any  
7 quasi-legislative proceeding, which shall include any proceeding  
8 governed by Chapter 3.5 (commencing with Section 11340) of  
9 Part 1 of Division 3 of Title 2.

10 (2) With regard only to placement agents, the decision by any  
11 state agency to enter into a contract to invest state public retirement  
12 system assets on behalf of a state public retirement system.

13 ~~(3) Proceedings involving the awarding of statewide contracts.~~

14 (3) *Governmental procurement.*

15 (b) “Ratemaking proceeding” means, for the purposes of a  
16 proceeding before the Public Utilities Commission, any proceeding  
17 in which it is reasonably foreseeable that a rate will be established,  
18 including, but not limited to, general rate cases, performance-based  
19 ratemaking, and other ratesetting mechanisms.

20 (c) “Quasi-legislative proceeding” means, for purposes of a  
21 proceeding before the Public Utilities Commission, any proceeding  
22 that involves consideration of the establishment of a policy that  
23 will apply generally to a group or class of persons, including, but

1 not limited to, rulemakings and investigations that may establish  
2 rules affecting an entire industry.

3 ~~(d) “Statewide contract” has the same meaning as that term is~~  
4 ~~defined in Section 10290 of the Public Contract Code with respect~~  
5 ~~to a contract subject to Chapter 2 (commencing with Section~~  
6 ~~10290) of Part 2 of Division 2 of the Public Contract Code that~~  
7 ~~has a total estimated cost in an amount over two hundred fifty~~  
8 ~~thousand dollars (\$250,000). Commencing January 1, 2018, this~~  
9 ~~minimum amount shall be adjusted in the manner provided by~~  
10 ~~subdivision (b) of Section 10105 of the Public Contract Code.~~

11 *(d) “Governmental procurement” means any of the following:*

12 *(1) Preparing the terms, specifications, bid documents, request*  
13 *for proposals, or evaluation criteria for a procurement contract.*

14 *(2) Soliciting for a procurement contract.*

15 *(3) Evaluating a procurement contract.*

16 *(4) Awarding, approving, denying, or disapproving a*  
17 *procurement contract.*

18 *(5) Approving or denying an assignment, amendment, other*  
19 *than an amendment authorized and payable under the terms of a*  
20 *procurement contract as the procurement contract was finally*  
21 *awarded or approved, renewal, or extension of a procurement*  
22 *contract, or any other material change in a procurement contract*  
23 *resulting in financial benefit to the offeror.*

24 SEC. 2. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

33 SEC. 3. The Legislature finds and declares that this bill furthers  
34 the purposes of the Political Reform Act of 1974 within the  
35 meaning of subdivision (a) of Section 81012 of the Government  
36 Code.