

October 20, 1978

78-233

Richard L. Spees
Vice President
Western Region Public Affairs
Kaiser Aluminum and Chemical Corp.
300 Lakeside Drive
Oakland, California 94643

Dear Mr. Spees:

Thank you for your letter dated October 12, 1978, in which you asked about reporting obligations as an employer of a lobbyist. You stated that Kaiser Aluminum and Chemical Corporation (Kaiser) was an employer of a lobbyist until the lobbyist's registration was terminated on September 30, 1978. Kaiser does not expect to have a registered lobbyist until December, but is continuing to make political contributions. You asked how contributions made in October, November and December should be reported.

If Kaiser does not employ a lobbyist during October or November, reports need not be filed pursuant to Government Code Section 86108(a). However, if Kaiser directly or indirectly makes payments to influence legislative or administrative action of \$250 or more in October or November reports will be required pursuant to Government Code Section 86108 (b). "Payment to Influence Legislative or Administrative Action", is defined as:

- (a) Direct or indirect payment to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;
- (b) Payment in support or assistance of a lobbyist or his activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;
- (c) Payment which directly or indirectly benefits any elective state official, legislative official or agency official or a member of the immediate family of any such official;
- (d) Payment, including compensation, payment or reimbursement for services, time or expenses of an employee, for or in connection with direct communication with any elective state official, legislative official or agency official.

Richard L. Spees
October 20, 1978
Page Two

- (e) Payment for or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official or agency official.
(Government Code Section 82045)

If Kaiser is required to file a report for October or November pursuant to Government Code Section 86108(b) all contributions to state and local candidates and measures must be disclosed on the report.

If a lobbyist registers on behalf of Kaiser in December or Kaiser spends \$250 or more in December to influence legislative or administrative action a report must be filed pursuant to Government Code Section 86109 which would disclose all of the activities during the month of December including contributions made to state and local candidates and measures.

If I can be of further assistance please contact me.

Sincerely,

J. Richard Eichman
Compliance Representative
Technical Assistance and
Analysis Division

Kaiser Aluminum
& Chemical Corporation

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October 12, 1978

Mr. Rich Eichmann
Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95814

Dear Mr. Eichmann:

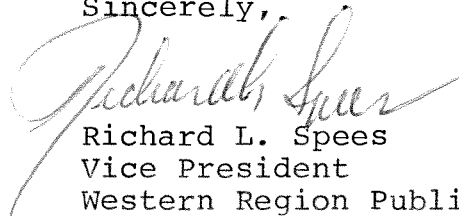
Recently we called and spoke with you for clarification on our lobbying report. Your assistance is greatly appreciated. However, a recent audit of our reports by Mike Rand elicited the comment that we should get special rulings in writing. I'd like to re-state the question that we have, and ask for your written ruling.

Kaiser Aluminum & Chemical Corporation, as employer of a lobbyist, is continuing to make political contributions even though there is currently no registered lobbyist in the company. The registration of Timothy J. Conlon was terminated effective September 30, 1978.

How should these contributions be reported for the months of October, November, and December? We do not expect to have a registered lobbyist until December, when we will likely be registering for the new session.

Thanks for your help.

Sincerely,



Richard L. Spees
Vice President
Western Region Public Affairs

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