



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 103

December 10, 1992

Interpretation of phrase "compensation or reimbursement" in Government Code section 305.005(f)(6). (AOR-97)

A registered lobbyist has asked the Texas Ethics Commission about the requirement in section 305.005(f)(6) of the Government Code that a registrant report on a lobbyist registration form "the amount of compensation or reimbursement paid" to the registrant for lobby activity. One question is whether this language requires a registrant to report the total amount of both compensation and reimbursement on a registration form. A second question is whether reimbursements for long-distance calls, photocopying, facsimile transmissions, and similar office expenses are included in the category of "reimbursement" for purposes of section 305.005(f)(6).

Section 305.005(f)(6) requires a person who registers as a lobbyist to report

the amount of compensation or reimbursement paid by each person who reimburses, retains, or employs the registrant for the purpose of communicating directly with a member of the legislative or executive branch or on whose behalf the registrant communicates directly with a member of the legislative or executive branch.

Such "compensation or reimbursement" must be reported on the registration form as either an exact amount or as falling within a category of amounts. *Id.* § 305.005(g). The use of the word "or" in the requirement that the "compensation or reimbursement paid" be reported has led to the suggestion that a registrant is required by this section to report either compensation or reimbursement, but not both. We conclude, however, that a registrant who receives both compensation and reimbursement is required to report the total of both since presumably the legislature did not intend to give registrants a choice regarding the type of information to be reported.¹ *Bayou Pipeline Corp. v. Railroad Comm'n*, 568 S.W.2d 122, 125 (Tex. 1978) (rule for interpreting "or" to mean "and"); *see* State Ethics Advisory Commission Opinion No. 2 (1986) (in considering a dual registration threshold that required registration if a person "receives compensation or reimbursement of more than \$200" and expended more than \$200, concluding that the registration threshold was triggered by the cumulative amounts received and spent on behalf of all clients, not just on behalf of any single client); *see also* [Ethics Advisory Opinion No. 85](#) (1992) (concerning non-lobbying activities of unpaid volunteers who receive reimbursement). We conclude, therefore, that a registrant is required to report the total amount of both compensation and reimbursement under section 305.005(f)(6).

In regard to the second question, reimbursement for long-distance telephone calls, photocopying, facsimile transmissions, and similar office expenses are among the types of reimbursements that must be reported under section 305.005(f)(6) if the expenditures are made to communicate or to prepare to communicate directly to influence legislation or administrative action. *See* [Ethics Advisory Opinion No. 89](#) (1992) (regarding attribution of expenditures).

SUMMARY

A lobby registrant who receives both compensation and reimbursement must report the total amount of both for purposes of Government Code section 305.005(f)(6). Reimbursements for office expenses such as photocopying,

long-distance calls, and facsimile transmissions are among the types of reimbursements that must be reported under section 305.005(f)(6).

¹ The phrase "compensation or reimbursement" also appears in section 305.003(a)(2). Under that section, a person is required to register as a lobbyist if the person receives "compensation or reimbursement," excluding certain types of reimbursement, of more than \$200 in a calendar quarter. A person crosses that threshold if his compensation and reimbursement added together exceed \$200.