

1 Adopt 2 Cal. Code Regs. Section 18215.3 to read:

2 **§ 18215.3. “Behested Payments” Reporting.**

3 (a) Except as provided in subdivisions (b) and (c) below, for purposes of behested
4 payment reporting as required by Sections 82015(b)(2) and (b)(3), “made at the behest of” means
5 made under the control or at the direction of, in cooperation, consultation, coordination, or
6 concert with, at the request or suggestion of, or with the express, prior consent of the elected
7 officer, Public Utilities Commission (“PUC”) member, or his or her agent.

8 (b) A payment is not “made at the behest of” an elected officer under Section
9 82015(b)(2)(b)(iii) or a PUC member under Section 82015(b)(3) and is not subject to behested
10 payment reporting if the payment is made in response to a fundraising solicitation from a
11 charitable organization requesting a payment where the solicitation does not feature an elected
12 officer or PUC member.

13 (1) For purposes of this regulation, “features an elected officer or PUC member” has the
14 same meaning as found in Regulation 18901(c)(2): “‘Features an elected officer’ means that the
15 item mailed includes the elected officer’s photograph or signature, or singles out the elected
16 officer by the manner of display of his or her name or office in the layout of the document, such
17 as by headlines, captions, type size, typeface, or type color.”

18 (2) An elected officer or PUC member is also ~~presumed to be~~ featured in a solicitation if
19 the roster or letterhead listing the governing body contains a majority of elected officers (Section
20 82015(b)(2)(B)(iii)) or PUC members (Section 82015(b)(3)).

21 (c) A payment is not “made at the behest” of an elected officer under Section
22 82015(b)(2)(b)(iii) or PUC member under Section 82015(b)(3) and is not subject to reporting if
23 the elected officer or PUC member makes a request for a payment 1) from a local, state, or

- 1 federal governmental agency and 2) that payment will be used in the regular course of official
- 2 agency business of the elected officer or PUC member's agency.
- 3 Note: Authority cited: Section 83112, Government Code. Reference: Section 82015,
- 4 Government Code.