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1992 REGULAR SESSION
CHAPTER 60 (Assembly Bill No. 152)

BILL TRACKING SUMMARY FOR THIS DOCUMENT

1992 Cal ALS 60; 1992 Cal AB 152; Stats 1992 ch 60

[Approved by Governor May 19, 1992.] Urgency legislation is effective immediately, Non-urgency legislation will become effective January 1, 1993

DIGEST: AB 152, Katz. Transportation agencies: Los Angeles County.

(1) Existing law creates, prescribes the powers and duties of, and specifies the governing bodies of, the Southern California Rapid Transit District and the Los Angeles County Transportation Commission, respectively.

This bill would abolish the district and the commission. The bill would create the Los Angeles County Metropolitan Transportation Authority as the successor to those agencies. The bill would prescribe the membership of the governing body of the authority and would provide for the authority to assume, over a specified period of time, the rights, powers, duties, obligations, and responsibilities of the district and the commission, and would prescribe additional powers and duties of the authority. In so doing, the bill would impose a state-mandated local program. Additionally, the bill would impose various requirements and prohibitions applicable to lobbyists and lobbyist employers, as defined, and would require the authority to adopt an ordinance, as specified, regulating the making of gifts to members and designated employees of the authority.

(2) 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.

SYNOPSIS: An act to amend Sections 99285 and 130108 of, to add Sections 130050.2, 130051.9, 130051.10, 130051.11, 130051.12, 130051.13, 130051.14, 130051.15, 130051.16, 130051.17, 130051.18, and 130051.19 to, to repeal Section 30251 of, to repeal Chapter 6 (commencing with Section 30800) of Part 3 of Division 10 of, and to repeal and add Sections 130051, 130051.5, and 130051.6 of, the Public Utilities Code, relating to transportation.

NOTICE: [A> Uppercase text within these symbols is added <A]

* * * indicates deleted text

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

[*1] SECTION 1. This act shall be known and may be cited as the Los Angeles County Metropolitan Transportation Authority Reform Act of 1992.

[*2] SECTION 2. (a) It is the intent of the Legislature that the Los Angeles County Metropolitan Transportation Authority be a unified comprehensive institutional structure that ensures maximum accountability to the people and that the authority succeed to the powers, duties, obligations, liabilities, immunities, and exemptions of both the Los Angeles County Transportation Commission and the Southern California Rapid Transit District as provided in this act.

(b) It is the intent of the Legislature that nothing in this act shall enlarge or diminish the statutory rights, duties, obligations, or privileges of any labor organization. Further, it is the intent of the Legislature that nothing in this act

shall enlarge or diminish the statutory rights, duties, obligations, or privileges of the Los Angeles County Metropolitan Transportation Authority with respect to any affected labor organization as a result of the authority's succession to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission by virtue of this act.

[*2x8] SECTION 2.8. Section 30251 of the Public Utilities Code is repealed.

[*2x9] SECTION 2.9. Chapter 6 (commencing with Section 30800) of Part 3 of Division 10 of the Public Utilities Code is repealed.

[*3] SECTION 3. Section 99285 of the Public Utilities Code is amended to read:

§ 99285.

(a) The county transportation commissions created pursuant to Division 12 (commencing with Section 130000) shall submit to the transportation planning agency those [A] CLAIMS [A] to be funded, and the transportation planning agency shall approve only those claims submitted * * * .

(b) Each commission shall adopt appropriate criteria by which [A] CLAIMS [A] shall be analyzed and evaluated, and shall approve only those [A] CLAIMS [A] which will provide for a coordinated public transportation system consistent with the adopted transportation improvement program and adopted regional transportation plan and which will not result in undesirable duplication of public transportation services.

(c) In considering proposals, the Los Angeles County [A] METROPOLITAN [A] Transportation [A] AUTHORITY [A] shall consider, among other things, the fare revenue to operating cost ratio and the public transit service mileage of each operator in the [A] AUTHORITY OPERATING AREA [A], but under no circumstances shall the included municipal operators [A] IN EXISTENCE AND RECEIVING FORMULA ALLOCATION PROGRAM FUNDING ON JULY 1, 1990, [A] receive less than 15 percent of the funds [A] ALLOCATED UNDER THAT PROGRAM FROM STATE AND FEDERAL FUNDING SOURCES [A].

(d) Subdivision (c) shall only remain in effect until * * * the Los Angeles County [A] METROPOLITAN [A] Transportation [A] AUTHORITY [A] has, following a public hearing, adopted a formula for the allocation of funds available [A] IN THE AUTHORITY OPERATING AREA TO THE AUTHORITY OPERATOR [A] and eligible "included municipal operators" as defined in subdivisions (a) and (d) of Section 99207. * * *

[A] THE FORMULA ADOPTED BY THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL BE THE SAME AS THE FORMULA IN EXISTENCE ON JULY 1, 1990, AND SHALL REMAIN IN EFFECT FOR AT LEAST FIVE FULL FISCAL YEARS, COMMENCING WITH THE 1993-94 FISCAL YEAR. THE AUTHORITY SHALL NOT REDUCE THE TOTAL PERCENTAGE SHARE OF REVENUES ALLOCATED DURING THE 1990-91 FISCAL YEAR TO THE INCLUDED MUNICIPAL OPERATORS, AS A WHOLE, IN EXISTENCE ON JULY 1, 1990, FOR AT LEAST FIVE FULL FISCAL YEARS, COMMENCING WITH THE 1993-94 FISCAL YEAR. IF A MUNICIPAL OPERATOR SIGNIFICANTLY REDUCES SERVICE, A PROPORTIONAL SHARE OF THAT OPERATOR'S FUNDS ALLOCATED PURSUANT TO THIS SECTION MAY BE REALLOCATED. [A]

(e) [A] FOR A PERIOD OF AT LEAST FIVE FULL FISCAL YEARS, COMMENCING WITH THE 1993-94 FISCAL YEAR, IN THE INTEREST OF PROMOTING EFFICIENCY, ANY INCLUDED MUNICIPAL OPERATOR HAVING OPERATING COSTS LESS THAN THE REGIONAL BUS SYSTEM OPERATED BY THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL BE ALLOCATED NOT LESS THAN THE SAME PROPORTION OF AVAILABLE FUNDS ALLOCATED TO THAT OPERATOR ON JULY 1, 1990 [A].

(f)[A] (1) FOR THE 1998-99 AND SUBSEQUENT FISCAL YEARS, A TWO-THIRDS VOTE OF THE MEMBERS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL BE REQUIRED IN ORDER TO ADOPT OR MODIFY THE FORMULA FOR ALLOCATION OF FUNDS AVAILABLE IN THE AUTHORITY OPERATING AREA TO THE AUTHORITY OPERATOR AND INCLUDED MUNICIPAL OPERATORS AS DEFINED IN SUBDIVISIONS (A) AND (D) OF SECTION 99207. SUBDIVISION (C) SHALL BE APPLICABLE IF THE AUTHORITY FAILS TO ADOPT A FORMULA. [A]

[A] (2) A TWO-THIRDS VOTE OF THE MEMBERS [A] shall be required in order to establish or change the criteria for admitting new included municipal operators for eligibility for funds allocated under Article 4 (commencing with Section 99260).

[A] (3) A TWO-THIRDS VOTE OF THE MEMBERS [A] shall be required, based on the criteria in [A] EFFECT UNDER PARAGRAPH (2) [A], to allocate funds under Article 4 (commencing with Section 99260) to any "included

municipal operator," as defined in subdivision (d) of Section 99207, which has not previously received funds under this article.

[A> (G) THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL GIVE EQUAL CONSIDERATION TO THE CAPITAL PROJECTS OF ALL OPERATORS IN THE COUNTY, AND SHALL ALLOCATE AVAILABLE REGIONAL BUS TRANSIT CAPITAL FUNDS BASED ON OBJECTIVE CRITERIA ADOPTED BY A TWO-THIRDS VOTE OF THE MEMBERS. <A]

[*4] SECTION 4. Section 130050.2 is added to the Public Utilities Code, to read:

§ 130050.2.

There is hereby created the Los Angeles County Metropolitan Transportation Authority. The authority shall be the single successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission as provided by the act that enacted this section.

[*5] SECTION 5. Section 130051 of the Public Utilities Code is repealed.

[*6] SECTION 6. Section 130051 is added to the Public Utilities Code, to read:

§ 130051.

The Los Angeles County Metropolitan Transportation Authority consists of 14 members, as follows:

(a) Five members of the Los Angeles County Board of Supervisors.

The board of supervisors may appoint, as an alternate member to a supervisor, a mayor or member of a city council of any city, other than the City of Los Angeles, within Los Angeles County, or a member of the public. If the number of members of the Los Angeles County Board of Supervisors is increased, the authority shall, within 60 days of the increase, submit a plan to the Legislature for revising the composition of the authority.

(b) The Mayor of the City of Los Angeles or an alternate appointed by the mayor.

(c) Two public members and one member of the City Council of the City of Los Angeles appointed by the Mayor of the City of Los Angeles.

(d) Four members, each of whom shall be a mayor or a member of a city council, appointed by the Los Angeles County City Selection Committee. For purposes of the selection of these four members, the County of Los Angeles, excluding the City of Los Angeles, shall be divided into the following four sectors:

(1) The North County/San Fernando Valley sector.

(2) The Southwest Corridor sector.

(3) The San Gabriel Valley sector.

(4) The Southeast Long Beach sector.

The League of California Cities, Los Angeles County Division, shall define the sectors. Every city within a sector shall be entitled to vote to nominate one or more candidates from that sector for consideration for appointment by the Los Angeles County City Selection Committee. A city's vote shall be weighted in the same proportion that its population bears to the total population of all cities within the sector.

The members appointed pursuant to this subdivision, and their alternates, shall be appointed by the Los Angeles County City Selection Committee upon an affirmative vote of its members which represent a majority of the population of all cities within the county, excluding the City of Los Angeles.

The members selected by the city selection committee shall serve four-year terms with no limitation on the number of terms that may be served by any individual. The city selection committee may, in its discretion, shorten the initial four year term for one or more of the members for the purpose of ensuring that the members will serve staggered terms.

(e) If the population of the City of Los Angeles, at any time, becomes less than 35 percent of the combined population of all cities in the county, the position of one of the two public members appointed pursuant to subdivision (c), as determined by the Mayor of the City of Los Angeles by lot, shall be vacated, and the vacant position shall be filled by appointment by the city selection committee pursuant to subdivision (d) from a city not represented by any other member appointed pursuant to subdivision (d).

(f) One nonvoting member appointed by the Governor.

[*7] SECTION 7. Section 130051.5 of the Public Utilities Code is repealed.

[*8] SECTION 8. Section 130051.5 is added to the Public Utilities Code, to read:

§ 130051.5.

(a) The appointing authorities specified in subdivisions (c) and (d) of Section 130051 may each appoint alternate members to the Los Angeles County Metropolitan Transportation Authority to represent, at a meeting of the authority, a regular member it has appointed, but only if the regular member cannot attend the meeting.

(b) For purposes of this section, an alternate member shall be:

(1) In the case of the member of the City Council of the City of Los Angeles appointed by the Mayor of the City of Los Angeles, any person appointed by the mayor with the consent of the city council. If the alternate member is a member of the city council, consent of the city council is not necessary. In the case of the two public members appointed by the mayor, any persons appointed by the mayor.

(2) In the case of a member appointed by the Los Angeles County City Selection Committee, the mayor or city council member of a city within the county, other than the City of Los Angeles or a city represented by a regular member.

(c) Any alternate member appointed to the Los Angeles County Metropolitan Transportation Authority, including any appointed pursuant to Section 130051, shall act for, and in the interests of, his or her appointing authority.

(d) Except for alternate members appointed pursuant to subdivision (d) of Section 130051, alternate members appointed to the Los Angeles County Metropolitan Transportation Authority shall not vote on any matter reserved to the authority exclusively pursuant to Section 130051.12.

[*9] SECTION 9. Section 130051.6 of the Public Utilities Code is repealed.

[*10] SECTION 10. Section 130051.6 is added to the Public Utilities Code, to read:
§ 130051.6.

(a) Except as provided in subdivision (b), each member of the Los Angeles County Metropolitan Transportation Authority shall serve a term of four years or until his or her successor is appointed and qualified. A member may be removed at the pleasure of the appointing authority. A member may be reappointed for additional terms without limitation on the number of reappointments. Other than the member initially appointed by the Governor, and members appointed to staggered terms pursuant to subdivision (e) of Section 130051, the members initially appointed shall serve until January 1, 1997.

(b) The membership of any member serving on the authority as a result of holding another public office shall terminate when the member ceases holding the other public office.

[*11] SECTION 11. Section 130051.9 is added to the Public Utilities Code, to read:
§ 130051.9.

(a) The Los Angeles County Metropolitan Transportation Authority shall appoint a full-time chief executive officer who shall act for the authority under its direction and perform those duties delegated by the authority.

(b) The Los Angeles County Metropolitan Transportation Authority shall appoint a general counsel, inspector general, and board secretary.

(c) The inspector general shall, at a noticed public hearing of the authority, report quarterly on the expenditures of the authority for travel, meals and refreshments, private club dues, membership fees and other charges, and any other expenditures which are specified by the authority.

[*12] SECTION 12. Section 130051.10 is added to the Public Utilities Code, to read:
§ 130051.10.

(a) The members of the Los Angeles County Metropolitan Transportation Authority shall be appointed no later than February 1, 1993. The authority shall have no powers, duties, or responsibilities until February 1, 1993.

(b) From February 1, 1993, until April 1, 1993, the Los Angeles Metropolitan Transportation Authority exclusively, may exercise any of the powers of the board of directors of the Southern California Rapid Transit District and the governing body of the Los Angeles County Transportation Commission, except those powers that the authority has expressly delegated to the district or to the commission.

[*13] SECTION 13. Section 130051.11 is added to the Public Utilities Code, to read:
§ 130051.11.

(a) The Los Angeles County Metropolitan Transportation Authority may determine its organizational structure, which may include, but is not limited to, the establishment of departments, divisions, subsidiary units, or similar entities. Any department, division, subsidiary unit, or similar entity established by the authority shall be referred to in this chapter as an "organizational unit." The authority shall, at a minimum, establish the following organizational units:

(1) A transit construction organizational unit to assume the construction responsibilities for all exclusive public mass transit guideway construction projects in Los Angeles County.

(2) An operating organizational unit with the following responsibilities:

(A) The operating responsibilities of the Southern California Rapid Transit District on all exclusive public mass transit guideway projects in the County of Los Angeles.

(B) The operation of bus routes operated by the Southern California Rapid Transit District, and all the duties, obligations, and liabilities of the district relating to those bus routes.

(3) A transportation planning and programming organizational unit with all planning responsibilities previously performed by the Southern California Rapid Transit District and the Los Angeles County Transportation Commission.

(b) Nothing in this section shall be construed to require specific bus routes to be operated. The authority or the operating organizational unit may make any adjustment with respect to bus routes, bus services, or both, which is within the power of the Los Angeles County Transportation Commission, or the Southern California Rapid Transit District.

(c) Any obligations of the Southern California Rapid Transit District arising out of a collective bargaining agreement entered into by the district shall be the exclusive obligations of the Los Angeles County Metropolitan Transportation Authority. It is the intent of the Legislature that the rights or obligations under any collective bargaining agreement in existence on January 1, 1993, not be enlarged or diminished by this section or any other provision of the act which added this section.

(d) No collective bargaining agreement entered into by the Southern California Rapid Transit District on or after January 1, 1993, shall be effective unless approved by the Los Angeles County Metropolitan Transportation Authority. The authority's approval of an agreement shall cause the agreement to be binding upon the authority.

(e) On and after April 1, 1993, any reference to the Southern California Rapid Transit District in Article 10 (commencing with Section 30750) of Chapter 5 of Part 3 of Division 10 is deemed to refer to the Los Angeles County Metropolitan Transportation Authority.

(f) The Los Angeles County Metropolitan Transportation Authority may administratively delegate to an organizational unit or to its chief executive officer any powers and duties it deems appropriate. Powers and duties which may be delegated to an organizational unit include, but are not limited to, the following:

(1) The power of eminent domain.

(2) Approval of contracts, except the final approval of labor contracts.

(3) Hearing and resolving bid protests.

(g) The Los Angeles County Metropolitan Transportation Authority shall establish a citizens' advisory council pursuant to subdivision (d) of Section 130105.

[*14] SECTION 14. Section 130051.12 is added to the Public Utilities Code, to read:

§ 130051.12.

The Los Angeles County Metropolitan Transportation Authority shall, at a minimum, reserve to itself exclusively, all of the following powers and responsibilities:

(a) Establishment of overall goals and objectives.

(b) Adoption of the aggregate budget for all organizational units of the authority.

(c) Designation of additional included municipal operators pursuant to subdivision (f) of Section 99285.

(d) Approval of final rail corridor selections.

(e) Final approval of labor contracts covering employees of the authority and organizational units of the authority.

(f) Establishment of the authority's organizational structure.

(g) Conducting hearings and the setting of fares for the operating organizational unit established pursuant to paragraph (2) of subdivision (a) of Section 130051.11.

(h) Approval of transportation zones.

(i) Approval of the issuance of any debt instrument with a maturity date that exceeds the end of the fiscal year in which it is issued.

(j) Approval of benefit assessment districts and assessment rates.

(k) Approval of contracts for construction and transit equipment acquisition which exceed five million dollars (\$ 5,000,000), and making the findings required by subdivision (c) of Section 130238.

[*15] SECTION 15. Section 130051.13 is added to the Public Utilities Code, to read:

§ 130051.13.

On April 1, 1993, the Southern California Rapid Transit District and the Los Angeles County Transportation Commission are abolished. Upon the abolishment of the district and the commission, the Los Angeles County

Metropolitan Transportation Authority shall succeed to any or all of the powers, duties, rights, obligations, liabilities, indebtedness, bonded and otherwise, immunities, and exemptions of the district and its board of directors and the commission and its governing body.

[*16] SECTION 16. Section 130051.14 is added to the Public Utilities Code, to read:

§ 130051.14.

On and after April 1, 1993, any reference in this part, or in any other provision of law or regulation, to the Southern California Rapid Transit District or to the Los Angeles County Transportation Commission or to the county transportation commission in general shall be deemed to refer to the Los Angeles County Metropolitan Transportation Authority.

[*17] SECTION 17. Section 130051.15 is added to the Public Utilities Code, to read:

§ 130051.15.

(a) Upon the abolishment of the Southern California Rapid Transit District and the Los Angeles County Transportation Commission, the Los Angeles County Metropolitan Transportation Authority shall assume the rights and obligations of the district and the commission under any contract to which the district or the commission is a party and which is to be performed, in whole or in part, on or after January 1, 1993. All real and personal property owned by the district or the commission shall be transferred to the authority by operation of law.

(b) The Los Angeles County Metropolitan Transportation Authority shall assume, without any condition whatsoever, all responsibilities and obligations previously assumed by the Southern California Rapid Transit District or the Los Angeles County Transportation Commission with regard to the full funding agreement, including all agreements pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964 which relate to the full funding agreement, with the Federal Transit Administration for the funding of the Los Angeles County Metro Rail Project. It is the intent of the Legislature that nothing in this act shall enlarge or diminish the projects covered or any rights or obligations under any existing agreements pursuant to Section 13(c).

(c) The Los Angeles County Metropolitan Transportation Authority shall not, until April 1, 1993, renew or extend any personal services contract entered into between either the Los Angeles County Transportation Commission or the Southern California Rapid Transit District and an employee or former employee of either agency prior to January 1, 1993.

[*18] SECTION 18. Section 130051.16 is added to the Public Utilities Code, to read:

§ 130051.16.

Notwithstanding any other provision of law, the Los Angeles County Metropolitan Transportation Authority shall assume the duties, obligations, and liabilities of the Southern California Rapid Transit District, including those duties, obligations, and liabilities arising from or relating to collective bargaining agreements or labor obligations imposed by state or federal law, only to the extent that the authority is acting pursuant to specific duties, obligations, liabilities, rights, or powers to which it succeeded as a result of the abolishment of the district pursuant to Section 130051.13.

[*19] SECTION 19. Section 130051.17 is added to the Public Utilities Code, to read:

§ 130051.17.

(a) Prior to the approval of any contract by the Los Angeles County Metropolitan Transportation Authority, or by any organizational unit of the authority, the authority shall adopt an ordinance comparable to Article 2 (commencing with Section 89504) of Chapter 9.5 of Title 9 of the Government Code, which regulates the acceptance of gifts by members of the authority, alternate members, members of the board of an organizational unit, and designated employees of the authority. The ordinance shall prohibit any employee of the authority from accepting gifts with a total value of more than two hundred fifty dollars (\$ 250) in a calendar year from any single source.

(b) The ordinance shall require the limitations on receiving gifts by members of the authority, alternate members, and members of the board of an organizational unit who are not elected local officials to be substantially comparable to those specified by Chapter 9.5 (commencing with Section 89500) of Title 9 of the Government Code.

(c) For the purposes of this section, "gift" shall have the same meaning as in Section 82028 of the Government Code.

(d)(1) Payments, advances, or reimbursements, for travel, including actual transportation and related lodging and subsistence which is reasonably related to a governmental purpose, or to an issue of local, state, national or international public policy, is not prohibited or limited by this section if either of the following apply:

(A) The travel is in connection with a speech given by a member, alternate member, member of the board of an organizational unit, or designated employee, the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech, and the travel is within the United States.

(B) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, or a nonprofit charitable or religious organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person domiciled outside the United States which substantially satisfies the requirements for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(2) Gifts of travel not described in paragraph (1) are subject to the limits in this section.

(3) Paragraph (1) applies only to travel which is reported on the recipient's statement of economic interest.

(4) For purposes of this section, a gift does not include travel which is provided by the Los Angeles County Metropolitan Transportation Authority.

(5)(A) The policy shall specify appropriate penalties for violations by employees including, but not limited to, personnel action.

(B) The policy shall specify appropriate penalties for violations by members of the authority, alternate members, and the members of the board of an organizational unit who are not subject to Chapter 9.5 (commencing with Section 89500) of Title 9 of the Government Code, which shall include, but not be limited to, removal from office by the appointing authority.

[*20] SECTION 20. Section 130051.18 is added to the Public Utilities Code, to read:
§ 130051.18.

(a) For purposes of this section, the following terms are defined as follows:

(1) "Activity expense" means any expense incurred or payment made by a lobbyist, lobbying firm, or lobbyist employer, or arranged by a lobbyist, lobbying firm, or lobbyist employer, which benefits in whole or in part any authority official, or a member of the immediate family of an authority official.

(2) "Authority" means the Los Angeles County Metropolitan Transportation Authority and all of its organizational units as defined by Section 130051.11.

(3) "Authority action" means the drafting, introduction, consideration, modification, enactment, or defeat of an ordinance, resolution, contract, or report by the governing board of an organizational unit of the authority, or by an agency official, including any action taken, or required to be taken, by a vote of the members of the authority or by the members of the governing board of an organizational unit of the authority, except those actions relating to Article 10 (commencing with Section 30750) of Chapter 5 of Part 3 of Division 10.

(4) "Authority official" means any member of the authority, alternate member, member of an organizational unit of the authority, and employee of the authority.

(5) "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee, or elected officer is a contribution to the candidate, committee, or elected officer unless full and adequate consideration is received for making the expenditure.

"Contribution" also includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

"Contribution" also includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

"Contribution" does not include amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution. However, the fact that such amounts have been received shall be indicated in the appropriate campaign statement.

"Contribution" does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are five hundred dollars (\$ 500) or less.

"Contribution" does not include volunteer personal services or payments made by any individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

(6) "Employee of the authority" means anyone who receives compensation from the authority for full or part-time employment, and any contractor, subcontractor, consultant, expert, or adviser acting on behalf of, or providing advice to, the authority.

(7) "Filing officer" means the individual designated by the authority with whom statements and reports required by this section shall be filed.

(8) "Lobbying" means influencing or attempting to influence authority action through direct or indirect communication with an authority official.

(9) "Lobbyist" means any individual who receives any economic consideration, other than reimbursement for reasonable travel expenses, for lobbying, including consultants and officers or employees of any business entity seeking to enter into a contract with the authority.

(10) "Lobbyist employer" means any person, other than a lobbying firm, who does either of the following:

(A) Employs one or more lobbyists for the purpose of influencing authority action.

(B) Contracts for the services of a lobbying firm for economic consideration for the purpose of influencing authority action.

(b)(1) Lobbyists and lobbyist employers shall register with the filing officer within 10 days after qualifying as a lobbyist or lobbyist employer. Registration shall be completed prior to the commencement of lobbying by the lobbyist. Registration shall include the filing of a registration statement, and the payment of any fees authorized by this section. Registration shall be renewed annually by the filing of a new registration statement and the payment of a fee.

(2) Each lobbyist and lobbyist employer required to register under this section may be charged a fee by the authority that shall be in an amount necessary to pay the direct costs of implementing this section.

(3) The lobbyist registration statement shall include all of the following:

(A) The name, address, and telephone number of the lobbyist.

(B) For each person from whom the lobbyist receives compensation to provide lobbying services, all of the following:

(i) The full name, business address, and telephone number of the person.

(ii) A written authorization signed by the person.

(iii) The time period of the contract or employment agreement.

(iv) The lobbying interests of the person.

(C) A statement signed by the lobbyist certifying that he or she has read and understands the prohibitions contained in subdivisions (f) and (g).

(4) The registration statement of a lobbyist employer shall include all of the following:

(A) The full name, business address, and telephone number of the lobbyist employer.

(B) A list of the lobbyists who are employed by the lobbyist employer.

(C) The lobbying interests of the lobbyist employer, including identification of specific contracts or authority actions.

(D) A statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in subdivisions (f) and (g).

(5)(A) The registration statement may be amended within 10 days of a change in the information included in the statement. However, if the change includes the name of a person by whom a lobbyist is retained, the registration statement shall be amended to show that change prior to the commencement of lobbying by the lobbying firm or the lobbyist.

(B) Lobbying firms and lobbyist employers upon ceasing all lobbying activity which required registration shall file a notice of termination within 30 days after the cessation.

(C) Lobbyists and lobbyist firms shall remain subject to subdivisions (f) and (g) for 12 months after filing a notice of termination.

(c) Lobbyists and lobbyist employers which receive payments, make payments, or incur expenses or expect to receive payments, make payments, or incur expenses in connection with activities which are reportable pursuant to this section shall keep detailed accounts, records, bills, and receipts, and make them reasonably available for inspection.

(d) When a person is required to report activity expenses pursuant to this section, all of the following information shall be provided:

(1) The date and amount of each activity expense.

(2) The full name and official position, if any, of the beneficiary of each expense, a description of the benefit, and the amount of the benefit.

(3) The full name of the payee of each expense if other than the beneficiary.

(e)(1) A lobbyist shall complete and verify a periodic report, and file the original of his or her report with the filing officer within one week following the end of each calendar quarter. The periodic report shall contain all of the following:

- (A) A report of all activity expenses by the lobbyist during the reporting period.
- (B) A report of all contributions of one hundred dollars (\$ 100) or more made or delivered by the lobbyist to any agency official during the reporting period.
- (2) A lobbyist employer shall file a periodic report containing all of the following:
 - (A) The name, business address, and telephone number of the lobbyist employer.
 - (B) The total amount of payments to each lobbying firm.
 - (C) The total amount of all payments to lobbyists employed by the filer.
 - (D) A description of the specific lobbying interests of the filer.
 - (E) A periodic report, completed and verified by each lobbyist employed by a lobbyist employer pursuant to paragraph (1) of subdivision (e).
 - (F) Each activity expense of the filer and a total of all activity expenses of the filer.
 - (G) The date, amount, and the name of the recipient of any contribution of one hundred dollars (\$ 100) or more made by the filer to an authority official.
 - (H) The total of all other payments to influence authority action.

(3)(A) The periodic reports required by subdivision (e) shall be filed during the month following each calendar quarter. The period covered shall be from the beginning of the calendar year through the last day of the calendar quarter prior to the month during which the report is filed, except that the period covered by the first report a person is required to file shall begin with the first day of the calendar quarter in which the filer first registered or qualified.

(B) The original and one copy of each report shall be filed with the filing officer, shall be retained by the authority for a minimum of four years, and shall be available for inspection by the public during regular working hours.

(f)(1) It is unlawful for a lobbyist to make gifts to an authority official aggregating more than ten dollars (\$ 10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

(2) It is unlawful for any authority official knowingly to receive any gift which is made unlawful by this section. For the purposes of this subdivision, "gift" has the same meaning as defined in Section 130051.17.

(g) No lobbyist shall do any of the following:

- (1) Do anything with the purpose of placing an authority official under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.
- (2) Deceive or attempt to deceive any authority official with regard to any material fact pertinent to any authority action.
- (3) Cause or influence any authority action for the purpose of thereafter being employed to secure its passage or defeat.
- (4) Attempt to create a fictitious appearance of public favor or disfavor of any authority action, or cause any communications to be sent to any authority official in the name of any fictitious person or in the name of any real person, except with the consent of that real person.
- (5) Represent falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control any authority official.

(6) Accept or agree to accept any payment that is contingent upon the outcome of any authority action.

(h) Any person who knowingly or willfully violates any provision of this section is guilty of a misdemeanor.

(i) The District Attorney of the County of Los Angeles is responsible for the prosecution of violations of this section.

(j) Any person who violates any provision of this section is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction of the authority for an amount up to five hundred dollars (\$ 500), or three times the amount of an unlawful gift or expenditure, whichever is greater.

(k) The provisions of this section are not applicable to any of the following:

- (1) An elected public official who is acting in his or her official capacity to influence authority action.
- (2) Any newspaper or other periodical of general circulation, book publisher, radio or television station which, in the ordinary course of business, publishes or broadcasts news items, editorials, or other documents, or paid advertisement, that directly or indirectly urges authority action, if the newspaper, periodical, book publisher, radio or television station engages in no further or other activities in connection with urging authority action other than to appear before the authority in support of, or in opposition to the authority action.

(l) No former authority official shall become a lobbyist for a period of one year after leaving the authority.

[*21] SECTION 21. Section 130051.19 is added to the Public Utilities Code, to read:
 § 130051.19.

(a) The Los Angeles County Metropolitan Transportation Authority shall adopt an affirmative action plan for its management positions which reflects the ethnic demographics of the county, taking into consideration the availability of the work force in the various ethnic groups.

(b) The authority shall, prior to the approval of any contract by the authority or by its organization units, adopt and implement a disadvantaged business enterprise program which establishes participation goals of not less than 15 percent of the dollar value of all contracts by minority business enterprises and not less than 5 percent by women business enterprises.

(c) The authority shall establish a Transportation Business Advisory Council to advise it on matters regarding the disadvantaged business enterprise program to enable the authority to meet or exceed women and minority business enterprise participation goals. Members of the council shall be selected by the authority, and shall include representatives of professional organizations and other groups which advocate on behalf of greater participation of women and minority business enterprises in public contracts. The chairperson of the authority or his or her designee shall meet with the council, and the authority shall provide adequate staff support for the council, and shall consider all recommendations made by the council.

[*22] SECTION 22. Section 130108 of the Public Utilities Code is amended to read:
 § 130108.

[A> (A) <A] Each member of a commission may be compensated at a rate not exceeding one hundred dollars (\$ 100), for any day attending to the business of the commission, but not to exceed four hundred dollars (\$ 400) in any month, and the necessary traveling and personal expenses incurred in the performance of his duties as authorized by the commission. [A> MEMBERS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL BE COMPENSATED PURSUANT TO SUBDIVISION (B). <A]

[A> (B) EACH MEMBER OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY SHALL BE COMPENSATED AT A RATE NOT EXCEEDING ONE HUNDRED AND FIFTY DOLLARS (\$ 150) FOR ANY DAY ATTENDING TO THE BUSINESS OF THE AUTHORITY, BUT NOT TO EXCEED SIX HUNDRED DOLLARS (\$ 600) PER MONTH, AND OTHER EXPENSES WHICH ARE DIRECTLY RELATED TO THE PERFORMANCE OF DUTIES AS AUTHORIZED BY THE AUTHORITY. <A]

[*23] SECTION 23. Sections 5 and 9 of this act shall become operative on April 1, 1993.

[*24] SECTION 24. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

[*25] SECTION 25. Notwithstanding any other provision of law, the Controller shall deduct, from any state funds allocated to the Los Angeles County Metropolitan Transportation Authority for transportation purposes, the amount the authority was reimbursed by the state for costs resulting from state mandates resulting from this act. The deducted state funds shall be transferred to the unappropriated balance of the fund from which they were appropriated.

[*26] SECTION 26. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

EXPLANATORY NOTES ASSEMBLY BILL 152:

Pub Util C § 99285. (1) Substituted "claims" for "proposals" after "agency those" in subd (a) and after "by which and after "only those" in subd (b); (2) deleted "for such proposals" at the end of subd (a); (3) substituted "Metropolitan Transportation Authority" for "Transportation Commission" in subds (c) and (d); (4) amended subd (c) by (a) substituting "authority operating area" for "Southern California Rapid Transit District" after "operator in the"; (b) adding "in existence and receiving formula allocation program funding on July 1, 1990,"; and (c) substituting "allocated under that program from state and federal funding sources" for "deposited in the fund attributable to the area within the transit district" at the end; (5) amended subd (d) by (a) deleting "such time as" after "in effect until"; (b) substituting "in

the authority operating area to the authority operator" for "under Section 1604 of Title 49 of the United States Code and available under this chapter in the Southern California Rapid Transit District to the district"; (c) deleting the former second sentence; and (d) adding the second paragraph; (6) substituted subd (e) for former subd (e); (7) added subd (f)(1); (8) redesignated former subds (f) and (g) to be subds (f)(1) and (f)(2); (9) substituted "A two-thirds vote of the members" for "Eight affirmative votes of the voting members, or designated alternates," at the beginning of subds (f)(2) and (f)(3); (10) substituted "effect under paragraph (2)" for "subdivision (f)" in subd (f)(3); and (11) added subd (g).

Pub Util C § 130108. (1) Designated the former section to be subd (a); (2) added the second sentence of subd (a); and (3) added subd (b).