

RAVI MEHTA
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

January 14, 1997

Senator Newton Russell, Retired
Fax No. (916) 327-2026
Fax No. (818) 249-0154

Re: Your Request for Advice
Our File No. A-96-354

Dear Senator Russell:

This is in response to your request for advice regarding the postgovernmental restrictions provisions of the Political Reform Act (the "Act").¹

QUESTION

May you contact members of the Legislature to provide a recommendation for a lobbying firm without violating the postgovernmental restrictions provisions of the Act?

CONCLUSION

Contacting members of the Legislature to recommend a lobbying firm will not violate the postgovernmental restrictions provisions of the Act.

FACTS

You left the Senate as of the end of the 1995/96 legislative session. You have now

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. FPPC 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.

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associated yourself with a lobbying firm to provide consultive services regarding strategy. The firm is seeking a city as a client and has asked you to contact the Senator and Assemblyman who represent the district which includes the city, to provide an endorsement on behalf of the firm. You have been asked to do this within one year of your having left the Legislature. There are no legislative bills or issues involved at this time.

ANALYSIS

Section 87406(b) states:

No Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Legislature, any committee or subcommittee thereof, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

Section 82037 defines "legislative action" as the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity. "Legislative action" also means the action of the Governor in approving or vetoing any bill.

Your endorsing a lobbying firm to your former colleagues in the hope that the legislators will encourage a city, in their districts, to contract with the firm does not fall within the definition of legislative action. Therefore, this activity will not violate the provisions of Section 87406.

We are faxing this response as you requested. If you also want an original signed letter please provide your mailing address.

If you have any additional questions, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Wayne P. Imberi
Political Reform Consultant
Technical Assistance Division