



# California Fair Political Practices Commission

November 9, 1988

Greg Morris, President  
California Coalition for  
Trucking Deregulation  
P.O. Box 364  
Newark, CA 94560

RE: Your Request for Advice  
Our File No. A-88-379

Dear Mr. Morris:

You have requested advice regarding the lobbying provisions of the Political Reform Act of 1974 (the "Act").<sup>1/</sup>

## QUESTION

Are dues and voluntary payments received by the California Coalition for Trucking Deregulation, a lobbyist employer, reportable under the lobbying provisions of the Act if the dues and payments are made by members of the Coalition which are lobbyist employers?

## CONCLUSION

Regular dues paid by members of a bona fide association, some portion which is used for lobbying purposes, are not reportable by the association. Such payments also are not required to be reported by the member. However, payments, other than dues payments, made to the association by an individual member who is a lobbyist employer for purposes of assisting the association in attempting to influence legislative or administrative action must be reported by the member on Form 635, Part III, Section D. Payments, other than regular dues payments, made by a member who is not a lobbyist employer must be reported by the member for each quarter in which total payments of \$5,000 are made.

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

### FACTS

The California Coalition for Trucking Deregulation is a non-profit corporation engaged in lobbying both the state Legislature and the Public Utilities Commission. The Coalition is made up of approximately 150 member companies and associations. Some of these companies also employ lobbyists in California.

Funding for the Coalition is derived from dues and voluntary payments. Some of the voluntary payments may total \$5,000 in a calendar quarter. Approximately 30% to 40% of the Coalition's funds are used for lobbying activity.

### ANALYSIS

Regulation 18616(g)(3) (copy enclosed) excludes dues or similar payments made by any person for membership in a bona fide association, including any federation, confederation or trade, labor or membership organization, some portion of which is used to influence legislative or administrative action, from the definition of payments to influence legislative or administrative action. Therefore, dues payments are not reportable by the person who makes the payments or by the organization which receives the payments.

Regulation 18616(f) requires all persons who file lobbyist employer reports to report the total of all payments to influence legislative or administrative action. Therefore, all members which are lobbyist employers must report payments, other than regular dues payments, to the Coalition for purposes of attempting to influence legislative or administrative action. The payments are reported by the members on their lobbyist employer reports, Form 635, Part III, Section D.

Members who are not lobbyist employers also may be required to disclose lobbying payments made to the Coalition. All payments, other than dues or similar payments for membership in a bona fide association which are made to influence legislative or administrative action must be combined and a report filed if the total is \$5,000 or more in a calendar quarter. However, if the only reportable payments made are activity expenses, as defined by Section 86111(a), no report is required. (Regulation 18616(i).)

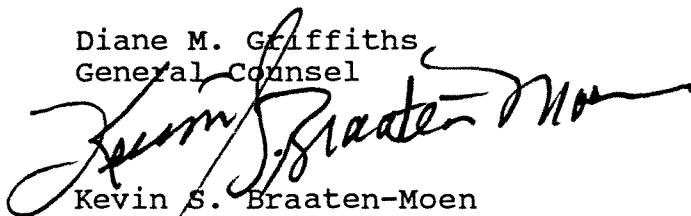
Section 86111(a) defines an activity expense as any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person spending \$5,000 in a calendar quarter to influence legislative or administrative action, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

Morris, Greg  
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If you have additional questions, please call me at (916)  
322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

A handwritten signature in black ink, appearing to read "Kevin S. Braaten-Moen". The signature is written in a cursive style with a long horizontal stroke at the end.

By: Kevin S. Braaten-Moen  
Political Reform Consultant



**California Coalition  
for Trucking Deregulation**

September 26, 1988

Secretary of State  
Fair Political Practices Commission  
P. O. Box 1467  
Sacramento, CA 95807

Dear FPPC:

The California Coalition for Trucking Deregulation is a non-profit California corporation engaged in advocacy with both the state legislature and the Public Utilities Commission through lobbyists retained by the Coalition. The Coalition is made up of approximately 150 member companies and associations. Some of these companies also employ lobbyists in California.

Funding for the Coalition's activities is exclusively through two sources, dues and voluntary contributions. Dues range from \$100 to \$250 and voluntary contributions from \$500 to \$25,000. Approximately 30% to 40% of the Coalition's funds are spent on activities reportable under California law. More precise determination of funds so spent could be easily made.

A question has arisen which motivates this letter. For companies which are members of the Coalition and Employers of Lobbyists under California law, is all or some portion of 1.)Coalition dues, and 2.)a voluntary contribution reportable to your Commission.

The courtesy of an early reply is requested. Thank you.

Very truly yours,

Greg Morris  
President

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for Trucking Deregulation**  
P. O. Box 364  
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Greg Morris  
President