

AMENDED IN ASSEMBLY APRIL 6, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2628**

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**Introduced by Assembly Member Levine**

(Principal coauthor: Senator Jackson)

**(Coauthors: Assembly Members Bonta, Campos, Chau, Chiu, Chu, Eggman, Cristina Garcia, Gomez, McCarty, Nazarian, Thurmond, Weber, Williams, and Wood)**

(Coauthor: Senator McGuire)

February 19, 2016

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An act to amend Section 87505 of, and to add Sections 87406.5 and 87506 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2628, as amended, Levine. Political Reform Act of 1974: employment restrictions.

The Political Reform Act of 1974 generally prohibits a public official, as defined, from making, participating in making, or using his or her official position to influence a governmental decision in which the official has a financial interest. The act also requires the disclosure of specified financial interests of certain public officials on a statement of economic interests, which is filed annually. The act imposes certain restrictions on postgovernmental employment of specified public officials of state and local agencies.

This bill would require each state agency and each local agency that maintains an Internet Web site to make *publicly available on that*

~~Internet Web site the statements of economic interests filed by the agency's elected and appointed officials available on the agency's Internet Web site. specified public officials.~~

This bill would prohibit an elected or appointed officer of a state or local agency, while holding office and for a period of one year after leaving office, from engaging in specified conduct, including maintaining employment with, *as specified*, or being a compensated consultant of ~~any other board, commission, or other body on which the officer served as a member while holding the elective or appointed office, performing services that would qualify the officer as a lobbyist, and performing services as a compensated consultant or employee of an entity having a direct financial interest in a permit, regulatory, or enforcement action pending before the agency. that agency or, for compensation, aiding, advising, consulting with, or assisting an entity with a permit, regulatory action, or enforcement action pending before the agency.~~

A violation of the act is punishable as a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. The bill would also impose a state-mandated local program by increasing the duties imposed on local officials.

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.

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: yes.

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

1 SECTION 1. Section 87406.5 is added to the Government  
2 Code, to read:

3 87406.5. An elected or appointed officer of a state or local  
4 agency, while holding office and for a period of one year after  
5 leaving office, shall not do any of the following:

6 ~~(a) Maintain employment with or be a compensated consultant~~  
7 ~~of any board, commission, or other body on which the officer~~  
8 ~~serves or served as a member while holding the elective or~~  
9 ~~appointed office.~~

10 ~~(b) Perform services that would qualify the officer as a lobbyist.~~

11 ~~(c) Perform services as a compensated consultant or employee~~  
12 ~~of an entity having a direct financial interest in a permit, regulatory,~~  
13 ~~or enforcement action pending before the agency.~~

14 *(a) Maintain employment with, in a position other than the*  
15 *currently held elected or appointed office, or be a compensated*  
16 *consultant of the state or local agency.*

17 *(b) Aid, advise, consult with, or assist an entity, for*  
18 *compensation, with a permit, regulatory action, or enforcement*  
19 *action pending before the state or local agency.*

20 SEC. 2. Section 87505 of the Government Code is amended  
21 to read:

22 87505. Each city clerk or county clerk who maintains an  
23 Internet Web site shall post on that Internet Web site a notification  
24 that includes all of the following:

25 (a) A list of the elected officers identified in Section 87200 who  
26 file statements of economic interests with that city clerk or county  
27 clerk pursuant to Section 87500.

28 (b) A statement that copies of the statements of economic  
29 interests filed by the elected officers described in subdivision (a)  
30 may be obtained by visiting the offices of the Commission or that  
31 city clerk or county clerk, as appropriate, or the Internet Web site  
32 of the city or county. The statement shall include the physical  
33 address for the Commission's office and the city clerk's office or  
34 the county clerk's office, as appropriate.

35 (c) A link to the Commission's Internet Web site and a statement  
36 that statements of economic interests for some state and local  
37 government agency elected officers may be available in an  
38 electronic format on the Commission's Internet Web site.

1 SEC. 3. Section 87506 is added to the Government Code, to  
2 read:

3 87506. Each state agency and each local agency that maintains  
4 an Internet Web site shall make *publicly available on the Internet*  
5 *Web site* each statement of economic interests filed with the  
6 agency's filing officer by an ~~elected or appointed official of the~~  
7 ~~agency publicly available on the agency's Internet Web site.~~ *official*  
8 *identified in Section 87200.*

9 SEC. 4. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution for certain  
11 costs that may be incurred by a local agency or school district  
12 because, in that regard, this act creates a new crime or infraction,  
13 eliminates a crime or infraction, or changes the penalty for a crime  
14 or infraction, within the meaning of Section 17556 of the  
15 Government Code, or changes the definition of a crime within the  
16 meaning of Section 6 of Article XIII B of the California  
17 Constitution.

18 However, if the Commission on State Mandates determines that  
19 this act contains other costs mandated by the state, reimbursement  
20 to local agencies and school districts for those costs shall be made  
21 pursuant to Part 7 (commencing with Section 17500) of Division  
22 4 of Title 2 of the Government Code.

23 SEC. 5. The Legislature finds and declares that this bill furthers  
24 the purposes of the Political Reform Act of 1974 within the  
25 meaning of subdivision (a) of Section 81012 of the Government  
26 Code.