

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 976

Introduced by Senator Vidak

February 10, 2016

An act to amend Section ~~84200~~ 87406 of the Government Code, relating to the Political Reform Act of 1974 *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Vidak. Political Reform Act of 1974: ~~campaign statements~~ *postgovernment employment.*

The Milton Marks Postgovernment Employment Restrictions Act of 1990 prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making appearances before or communications with, the Legislature or its committees, present Members, or officers or employees, if the appearance or communication is made for the purpose of influencing legislative action.

This bill would extend the time period for these prohibitions to the conclusion of the next regular legislative session that begins after the Member leaves office. The bill would additionally prohibit a Member from engaging in the above-described post legislative employment activities before the Governor, or any officer or employee thereof.

Existing law prohibits an elected state officer, other than a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing any other person by making any formal or informal appearance, or by making any oral or written communication before any state administrative agency, or any officer or employee thereof, if the

appearance or communication is for the purpose of influencing specified administrative actions.

The bill would extend the time period for these prohibitions to two years after the final date of the term to which the officer was elected.

Because a violation of the act 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 $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

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

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. The act requires elected officers, candidates, committees, and slate mailer organizations to file various reports, including semiannual reports, preelection statements, and supplemental preelection statements.~~

~~This bill would make technical, nonsubstantive changes to the provision governing the filing of semiannual campaign statements.~~

~~Vote: ~~majority~~ $\frac{2}{3}$. 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 87406 of the Government Code is
- 2 amended to read:
- 3 87406. (a) This section shall be known, and may be cited, as
- 4 the Milton Marks Postgovernment Employment Restrictions Act
- 5 of 1990.

1 (b) ~~No~~—During the period from the date a Member of the
2 Legislature leaves office until the conclusion of the next regular
3 legislative session that begins after the Member leaves office, the
4 Member of the Legislature, for a period of one year after leaving
5 office, shall *not*, for compensation, act as agent or attorney for, or
6 otherwise represent, any other person by making any formal or
7 informal appearance, or by making any oral or written
8 communication, before the Legislature, any committee or
9 subcommittee thereof, any present Member of the Legislature *or*
10 *the Governor*, or any officer or employee thereof, if the appearance
11 or communication is made for the purpose of influencing legislative
12 action.

13 (c) ~~No~~—An elected state officer, other than a Member of the
14 Legislature, for a period of ~~one year~~ *two years* after leaving office
15 *the final date of the term to which the officer was elected*, shall
16 *not*, for compensation, act as agent or attorney for, or otherwise
17 represent, any other person by making any formal or informal
18 appearance, or by making any oral or written communication,
19 before any state administrative agency, or any officer or employee
20 thereof, if the appearance or communication is for the purpose of
21 influencing administrative action, or influencing any action or
22 proceeding involving the issuance, amendment, awarding, or
23 revocation of a permit, license, grant, or contract, or the sale or
24 purchase of goods or property. For purposes of this subdivision,
25 an appearance before a “state administrative agency” does not
26 include an appearance in a court of law, before an administrative
27 law judge, or before the Workers’ Compensation Appeals Board.

28 (d) (1) ~~No~~—A designated employee of a state administrative
29 agency, any officer, employee, or consultant of a state
30 administrative agency who holds a position which entails the
31 making, or participation in the making, of decisions which may
32 foreseeably have a material effect on any financial interest, and
33 ~~no~~ a member of a state administrative agency, for a period of one
34 year after leaving office or employment, shall *not*, for
35 compensation, act as agent or attorney for, or otherwise represent,
36 any other person, by making any formal or informal appearance,
37 or by making any oral or written communication, before any state
38 administrative agency, or officer or employee thereof, for which
39 he or she worked or represented during the 12 months before
40 leaving office or employment, if the appearance or communication

1 is made for the purpose of influencing administrative or legislative
2 action, or influencing any action or proceeding involving the
3 issuance, amendment, awarding, or revocation of a permit, license,
4 grant, or contract, or the sale or purchase of goods or property. For
5 purposes of this paragraph, an appearance before a state
6 administrative agency does not include an appearance in a court
7 of law, before an administrative law judge, or before the Workers'
8 Compensation Appeals Board. The prohibition of this paragraph
9 ~~shall only apply~~ *applies* to designated employees employed by a
10 state administrative agency on or after January 7, 1991.

11 (2) For purposes of paragraph (1), a state administrative agency
12 of a designated employee of the Governor's office includes any
13 state administrative agency subject to the direction and control of
14 the Governor.

15 (e) The prohibitions contained in subdivisions (b), (c), and (d)
16 ~~shall do~~ not apply to any individual subject to this section who is
17 or becomes any of the following:

18 (1) An officer or employee of another state agency, board, or
19 commission if the appearance or communication is for the purpose
20 of influencing legislative or administrative action on behalf of the
21 state agency, board, or commission.

22 (2) An official holding an elective office of a local government
23 agency if the appearance or communication is for the purpose of
24 influencing legislative or administrative action on behalf of the
25 local government agency.

26 ~~(f) This section shall become operative on January 1, 1991, but
27 only if Senate Constitutional Amendment No. 32 of the 1989-90
28 Regular Session is approved by the voters. With respect to
29 Members of the Legislature whose current term of office on
30 January 1, 1991, began in December 1988, this section shall not
31 apply until January 1, 1993.~~

32 *SEC. 2. No reimbursement is required by this act pursuant to*
33 *Section 6 of Article XIII B of the California Constitution because*
34 *the only costs that may be incurred by a local agency or school*
35 *district will be incurred because this act creates a new crime or*
36 *infraction, eliminates a crime or infraction, or changes the penalty*
37 *for a crime or infraction, within the meaning of Section 17556 of*
38 *the Government Code, or changes the definition of a crime within*
39 *the meaning of Section 6 of Article XIII B of the California*
40 *Constitution.*

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

4 *SEC. 4. This act is an urgency statute necessary for the*
5 *immediate preservation of the public peace, health, or safety within*
6 *the meaning of Article IV of the Constitution and shall go into*
7 *immediate effect. The facts constituting the necessity are:*

8 *In order to apply this act's postgovernment employment*
9 *restrictions to elected officials who are currently in office, it is*
10 *necessary that this act take immediate effect.*

11 ~~SECTION 1. Section 84200 of the Government Code is~~
12 ~~amended to read:~~

13 ~~84200. (a) Except as provided in paragraphs (1), (2), and (3),~~
14 ~~elected officers, candidates, and committees pursuant to subdivision~~
15 ~~(a) of Section 82013 shall file semiannual statements each year no~~
16 ~~later than July 31 for the period ending June 30, and no later than~~
17 ~~January 31 for the period ending December 31.~~

18 ~~(1) A candidate who, during the past six months, has filed a~~
19 ~~declaration pursuant to Section 84206 shall not be required to file~~
20 ~~a semiannual statement for that six-month period.~~

21 ~~(2) Elected officers whose salaries are less than two hundred~~
22 ~~dollars (\$200) a month, judges, and judicial candidates and their~~
23 ~~controlled committees shall not file semiannual statements pursuant~~
24 ~~to this subdivision for any six-month period in which they have~~
25 ~~not made or received any contributions or made any expenditures.~~

26 ~~(3) A judge who is not listed on the ballot for reelection to, or~~
27 ~~recall from, any elective office during a calendar year shall not~~
28 ~~file a semiannual statement pursuant to this subdivision for any~~
29 ~~six-month period in that year if both of the following apply:~~

30 ~~(A) The judge has not received any contributions.~~

31 ~~(B) The only expenditures made by the judge during the calendar~~
32 ~~year are contributions from the judge's personal funds to other~~
33 ~~candidates or committees totaling less than one thousand dollars~~
34 ~~(\$1,000).~~

35 ~~(b) All committees pursuant to subdivision (b) or (c) of Section~~
36 ~~82013 shall file campaign statements each year no later than July~~
37 ~~31 for the period ending June 30, and no later than January 31 for~~
38 ~~the period ending December 31, if they have made contributions~~
39 ~~or independent expenditures, including payments to a slate mailer~~

- 1 organization, during the six-month period before the closing date
- 2 of the statements.

O