



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission,”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **July 21, 2016**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **July 18, 2016**.

Amend Regulation 18239 Definition of Lobbyist

BACKGROUND/OVERVIEW:

Section 82039 defines “lobbyist” under the Act as either of the following: (1) Any individual who receives two thousand dollars (\$2,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action, or (2) A placement agent, as defined in Section 82047.3.

Regulation 18239 further clarifies the definition of lobbyist. It defines “compensation” to a lobbyist under Regulation 18239(d)(1)(B)(2) as any economic consideration, other than reimbursement for reasonable travel expenses i.e., expenses for transportation plus a reasonable sum for food and lodging.

Proposed amendments to Regulation 18239 would specify situations giving rise to a rebuttable presumption that certain payments made to an individual are for direct communication with a qualifying official for the purpose of influencing legislative or administrative action.

This presumption is triggered only if the following criteria are met: (1) the individual receives or becomes entitled to receive compensation from a person for services including direct communication, (2) the compensation is \$2,000 or more, and (3) the compensation is for services in a calendar month.

The presumption may be rebutted by evidence that may include testimony, records, bills, and receipts establishing the allocation of the individual’s compensation for all goods and services provided.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

(1) Amend 2 Cal. Code Regs. Section 18239. The proposed amendments incorporate the above changes into Regulation 18239.

SCOPE:

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE: The purpose of these regulations is to implement, interpret, and make specific Section 82039.

CONTACT: You may send inquiries to Emelyn Rodriguez, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814, telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>