

AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 157

Introduced by Senator Haynes

(Coauthors: Assembly Members Bill Campbell and Hollingsworth)

January 31, 2001

An act to add Section 84308.5 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 157, as amended, Haynes. Campaign contributions: arbitration.

(1) Existing law, the Political Reform Act of 1974, prohibits a public official from making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. In the case of certain public officials, existing law prohibits an official from making, participating in making, or in any way attempting to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the official has willfully or knowingly received a contribution in an amount of more than \$250 within the preceding 12 months from a party who is the subject of the proceeding or his or her agent.

This bill would prohibit an elected state officer from submitting or agreeing to submit a pending lawsuit or any part of a pending lawsuit against the state or a state agency to binding arbitration, *or selecting or designating an arbitrator if such a lawsuit or any part thereof is otherwise submitted to binding arbitration*, if he or she has received a contribution within the preceding 12 months in the amount of \$250 or

more from a party to that lawsuit, the party’s attorney, or any person acting on the behalf of the party.

(2) Under existing law, a violation of the Political Reform Act of 1974 is subject to administrative, civil, and criminal penalties.

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

(3) 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.

(4) 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 84308.5 is added to the Government
2 Code, to read:

3 84308.5. An elected state officer may not ~~submit or agree to~~
4 ~~submit a pending lawsuit, or any part thereof, against the state or~~
5 ~~a state agency to binding arbitration if he or she has received a~~ *do*
6 *either of the following if he or she has received a* contribution
7 within the preceding 12 months in the amount of two hundred fifty
8 dollars (\$250) or more from a party to ~~that lawsuit~~ *a pending*
9 *lawsuit against the state or a state agency, the party’s attorney, or*
10 *any person acting on the behalf of the party: :*

11 (a) *Submit or agree to submit that lawsuit, or any part thereof,*
12 *to binding arbitration.*

13 (b) *If that lawsuit, or any part thereof, is otherwise submitted*
14 *to binding arbitration, select or designate an arbitrator for the*
15 *proceeding.*



1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 SEC. 3. The Legislature finds and declares that the provisions
11 of this act further the purposes of the Political Reform Act of 1974
12 within the meaning of subdivision (a) of Section 81012 of the
13 Government Code.

