

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 89

Introduced by Senator Hayden

December 18, 1996

An act to add ~~Section 130051.20~~ *Sections 130051.20 and 130051.25* to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as amended, Hayden. Transportation: Los Angeles County Metropolitan Transportation Authority: members: employees: *recordable injuries*.

Existing

(1) *Existing* law requires the Los Angeles County Metropolitan Transportation Authority to adopt an ordinance, as specified, regulating the making of gifts to members and designated employees of the authority.

This bill would impose limitations on the making of gifts or contributions of over \$10 in value or amount to members, alternate members, and employees of the authority, and their immediate families, by any construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the authority, and on the acceptance of those gifts by a member, alternate member, employee, or any member of their *immediate* families. The bill would also impose limitations on making or participating in contracts by a member, alternate member, or employee who had *knowingly* accepted a gift or

contribution of over \$10 in value or amount from a participant in the contract.

The bill would prohibit a specified former member, alternate member, or employee of the authority, for a period of 3 years after leaving the authority, from accepting employment with any company, vendor, or business entity that was awarded a contract as a result of the individual's participation, evaluation, award, or implementation of that contract.

(2) Under existing law, the authority may contract with any person upon the terms and conditions that the authority finds to be in its best interest.

This bill would require a construction firm that contracts with the authority to report total recordable injuries, as defined, to the authority on a monthly basis. The bill would prohibit the authority from basing any authority safety bonus program for contractors on injuries that result in lost time and would require the authority to base such a program on the overall rate of recordable injuries.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) The Los Angeles County Metropolitan
4 Transportation Authority has an annual budget of two
5 billion nine hundred million dollars (\$2,900,000,000).

6 (b) The authority is funded by tax and bond revenues.

7 (c) There were 990 lobbyists registered with the
8 authority as of December 8, 1994, nearly as many lobbyists
9 as there are who work with the Legislature at the State
10 Capitol.

11 (d) Evidence exists that the policy making and
12 contract-award processes are heavily influenced by
13 lobbyists bearing gifts and contributions.

14 (e) Public confidence in the authority has
15 deteriorated because of critical investigative media
16 reports on its performance, the temporary suspension of



1 federal construction funding, an ongoing criminal federal
2 investigation, and pending lawsuits filed by authority
3 “whistle-blowers” and bus riders.

4 (f) It is crucial to the future of the transportation
5 system in Los Angeles County that there be public
6 confidence in the authority, that public funds are spent
7 legally, properly, without special-interest influence, and
8 in the most cost-effective way that serves the greatest
9 number of transit-dependent citizens.

10 The Legislature finds it proper and necessary
11 therefore, to revise and strengthen existing laws that
12 govern gifts and contributions given to, and received by,
13 authority directors and employees.

14 SEC. 2. Section 130051.20 is added to the Public
15 Utilities Code, to read:

16 130051.20. (a) (1) No construction company,
17 engineering firm, consultant, legal firm, or any company,
18 vendor, or business entity seeking a contract with the Los
19 Angeles County *Metropolitan* Transportation Authority
20 shall give to a member, alternate member, or employee
21 of the authority, or to any member of their immediate
22 families, a gift or contribution of over ten dollars (\$10) in
23 value or amount. A “contribution” includes contributions
24 to candidates or their committees in any federal, state, or
25 local election.

26 (2) Neither the owner, an employee, or any member
27 of their immediate families, of any construction company,
28 engineering firm, consultant, legal firm, or any company,
29 vendor, or business entity seeking a contract with the
30 authority shall make a gift or contribution of over ten
31 dollars (\$10) in value or amount to a member, alternate
32 member, or employee of the authority, or to any member
33 of their immediate families.

34 (3) No member, alternate member, or employee of
35 the authority, or member of their immediate families,
36 shall accept a gift or contribution of over ten dollars (\$10)
37 in value or amount from any construction company,
38 engineering firm, consultant, legal firm, or any company,
39 vendor, or business entity seeking a contract with the
40 authority.



1 (4) No member, alternate member, or employee of
2 the authority shall make or participate in, or use his or her
3 official position to influence, a contract decision if the
4 member, alternate member, or employee has knowingly
5 accepted a gift or contribution of over ten dollars (\$10)
6 in value in the past four years from a participant, or its
7 agent, involved in the contract decision.

8 (5) No member, alternate member, or employee of
9 the authority, or member of their immediate families
10 shall accept a gift or contribution of over ten dollars (\$10)
11 in value or amount from a construction company,
12 engineering firm, consultant, legal firm, or any company,
13 vendor, or business entity that has contracted with the
14 authority in the preceding four years.

15 (b) A member, alternate member, or employee of the
16 authority who has participated as a decisionmaker in the
17 preparation, evaluation, award, or implementation of a
18 contract and who leaves the authority shall not, within
19 three years of leaving the authority, accept employment
20 with any company, vendor, or business entity that was
21 awarded a contract as a result of his or her participation,
22 evaluation, award, or implementation of that contract.

23 *SEC. 3. Section 130051.25 is added to the Public*
24 *Utilities Code, to read:*

25 *130051.25. (a) For the purpose of this section,*
26 *“recordable injury” means any injury requiring*
27 *treatment beyond simple first aid.*

28 *(b) A construction firm that contracts with the Los*
29 *Angeles County Metropolitan Transportation Authority*
30 *shall report total recordable injuries to the authority on*
31 *a monthly basis.*

32 *(c) The authority shall not base any safety bonus*
33 *program for contractors on injuries that result in lost time,*
34 *and shall base such a program on the overall rate of*
35 *recordable injuries.*

