



California Fair Political Practices Commission

August 24, 1994

Sydney B. Bennion
Metropolitan Water District
of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153

Re: Your Request for Advice
Our File No. I-94-242

Dear Ms. Bennion:

You are requesting confirmation of telephone advice provided to you regarding the lobbying provisions of the Political Reform Act.^{1/} Since your question is general in nature we provide the following informal advice.^{2/}

QUESTION

How are payments for inspection trips provided to state officials disclosed on a lobbyist employer statement (Form 635)?

CONCLUSION

Payments for informational materials, including an on-site tour, should be disclosed under the category "Other Payments to Influence." Payments for food and beverages for public officials are gifts and must be disclosed as "Activity Expenses." Payments for transportation for public officials are gifts and must be disclosed as "Activity Expenses" unless the transportation is an integral part of the inspection tour and is not commercially available.

1/ 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.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

ANALYSIS

The Act requires lobbyist employers to disclose payments made in connection with influencing legislative and administrative action. (Section 86115.) Among other items, lobbyist employers must itemize activity expenses and payments which would not have been made except to support or assist lobbying activity. (Section 86116.) Activity expenses include gifts provided to a state official or state candidate. (Section 86111.)

Section 82028(a) defines a "gift" as:

(a) "Gift" means, except as provided in subdivision (b), any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status....

(b) The term "gift" does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

Regulation 18942.1 provides:

"Informational material" means any item which serves primarily to convey information and which is provided to an official for the purpose of assisting him or her in the performance of his or her official duties. Informational material may include:

* * *

(c) On-site demonstrations, tours, or inspections designed specifically for public officials. No payment for transportation to an inspection, tour, or demonstration site, nor reimbursement for any expenses in connection therewith, shall be deemed "informational material" except insofar as such transportation is not commercially obtainable.

Thus, the on-site tour and any transportation that is not commercially obtainable and is also an integral part of the on-site tour is considered informational material and when provided in connection with lobbying activity must be disclosed under the category "Other Payments to Influence." (Regulation 18616.) However, any transportation which is not part of the on-site tour such as, transportation to and from the origin of the tour, are gifts and reportable activity expenses. (Briggs Advice Letter, No. A-93-210 and Barker Advice Letter, No. A-93-186.)

In addition, other benefits, such as food and beverages, are gifts and must be disclosed as activity expenses. (Regulation 18941.1.)

If you have questions concerning this letter, please contact me at (916) 322-5662.

Sincerely,

Lynda Cassady
Assistant Division Chief
Technical Assistance Division

cc: Diane Fishburn