

AMENDED IN SENATE JUNE 23, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 71

Introduced by Assembly Member Huber

December 20, 2010

An act to amend Sections 86109.5 and 86116 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 71, as amended, Huber. Political Reform Act of 1974: lobbyists.

Existing law, the Political Reform Act of 1974, requires the Secretary of State to establish and maintain on the Internet an updated Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers. The act further requires lobbyist employers and persons making certain payments to influence legislative or administrative actions to file periodic reports disclosing, among other information, their lobbying interests.

This bill would require that the online directory maintained by the Secretary of State also contain information regarding lobbying interests. The bill would require that the periodic reports filed by lobbyist employers and other persons contain, in addition to their lobbying interests, the bill numbers of any legislation lobbied for or against during the reporting period. The bill would also require the Secretary of State to display on his or her Internet Web site, within 90 days of the end of each calendar quarter, a list of the lobbying interests containing a specific reference to a bill number, accompanied by a list of all lobbyist employers who reported each of those lobbying interests, reported for the prior calendar quarter.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

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.

Vote: $\frac{2}{3}$. 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 86109.5 of the Government Code is
- 2 amended to read:
- 3 86109.5. (a) The Secretary of State shall establish and maintain
- 4 on the Internet an online version of the Directory of Lobbyists,
- 5 Lobbying Firms, Lobbyist Employers, and Lobbying Interests.
- 6 The Secretary of State shall update the directory weekly.
- 7 (b) The Secretary of State shall also display on the Internet a
- 8 list of the specific changes made to the Directory of Lobbyists,
- 9 Lobbying Firms, Lobbyist Employers, and Lobbying Interests,
- 10 including new registrations and listings, additions, deletions, and
- 11 other revisions, during the seven days preceding the update required
- 12 by subdivision (a).
- 13 (c) Notwithstanding any other provision of this title, the lobbying
- 14 data made available on the Internet shall include the street name
- 15 and building number of the persons or entity representatives listed
- 16 on all the documents submitted to the Secretary of State pursuant
- 17 to this chapter.
- 18 SEC. 2. Section 86116 of the Government Code is amended
- 19 to read:

1 86116. Every person described in Section 86115 shall file
2 periodic reports containing the following information:

3 (a) The name, business address, and telephone number of the
4 lobbyist employer or other person filing the report.

5 (b) The total amount of payments to each lobbying firm.

6 (c) The total amount of all payments to lobbyists employed by
7 the filer.

8 (d) A description of the specific lobbying interests of the filer,
9 including the bill number *or numbers* of the legislation lobbied
10 ~~for or against~~ during the reporting period, if applicable.

11 (e) A periodic report completed and verified by each lobbyist
12 employed by a lobbyist employer pursuant to Section 86113.

13 (f) Each activity expense of the filer. A total of all activity
14 expenses of the filer shall be included.

15 (g) The date, amount, and the name of the recipient of any
16 contribution of one hundred dollars (\$100) or more made by the
17 filer to an elected state officer, a state candidate, or a committee
18 controlled by an elected state officer or state candidate, or a
19 committee primarily formed to support the officer or candidate. If
20 this contribution is reported by the filer or by a committee
21 sponsored by the filer in a campaign statement filed pursuant to
22 Chapter 4 (commencing with Section 84100) that is required to
23 be filed with the Secretary of State, the filer may report only the
24 name of the committee and the identification number of the
25 committee.

26 (h) (1) Except as set forth in paragraph (2), the total of all other
27 payments to influence legislative or administrative action, including
28 overhead expenses and all payments to employees who spend 10
29 percent or more of their compensated time in any one month in
30 activities related to influencing legislative or administrative action.

31 (2) A filer that makes payments to influence a ratemaking or
32 quasi-legislative proceeding before the Public Utilities
33 Commission, as defined in subdivision (b) or (c), respectively, of
34 Section 82002, may, in lieu of reporting those payments pursuant
35 to paragraph (1), report only the portion of those payments made
36 to or for the filer's attorneys for time spent appearing as counsel
37 and preparing to appear as counsel, or to or for the filer's witnesses
38 for time spent testifying and preparing to testify, in this type of
39 Public Utilities Commission proceeding. This alternative reporting
40 of these payments made during a calendar month is not required

1 to include payments made to an attorney or witness who is an
2 employee of the filer if less than 10 percent of his or her
3 compensated time in that month was spent in appearing, testifying,
4 or preparing to appear or testify before the Public Utilities
5 Commission in a ratemaking or quasi-legislative proceeding. For
6 the purposes of this paragraph, time spent preparing to appear or
7 preparing to testify does not include time spent preparing written
8 testimony.

9 (i) Any other information required by the Commission consistent
10 with the purposes and provisions of this chapter.

11 SEC. 3. Section 86119 is added to the Government Code, to
12 read:

13 86119. Not later than 90 days following the end of each
14 calendar quarter, the Secretary of State shall display on his or her
15 Internet Web site a list of the lobbying interests containing a
16 specific reference to a bill number that were reported pursuant to
17 Section 86116, accompanied by a list of all lobbyist employers
18 who reported each of those lobbying interests for the prior calendar
19 quarter.

20 SEC. 4. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 SEC. 5. The Legislature finds and declares that this bill furthers
30 the purposes of the Political Reform Act of 1974 within the
31 meaning of subdivision (a) of Section 81012 of the Government
32 Code.