



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 107

December 10, 1992

Whether a county official must register as a lobbyist if the county official communicates directly with members of the legislature in his capacity as a representative of a private association of county officials. (AOR-118)

The Texas Ethics Commission has been asked to consider whether a county official must register as a lobbyist if the county official communicates directly with members of the legislature in his capacity as a representative of a private association of county officials.

A person must register as a lobbyist if the person meets either an "expenditure" threshold or a "compensation or reimbursement" threshold. Gov't Code § 305.003(a). Under the expenditure threshold, a person must register if the person

makes a total expenditure of [more than \$200] in a calendar quarter, not including the person's own travel, food, or lodging expenses or the person's own membership dues, on activities described in Section 305.006(b) to communicate directly with one or more members of the legislative or executive branch to influence legislation or administrative action.

Id. § 305.003(a)(1); Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.1, of the Texas Administrative Code). Under the compensation or reimbursement threshold, a person must register if the person

receives compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues, [of more than \$200] in a calendar quarter from another person to communicate directly with a member 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, of the Texas Administrative Code). Those provisions, however, do not require an officer or employee of a political subdivision to register. Gov't Code § 305.003(b). A county is a political subdivision. *Commissioners' Court of El Paso County v. El Paso County Sheriff's Deputies Ass'n*, 620 S.W.2d 900 (Tex. Civ. App.--El Paso 1981, writ ref'd n.r.e.). Therefore county officers and employees are exempt from the provisions set out above.

The exemption applies, however, only to activities in a county officer's or employee's official capacity. [Ethics Advisory Opinion No. 73](#) (1992). Therefore, if a county officer or employee is receiving compensation for lobbying from a private organization or making expenditures in the capacity of a representative of a private organization and thereby meets one of the registration thresholds, the exception set out in section 305.003(b) is inapplicable. This is so even if the private organization is an organization of a particular category of county officers or employees.

SUMMARY

The exception from required lobby registration for county officers and employees that is set out in section 305.003(b) of the Government Code does not apply to a county officer or employee who is receiving

compensation for lobbying from a private organization or making lobby expenditures in the capacity of a representative of a private organization. This is so even if the private organization is an organization of a particular category of county officers or employees.