

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance/Administration • • • Executive/Legal • • • Enforcement • • • Conflict of Interest
(916) 322-5660 322-5981 322-6441 322-6444

June 14, 1978

Chase Morgan, President
Citizens to Protect Point Concepcion
523 West Sixth Street, Suite 728
Los Angeles, CA 90014

78-158

Dear Mr. Morgan:

The Fair Political Practices Commission has received your letter requesting an opinion or advice. Since your letter raises no substantial question, a formal opinion will not be issued.

Citizens to Protect Point Concepcion ("Citizens") sponsored^{1/} a full page advertisement in the May 16, 1978, issue of many state newspapers. The advertisement concerned the issue of liquefied natural gas. The advertisement specifically focused on S.B. 1081, which became effective on September 17, 1977. That bill prescribed the exclusive method for determining the location of a liquefied natural gas terminal. The advertisement also questioned some portions of a public relations agency's report outlining strategies for influencing various public officials with decision-making responsibilities under S.B. 1081. The advertisement asked for a delay in the implementation of the provisions of that bill. The close of the advertisement urges readers to call Governor Brown to find out "what the hell is going on?" Telephone numbers in northern and southern California are provided.

You have asked whether Citizens has incurred any reporting obligations as a result of this advertisement.

Government Code Section 86108(b)^{2/} requires that disclosure reports be filed if an individual spends \$250 or

^{1/} Although the close of the advertisement identifies "Citizens Against Government Dumbness" and names specific persons, you advised me in a June 9, 1978, telephone conversation that Citizens paid for the entire advertisement.

^{2/} All further statutory references are to the Government Code.

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more in a calendar month to influence legislative or administrative action. One of the ways of influencing such action is by making payments "for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official ..." (Section 82045(e).) Influencing legislative or administrative action is defined in Section 82032 to be "promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action ..."

The effect of the advertisement is to encourage legislative action that will delay the specific procedures established by S.B. 1081. Therefore the advertisement is an attempt to influence legislative action under Section 82045(e). Because the advertisement was one full page, and ran in numerous newspapers throughout the state, I assume the cost will exceed \$250. Citizens will have to file a Form 650 by the end of June disclosing its payments for the costs of developing, printing and publishing the advertisement. However, the compensation of any employee who spends less than 10% of his or her compensated time devoted to activities urging others to communicate directly with officials need not be included as a payment to influence legislation. 2 Cal. Adm. Code Section 18621(a)(4).

For your information, I am enclosing a copy of Form 650 and an instruction manual. I hope this advice will be of assistance. If you have any questions, please contact me.

Sincerely,

Barbara Campbell

Barbara Campbell
Counsel
Legal Division

BC:plh
Enclosures