

AMENDED IN SENATE APRIL 16, 2001

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, *or designating or directing*



a person to do so, 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. The bill would also prohibit an elected state officer from soliciting or receiving a contribution of \$250 or more from such a person within the 12 months following that submission or agreement to submit to arbitration or selection of an arbitrator.

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



1 ~~(b)~~
2 (2) If that lawsuit, or any part thereof, is otherwise submitted
3 to binding arbitration, select or designate an arbitrator for the
4 proceeding.

5 (3) *Designate or direct a person to perform an activity*
6 *described in paragraph (1) or (2).*

7 **(b)** *If an elected state officer performs an activity described in*
8 *paragraph (1) or (2) of subdivision (a), or designates or directs a*
9 *person to perform that activity, the elected state officer may not*
10 *solicit or receive a contribution within the 12 months following the*
11 *activity described in paragraph (1) or (2) of subdivision (a) in the*
12 *amount of two hundred fifty dollars (\$250) or more from a party*
13 *to that lawsuit, as described in subdivision (a), the party's attorney,*
14 *or any person acting on the behalf of the party.*

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

24 SEC. 3. The Legislature finds and declares that the provisions
25 of this act further the purposes of the Political Reform Act of 1974
26 within the meaning of subdivision (a) of Section 81012 of the
27 Government Code.

