

AMENDED IN SENATE JULY 30, 1997

AMENDED IN SENATE JULY 10, 1997

AMENDED IN ASSEMBLY MAY 20, 1997

AMENDED IN ASSEMBLY APRIL 22, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 837

Introduced by Assembly Members Thomson and Ackerman

February 27, 1997

An act to amend Sections 8956, 86103, and 86106 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 837, as amended, Thomson. Political Reform Act of 1974: lobbyists: certification.

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. As part of this regulatory activity, the act requires that lobbying firms and lobbyist employers register with the Secretary of State and that each lobbyist who is a partner, owner, officer, or employee of a lobbying firm or who is an employee of a lobbyist employer, complete a certification. Among other things, the certification requires the lobbyist to state that he or she has completed an

orientation course on the ethical issues and laws relating to lobbying within the previous 24 months. In the case of a new lobbyist certification, where the lobbyist has not completed the course within the previous 24 months, the certification must include a statement that the lobbyist will complete a course within a reasonable period of time, in which case the certification will be accepted on a conditional basis and, within a reasonable time after the lobbyist completes the course, the lobbyist must file a new certification with the Secretary of State which shall replace the conditional certification.

This bill would revise the procedures for the certification of a lobbyist relating to the completion of the specified ethics orientation course. This bill would require that the ethics course be provided semi-annually, and at least once prior to June 30 each year. Under the bill, a lobbyist who filed and completed a lobbyist certification in connection with the last regular session of the Legislature is required to include a statement that he or she has completed within the previous 12 months, or will complete no later than June 30 of the following year, the ethics orientation course. Moreover, under the bill, if the latter alternative is applicable to the lobbyist, the lobbyist's certification would be required to be accepted on a conditional basis and if the lobbyist completes the course within the required period, a new lobbyist certification would be required to be filed with the Secretary of State replacing the conditional certificate. ~~If, on the other hand,~~ *In the case of new lobbyist certifications, filers would be required to complete the ethics course within 12 months. In either case,* if the lobbyist fails to complete the course within the required period contrary to his or her statement, the bill would provide that conditional lobbyist certification is void, thereby disqualifying the individual from acting as a lobbyist, until he or she completes the course and files the prescribed lobbyist certification, which certifies the date that he or she completed the course.

The bill would provide that acting as a lobbyist pursuant to this title after the conditional certificate has become void is a violation of the act.



Existing law requires lobbying firms and lobbyist employees to renew their registrations within 20 days after the opening of each regular session of the Legislature.

This bill would require lobbying firms and lobbyist employers to file renewals of their registration between November 1 and December 31 of each even-numbered year.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the bill.

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 with a 2/3 vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a 2/3 vote.

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 8956 of the Government Code is
2 amended to read:

3 8956. (a) The appropriate legislative ethics
4 committees shall conduct at least semiannually an
5 orientation course of the relevant statutes and regulations
6 governing official conduct. The curriculum and
7 presentation of the course shall be established by house
8 rules.

9 (b) The committees shall conduct at least
10 semiannually an orientation course on the relevant
11 ethical issues and laws relating to lobbying, in
12 consultation with the Fair Political Practices



1 Commission. One of the semiannual courses shall be held
2 prior to June 30 of each year. This course may be
3 combined with the course described in subdivision (a).

4 (c) At least once in each biennial session, each
5 Member of the Legislature and each designated
6 employee of the Legislature shall attend one of these
7 courses.

8 (d) The committees shall impose fees on lobbyists for
9 attending the course described in subdivision (b). The
10 fees shall be set at an amount that will enable the
11 lobbyists' participation in the course to be funded from
12 those fees to the fullest extent possible.

13 SEC. 2. Section 86103 of the Government Code is
14 amended to read:

15 86103. A lobbyist certification shall include all of the
16 following:

17 (a) A recent photograph of the lobbyist, the size of
18 which shall be prescribed by the Secretary of State.

19 (b) The full name, business address, and telephone
20 number of the lobbyist.

21 (c) A statement that the lobbyist has read and
22 understands the prohibitions contained in Sections 86203
23 and 86205.

24 (d) (1) In the case of a lobbyist who filed a completed
25 lobbyist certification in connection with the last regular
26 session of the Legislature, a statement that the lobbyist
27 has completed, within the previous 12 months or will
28 complete no later than June 30 of the following year, the
29 course described in subdivision (b) of Section 8956. If the
30 lobbyist certification states that the lobbyist will complete
31 the course no later than June 30 of the following year, the
32 certification shall be accepted on a conditional basis.
33 Thereafter, if the lobbyist completes the course no later
34 than June 30 of the following year, the lobbyist shall file
35 a new lobbyist certification with the Secretary of State
36 which shall replace the conditional lobbyist certification
37 previously filed. If the lobbyist certification states that the
38 lobbyist will complete the course ~~within the next six~~
39 ~~months~~ *no later than June 30 of the following year* and the
40 lobbyist fails to do so, the conditional lobbyist



1 certification shall be void and the individual shall not act
2 as a lobbyist pursuant to this title until he or she has
3 completed the course and filed with the Secretary of State
4 a lobbyist certification stating that he or she has
5 completed the course and the date of completion. It shall
6 be a violation of this section for any individual to act as a
7 lobbyist pursuant to this title once his or her conditional
8 certification is void.

9 (2) If, in the case of a new lobbyist certification, the
10 lobbyist has not completed the course within the previous
11 12 months, the lobbyist certification shall include a
12 statement that the lobbyist will complete a scheduled
13 course within 12 months, and the lobbyist certification
14 shall be accepted on a conditional basis. Following the
15 lobbyist's completion of the ethics course, the lobbyist
16 shall file a new lobbyist certification with the Secretary of
17 State which shall replace the conditional lobbyist
18 certification previously filed. If the new lobbyist
19 certification states that the lobbyist will complete the
20 course within 12 months and the lobbyist fails to do so, the
21 conditional lobbyist certification shall be void and the
22 individual shall not act as a lobbyist pursuant to this title
23 until he or she has completed the course and filed with the
24 Secretary of State a lobbyist certification stating he or she
25 has completed the course and the date of completion. It
26 shall be a violation of this section for any individual to act
27 as a lobbyist pursuant to this title once his or her
28 conditional certification is void.

29 (e) Any other information required by the
30 commission consistent with the purposes and provisions
31 of this chapter.

32 SEC. 3. Section 86106 of the Government Code is
33 amended to read:

34 86106. Each registered lobbying firm and lobbyist
35 employer which will be conducting activities which
36 require registration shall renew its registration by filing
37 photographs of its lobbyists, authorizations, and a
38 registration statement between November 1 and
39 December 31, of each even-numbered year. Each
40 lobbyist shall renew his or her lobbyist certification in



1 connection with the renewal of registration by the
2 lobbyist's lobbying firm or employer.

3 SEC. 4. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because the only costs that may be incurred
6 by a local agency or school district will be incurred
7 because this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition
11 of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

13 Notwithstanding Section 17580 of the Government
14 Code, unless otherwise specified, the provisions of this act
15 shall become operative on the same date that the act
16 takes effect pursuant to the California Constitution.

17 SEC. 5. The Legislature finds and declares that the
18 provisions of this act further the purposes of the Political
19 Reform Act of 1974 within the meaning of subdivision (a)
20 of Section 81012 of the Government Code.

