



# California Fair Political Practices Commission

October 14, 1986

John R. Gamper  
Director, Transportation  
and Governmental Affairs  
California Farm Bureau Federation  
1127 - 11th Street, Suite 626  
Sacramento, CA 95814

Re: Your Request For Advice  
Our File No. A-86-255

Dear Mr. Gamper:

Thank you for your letter dated August 6, 1986, requesting advice concerning the lobbying disclosure provisions of the Political Reform Act.<sup>1/</sup> This letter is to confirm the advice I provided to you by telephone.

## QUESTION

If you serve on an advisory committee to the California Public Utilities Commission, must you, as a lobbyist, report your hours and expenses as a lobbying activity?

## CONCLUSION

Your activities as a member of the advisory committee to the California Public Utilities Commission are not required to be reported as "lobbying activities."

## FACTS

You have been appointed to serve on an advisory committee to the California Public Utilities Commission (CPUC) as it implements the legislative mandate of AB 2677 (Chapter 155, Stat. 1986). This bill, in part, requires the commission to contract with a qualified actuary to study the availability and cost of insurance, required under the Public Utilities Code, to be procured and maintained in force by highway carriers subject to the jurisdiction and control of the commission. AB 2677 requires the commission to prepare and submit to the Legislature a report of its findings and recommendations pursuant to the contractor's study. The role of the advisory committee in developing these findings and recommendations is unclear at this time.

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted.

ANALYSIS

Lobbyists are not required to include in their quarterly disclosure reports their hours, expenses or lobbying interests. However, Government Code Section 86116 requires that employers of lobbyists must disclose, among other things:

(d) The total amount of all payments to lobbyists employed by the filer.

(e) A description of the lobbying interests of the filer.

Therefore, the questions we address in this letter are (1) whether your compensation for and expenses in connection with serving on the advisory committee are payments to lobbyists within the meaning of Section 86116(d), and (2) whether the actions of the CPUC which might be influenced by the committee are lobbying interests within the meaning of Section 86116(e).

"The total amount of payments to lobbyists" includes all payments made by the employer to lobbyists for or in connection with attempting to influence legislative or administrative action. See Regulation 18616(c).<sup>2/</sup> The "lobbying interests of the filer" include each legislative or administrative action which the employer or the employer's lobbyist actively influenced or attempted to influence. See Regulation 18616(j).

Government Code Section 82002 defines "administrative action" as:

...the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).

The CPUC advisory committee is going to be involved in developing findings and recommendations to be presented to the Legislature regarding the availability and cost of insurance to be procured and maintained by highway carriers.

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<sup>2/</sup>Commission regulations appear at 2 California Administrative Code Sections 18000, et. seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code unless otherwise noted.

Mr. John Gamper  
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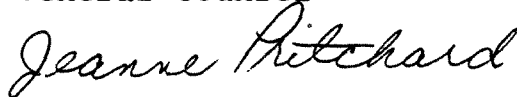
Certain actions of the CPUC are "administrative actions," as that term is defined in the Political Reform Act. However, the Committee's work in assisting the CPUC to develop findings and recommendations for presentation to the Legislature does not appear to be for the purpose of influencing or attempting to influence legislative or administrative action as those terms are defined in the Political Reform Act. Rather, it is for the purpose of providing information to the CPUC in connection with its statutory duty to provide information to the Legislature. Therefore, your activities as a member of the advisory committee do not appear to be "in connection with influencing or attempting to influence legislative or administrative action." Your employer need not report your compensation and expenses as "payments to lobbyists" under Government Code Section 86116(d), nor the CPUC actions which the committee might influence as "lobbying interests" under Government Code Section 86116(e).

If your role as a member of the advisory committee should change in the future, and you become involved in any of the activities described in Government Code Section 82002, please contact us for advice with regard to whether the activities are reportable under the lobbying disclosure provisions.

Please feel free to call me if you have any questions concerning the advice in this letter.

Sincerely,

Diane M. Griffiths  
General Counsel

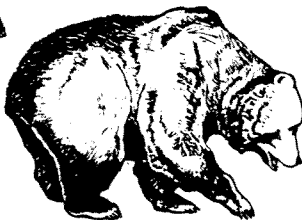


By Jeanne Pritchard  
Division Chief, Technical  
Assistance and Analysis Division

DMG:JP:cah

# CALIFORNIA FARM BUREAU FEDERATION

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August 6, 1986

Ms. Jeanne Pritchard  
Fair Political Practices  
Commission  
P.O. Box 807  
Sacramento, California 95804

Dear Jeanne:

This letter is a request for written acknowledgement of our telephone conversation earlier this week. My question was in regard to my appointment to serve on an advisory committee to the California Public Utilities Commission as it implements the legislative mandate of A.B. 2677 (Chapter 155, Stat. 1986). This bill, in part, requires the commission to contract with a qualified actuary to study the availability and cost of insurance, required under the Public Utilities Code, to be procured and maintained in force by highway carriers subject to the jurisdiction and control of the commission.

Specifically, I asked whether or not my serving on this advisory committee to assist the commission constituted a lobbying activity for which I must declare my hours and expenses. It should be noted that A.B. 2677 requires the commission to prepare and submit to the Legislature a report of its findings and recommendations pursuant to the contractors study. However, it is unclear at this time as to the role of the advisory committee in developing these findings and recommendations.

If you have any questions for the CPUC's staff, I suggest you contact Maryalis McGuinness at (415) 557-0247.

Thank you very much for your opinion on the activity.

Sincerely,

John R. Gamper  
Director  
Transportation and  
Governmental Affairs

JRG/rsf