



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 73

October 23, 1992

Whether an employee of an underground water conservation district is excepted from the requirement to register as a lobbyist. (AOR-100)

The Texas Ethics Commission has been asked to consider whether an employee of an underground water conservation district is excepted from the requirement to register as a lobbyist. Officers and employees of "political subdivisions" are excepted from registration as lobbyists under chapter 305 of the Government Code. Gov't Code § 305.003(b), Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.1, of the Texas Administrative Code). Underground water conservation districts are "political subdivisions" for purposes of chapter 305. *Beckendorff v. Harris-Galveston Coastal Subsidence Dist.*, 563 S.W.2d 239 (Tex. 1978) (underground water conservation districts are conservation and reclamation districts for purposes of article XVI, section 59, of the Texas Constitution); *Willacy County Water Control & Improvement Dist. No. 1 v. Abendroth*, 177 S.W.2d 936 (Tex. 1944) (conservation and reclamation districts are political subdivisions). See generally [Ethics Advisory Opinion No. 9](#) (1992) (nonprofit water supply corporations are not political subdivisions for purposes of chapter 305). Therefore, officers and employees of an underground water conservation district are exempted from lobby registration.

The requestor asks, however, whether there are circumstances in which an officer or employee of an underground water conservation district may be required to register as a lobbyist. The exemption from the registration requirement for officers and employees of political subdivisions is an exemption only for an officer's or employee's activities in his capacity as an officer or employee of the political subdivision. The exemption does not except an officer or employee of a political subdivision from lobby registration if the officer or employee engages in outside activities that require lobby registration.

Finally, the requestor asks what fees would be applicable to an officer or employee of a political subdivision who is required to register as a lobbyist. Section 305.005(c) sets lobby registration fees:

The registration fee and registration renewal fee are:

- (1) \$100 for a registrant employed by an organization exempt from federal income tax under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986; or
- (2) \$300 for any other registrant.

An officer or employee of a political subdivision who is required to register as a lobbyist because of outside activities would be required to pay whatever fee is applicable to his situation.

SUMMARY

The exemption from the lobby registration requirement for officers and employees of political subdivisions is an exemption only for an officer's or employee's activities in his capacity as an officer or employee of the political subdivision.