



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 39

July 24, 1992

Time frame in which a person must register as a lobbyist once he has engaged in activity requiring registration. (AOR-50)

The Texas Ethics Commission has been asked about the application of the lobby registration requirements to a situation in which a person enters into a contract to act as a political consultant. The person receives a set fee monthly, and the contract calls on the person to be available for lobbying activity if needed. As yet, no need for lobbying activity has arisen.

Under chapter 305 of the Government Code a person is required to register as a lobbyist if he receives more than \$200 in a calendar quarter to communicate directly with members of the legislative or executive branch to influence legislation or administrative action. Gov't Code § 305.003(a)(2); Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.3(a)(2), of the Texas Administrative Code). A person is required to register "not later than the fifth day after the date on which the person or the person's employee makes the first direct communication with a member of the legislative or executive branch that requires the person's registration." Gov't Code § 305.005(e). Therefore the person in question need not register until that time.

SUMMARY

A person who receives compensation for communicating directly with members of the legislative or executive branch to influence legislation or administrative action is required to register not later than the fifth day after the date on which the person or the person's employee makes the first direct communication that gives rise to the registration requirement.