

Correspondence

# State of California



## Fair Political Practices Commission

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October 25, 1978

78-153

John A. Nejedly  
 Senator, Seventh District  
 State Capitol  
 Sacramento, CA 95814

Dear Senator Nejedly:

This is in response to your recent letter in which you state that you have been invited by the West Contra Costa Sanitary District to visit some waste disposal facilities in Japan that are involved in alternative disposal for both solid and liquid waste. From your letter and a telephone conversation with your staff we learned that the Sanitary District has invited you to take this trip because you authored SB 650 and SB 651, which create and fund the state's litter control, recycling and resource recovery plan.

The Political Reform Act of 1974 would prohibit the gift only if a lobbyist were involved in its making.<sup>1/</sup> If a lobbyist is not involved in the making of a gift, the only questions which arise under the Act are whether and how it should be disclosed on your Statement of Economic Interests. The Commission considered a similar question in the enclosed letter to William Attwater, Chief Counsel of the State Water Resources Control Board.

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<sup>1/</sup> Government Code Section 86203 provides, "It shall be unlawful for a lobbyist to make gifts to one person 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." Section 86204 prohibits a legislator from accepting such a gift.

Senator John A. Nejedly  
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The reporting question raised by your letter is whether the trip to Japan should be considered a gift from the Sanitary District or whether it should be considered reimbursement for expenses. If it is reimbursement, it would not be "income" under Government Code Section 82030(b). That section excludes from the definition of income salary and reimbursement for expenses received from a local government agency.

If you will be performing official duties while on the trip and if the matters to be studied are within the area of professional concern of the donor as well, payment for the trip can be considered as reimbursement of expenses. To the extent, however, that the Sanitary District provides for your stay in Japan for a period that is longer than reasonably necessary to tour the relevant waste disposal facilities, the cost of the trip may in part be a gift. Under such circumstances you would be required to report the value of the part of the trip which constituted a gift on your Statement of Economic Interests.

Sincerely,

Sarah T. Cameron  
Counsel  
Conflicts of Interest Division

Enclosure  
STC:nrw