



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 40

July 24, 1992

Whether a legislator is required to register as a lobbyist if he communicates with the officers and employees of a regulatory agency but neither receives compensation nor expends any money. (AOR-53)

The Texas Ethics Commission has been asked to consider whether the provisions of chapter 305 of the Government Code, which regulates lobby activity, limit the authority of a state legislator to make contact with officers and employees of a regulatory agency in regard to a permit application pending before the agency. The inquiry states that the legislator would receive no compensation.

Chapter 305 of the Government Code imposes regulations on a person only if he receives more than \$200 in a calendar quarter to communicate with members of the executive branch to influence administrative action or expends more than \$200 in a calendar quarter to communicate with members of the executive branch to influence administrative action.¹ Gov't Code § 305.003; Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, sections 40.1 and 40.3(a)(2), of the Texas Administrative Code). A legislator who received no compensation or made no expenditures in connection with communications to agency officers or employees in regard to a pending permit application would not be subject to registration or reporting under chapter 305 of the Government Code.

SUMMARY

A legislator who received no compensation or made no expenditures in connection with communications to agency officers or employees in regard to a pending permit application would not be subject to registration or reporting under chapter 305 of the Government Code.

¹ Both officers and employees of a regulatory agency are members of the executive branch for purposes of chapter 305. Gov't Code § 305.002(4).