

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18600. Duties and Prohibitions of Lobbyists, Lobbying Firms, and Lobbyist Employers (86100–86300).

When any duty or prohibition is imposed upon a lobbyist, lobbying firm or a lobbyist employer by Chapter 6 of the Political Reform Act, that duty or prohibition shall begin as of the day the lobbyist, lobbying firm or lobbyist employer contracts or is employed to influence or attempts to influence the action of any agency which will or should be but has not heretofore been listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 86100-86203, Government Code.

(Chapter 6, Sections 18600, 18618 and 18650, filed as an emergency 6-30-75, operative 6-30-75; Certificate of Compliance included; Register 75, No. 27).

HISTORY

1. Amendment of subsections (a)-(c) filed as an emergency 5-28-86, making the following changes:

Subsection (a): deleted designation "(a)," "employer of a" after "upon a lobbyist", and "extend to all state candidates, committees supporting state candidates, elective state officials, legislative officials (and to the related individuals or entities specified in the Act) and to such agency officials (and related individuals or entities) of those agencies which are, or should be listed on the lobbyist's registration statement under Government Code Section 86101(c) or

86103. These duties and prohibitions" after "prohibition shall," "a" after "of the day," and "his" after "registration statement"; added "lobbying firm" after "upon a lobbyist," "employer" before "by Chapter 6," "the" after "as of the day," "lobbying firm or lobbyist employer" before "contracts" and "of the lobbying firm or the lobbyist employer of the lobbyist" after "registration statement";

Subsection (b): deleted "(b) When any duty or prohibition is imposed by Chapter 6 of the Political Reform Act upon a person described in Government Code Section 86108(b) that duty or prohibition shall extend to all state candidates, elective state officials, legislative officials (and to the related individuals or entities specified in the Act) and to such agency officials (and related individuals or entities) of those agencies whose administrative actions the person described in 86108(b) has attempted or is attempting to influence.";

Subsection (c): deleted "(c) This regulation does not apply to the duties and prohibitions imposed by Government Code Section 86205.

Comment: Lobbyists, employers of lobbyists and others who spend substantial amounts to influence legislative or administrative action are required to disclose certain dealings and transactions with state candidates, elected state officers, legislative officials, and agency officials, and with other individuals and entities by reason of relationships with any of the foregoing. Lobbyists are prohibited from making certain gifts and any campaign contributions to such persons. Few if any lobbyists attempt to influence administrative actions of all state agencies, and few if any persons make expenditures to influence administrative action of all state agencies. The purpose of the prohibitions and disclosure requirements as applied to agency officials is to assure that no undue economic influences will be brought to bear on such officials

when they undertake administrative actions. This purpose would not be furthered if the prohibitions and disclosure requirements were interpreted as being applicable to all agency officials, without regard to whether the lobbyist or the filer had attempted to influence administrative actions of the official's agency.

To require disclosure regarding all agency officials without regard to whether the filer has attempted to influence administrative actions of the agency would tend to defeat the purpose of disclosure because the relevant data would be lost within a massive quantity of irrelevant data. These regulations carry out the purpose of the Act by limiting the disclosure requirements and prohibitions to officials of agencies the administrative actions of which the lobbyist or filer has attempted to influence.

Similar limitations cannot, however, be extended to the duties and prohibitions of the Act with respect to state candidates, committees supporting state candidates, elected state officers and legislative officials. To the contrary, the duties and prohibitions imposed upon lobbyists, employers of lobbyists, and persons described in Section 86108(b) with respect to such political persons must be applicable in all cases if the purposes of the Act are to be accomplished.

The influence of legislative officials and elected state officers extends throughout state government, there being no precise limits of their jurisdiction. Administrative agency officials know that members of the Legislature and the constitutional officers chosen directly by the people play a role in (1) defining the agency's powers; (2) adopting legislation bearing on the work of the agency; (3) determining the budget of the agency; (4) making or confirming appointments to the agency; and (5) considering future appointments to other governmental posts for the incumbent agency officials. In addition to these factors is the prestige of these elected

officials which may give their communications with and urgings upon administrative agency officials special weight. Because of this extensive influence, the purposes of the Political Reform Act necessitate that the disclosure requirements and the prohibitions on gifts and contributions be applicable to all elected state officers and candidates for such offices and to all legislative officials, even in the case of a lobbyist who confines his activities to one or more administrative agencies.";

Certificate of Compliance must be transmitted no later than 9-25-86, or emergency language will be repealed by operation of law (Gov. C. § 11346.1(g)); (Register 86, No. 22).

2. Certificate of Compliance filed 9-15-86 (Register 86, No. 38).