

AMENDED IN SENATE JUNE 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1241

Introduced by Assembly Member Norby

February 18, 2011

An act to amend Section 84308 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL’S DIGEST

AB 1241, as amended, Norby. Political Reform Act of 1974: contributions.

The Political Reform Act of 1974 regulates contributions to public officials and also regulates conflicts of interests on the part of public officials while carrying out their respective duties. Among its provisions, the act prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$250 from a party or participant in a proceeding involving a license, permit, or other entitlement for use while that proceeding is pending before the agency and for 3 months following the final decision in the proceeding. For these purposes, “officer” is defined to include any elected or appointed officer of the agency.

This bill would change the definition of “officer” for these purposes to exclude an elected officer of the agency.

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: no.
State-mandated local program: no.

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

1 SECTION 1. Section 84308 of the Government Code is
2 amended to read:

3 84308. (a) The definitions set forth in this subdivision shall
4 govern the interpretation of this section.

5 (1) “Party” means any person who files an application for, or
6 is the subject of, a proceeding involving a license, permit, or other
7 entitlement for use.

8 (2) “Participant” means any person who is not a party but who
9 actively supports or opposes a particular decision in a proceeding
10 involving a license, permit, or other entitlement for use and who
11 has a financial interest in the decision, as described in Article 1
12 (commencing with Section 87100) of Chapter 7. A person actively
13 supports or opposes a particular decision in a proceeding if he or
14 she lobbies in person the officers or employees of the agency,
15 testifies in person before the agency, or otherwise acts to influence
16 officers of the agency.

17 (3) “Agency” means an agency as defined in Section 82003,
18 except that it does not include the courts or any agency in the
19 judicial branch of government, local governmental agencies whose
20 members are directly elected by the voters, the Legislature, the
21 State Board of Equalization, or constitutional officers. However,
22 this section applies to any person who is a member of an exempted
23 agency but is acting as a voting member of another agency.

24 (4) “Officer” means any appointed officer of an agency, any
25 alternate to an elected or appointed officer of an agency, and any
26 candidate for elective office in an agency. *An appointed officer of*
27 *an agency is an officer of that agency for purposes of this section*
28 *irrespective of whether the officer is an elected officer of another*
29 *agency.*

30 (5) “License, permit, or other entitlement for use” means all
31 business, professional, trade, and land use licenses and permits
32 and all other entitlements for use, including all entitlements for
33 land use, all contracts (other than competitively bid, labor, or
34 personal employment contracts), and all franchises.

1 (6) “Contribution” includes contributions to candidates and
2 committees in federal, state, or local elections.

3 (b) No officer of an agency shall accept, solicit, or direct a
4 contribution of more than two hundred fifty dollars (\$250) from
5 any party, or his or her agent, or from any participant, or his or her
6 agent, while a proceeding involving a license, permit, or other
7 entitlement for use is pending before the agency and for three
8 months following the date a final decision is rendered in the
9 proceeding if the officer knows or has reason to know that the
10 participant has a financial interest, as that term is used in Article
11 1 (commencing with Section 87100) of Chapter 7. This prohibition
12 applies regardless of whether the officer accepts, solicits, or directs
13 the contribution for himself or herself, or on behalf of any other
14 officer, or on behalf of any candidate for office or on behalf of any
15 committee.

16 (c) Prior to rendering any decision in a proceeding involving a
17 license, permit, or other entitlement for use pending before an
18 agency, each officer of the agency who received a contribution
19 within the preceding 12 months in an amount of more than two
20 hundred fifty dollars (\$250) from a party or from any participant
21 shall disclose that fact on the record of the proceeding. No officer
22 of an agency shall make, participate in making, or in any way
23 attempt to use his or her official position to influence the decision
24 in a proceeding involving a license, permit, or other entitlement
25 for use pending before the agency if the officer has willfully or
26 knowingly received a contribution in an amount of more than two
27 hundred fifty dollars (\$250) within the preceding 12 months from
28 a party or his or her agent, or from any participant, or his or her
29 agent, if the officer knows or has reason to know that the
30 participant has a financial interest in the decision, as that term is
31 described with respect to public officials in Article 1 (commencing
32 with Section 87100) of Chapter 7.

33 If an officer who receives a contribution that would otherwise
34 require disqualification under this section returns the contribution
35 within 30 days from the time he or she knows, or should have
36 known, about the contribution and the proceeding involving a
37 license, permit, or other entitlement for use, he or she shall be
38 permitted to participate in the proceeding.

39 (d) A party to a proceeding before an agency involving a license,
40 permit, or other entitlement for use shall disclose on the record of

1 the proceeding any contribution in an amount of more than two
2 hundred fifty dollars (\$250) made within the preceding 12 months
3 by the party, or his or her agent, to any officer of the agency. No
4 party, or his or her agent, to a proceeding involving a license,
5 permit, or other entitlement for use pending before any agency
6 and no participant, or his or her agent, in the proceeding shall make
7 a contribution of more than two hundred fifty dollars (\$250) to
8 any officer of that agency during the proceeding and for three
9 months following the date a final decision is rendered by the
10 agency in the proceeding. When a closed corporation is a party to,
11 or a participant in, a proceeding involving a license, permit, or
12 other entitlement for use pending before an agency, the majority
13 shareholder is subject to the disclosure and prohibition
14 requirements specified in subdivisions (b) and (c) and this
15 subdivision.

16 (e) Nothing in this section shall be construed to imply that any
17 contribution subject to being reported under this title shall not be
18 so reported.

19 SEC. 2. The Legislature finds and declares that this bill furthers
20 the purposes of the Political Reform Act of 1974 within the
21 meaning of subdivision (a) of Section 81012 of the Government
22 Code.