



# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***

## ETHICS ADVISORY OPINION NO. 58

*September 10, 1992*

*Whether a registered lobbyist may pay for the transportation and lodging of a legislator if the legislator later reimburses the registrant. (AOR-89)*

The Texas Ethics Commission has been asked whether chapter 305 of the Government Code prohibits a registered lobbyist from paying a legislator's transportation and lodging if the legislator later "reimburses" the registrant.

A person required to register as a lobbyist under chapter 305 may not confer on a legislator an "expenditure" for transportation and lodging. Gov't Code § 305.024(a)(3). "Expenditure" includes a "loan" or "advance" of anything of value. *Id.* § 305.002(5); *see also id.* § 305.024(a)(1) (lobbyist may not confer loan on member of the legislative or executive branch).<sup>1</sup>

There are circumstances in which a registered lobbyist may provide, and a legislator may accept, transportation and lodging. As long as the registrant is present, the legislator may accept transportation and lodging if "the purpose of the travel is to explore matters directly related" to the legislator's duty or "in connection with a conference or similar event in which the member renders services." *Id.* §§ 305.006(f), 305.024, 305.025(3), (4). However, neither of these circumstances is applicable in this situation. In this situation, the lobbyist is prohibited from providing and the legislator is prohibited from accepting an expenditure for transportation and lodging, whether the expenses are reimbursed later by the legislator or not.

### SUMMARY

"Expenditure," for purposes of the lobby statute, includes a "loan" or "advance" of anything of value. Thus, certain payments for transportation and lodging are prohibited regardless of whether the payments are later reimbursed.

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<sup>1</sup> There are two circumstances under which a registrant may provide the legislator a loan. These circumstances are as follows:

- (1) a loan in the due course of business from a corporation or other business entity that is legally engaged in the business of lending money and that has conducted that business continuously for more than one year before the loan is made; [and]
- (2) a loan or guarantee of a loan or a gift made or given by a person related within the second degree by affinity or consanguinity to the member of the legislative or executive branch. Gov't Code § 305.025.