



California Fair Political Practices Commission

April 3, 1995

Michael P. Kenny
General Counsel
Air Resources Board
2020 L Street
Post Office Box 2815
Sacramento, California 95812

Re: Your Request for Advice
Our File No. I-95-086

Dear Mr. Kenny:

We write in response to your request for advice regarding application of the "travel" provisions of the Political Reform Act (the "Act")¹ to a designated employee of the Air Resources Board ("ARB").

QUESTION

Would payment for travel provided to a designated employee of the Air Resources Board fall within the exception from gifts provided in Section 89506(a)(2)? If so, would it be reportable on the employee's annual statement of economic interests pursuant to section 18950.1(b)?

CONCLUSION

Payment for travel provided to a designated employee of the Air Resources Board in connection with assessing emissions control technology would fall within the exception from the gift definition provided in Section 89506(a)(2) and would be reportable on the employee's annual statement of economic interests pursuant to Section 18950.1(b).

FACTS

A designated ARB employee was asked by the World Bank to assess an emissions control technology being developed by a German Company for use in Mexico. The World Bank is financing the

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, Sections 18000-18954.

purchase of an appropriate technology for emissions control for the government of Mexico. The World Bank paid for the airline tickets, lodging and meals of the employee during his trip to Germany to assess the technology. The employee was not otherwise reimbursed for the trip by either the World Bank or Mexico.

ANALYSIS

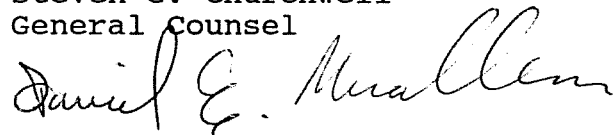
Section 89506(a)(2) provides that payments or reimbursements for transportation, lodging and subsistence reasonably related to an issue of international public policy are not prohibited gifts or honoraria if the payment is provided by a government, governmental agency, foreign government or governmental authority. Section 89506(c) and Regulation 18950.1(b) provide that travel payments so exempt, are reportable income interests on the recipient public official's annual statement of economic interests.

The payments for travel, lodging and meals received by an ARB employee who traveled to Germany to assess emissions control technology on behalf of the World Bank qualifies under the exception provided for such travel under Section 89506(a)(2) and Regulation 18905.1(b).

Should you have any further questions regarding application of the Act to this set of facts, please contact the undersigned at (916) 322-5901.

Sincerely,

Steven G. Churchwell
General Counsel



By: Daniel E. Muallem
Counsel, Legal Division