



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 110

December 10, 1992

Whether exceptions from required lobby registration that are set out in rules adopted by the commission are applicable to a person required to register as a lobbyist under section 1.06D of the Insurance Code. (AOR-125)

The Texas Ethics Commission has been asked whether exceptions from required lobby registration that are set out in rules adopted by the commission are applicable to a person required to register as a lobbyist under section 1.06D of the Insurance Code. Chapter 305 of the Government Code requires a person to register as a lobbyist if the person meets either an "expenditure" threshold or a "compensation or reimbursement" threshold. Gov't Code § 305.003(a). There are statutory exceptions to these requirements. *See id.* §§ 305.003(b), 305.004. The commission has also adopted rules setting out exceptions to registration under the thresholds set out in section 305.003(a). Tex. Ethics Comm'n, 17 Tex. Reg. 4444-45, 6893-94 (1992) (to be codified at title 1, sections 40.1 through 40.7, of the Texas Administrative Code).

Section 1.06D of the Insurance Code provides as follows:

A person must register with the secretary of state¹ in the manner provided by Chapter 305, Government Code, if the person represents a client before the [Insurance Board], or any board, committee, or other body appointed by the board, more than twice during any calendar year. (Footnote added.)

The thresholds set out in section 305.003(a) of the Government Code do not govern registration under section 1.06D of the Insurance Code. A person must register under section 1.06D if the person engages in the activity described in section 1.06D. There are no statutory exceptions to that requirement. Further, because the Ethics Commission has no authority to issue rules in regard to the Insurance Code, the Ethics Commission could not adopt rules creating exceptions from required registration under section 1.06D of the Insurance Code. *See* V.T.C.S. art. 6252-9d.1, § 1.11(b)(9) (rulemaking authority of Ethics Commission); Tex. Ethics Comm'n, 17 Tex. Reg. 6893 (1992) (to be codified at title 1, section 40.5, of the Texas Administrative Code). Therefore, the exceptions from required lobby registration set out in rules adopted by the Ethics Commission are not applicable to a person required to register under section 1.06D of the Insurance Code.

SUMMARY

Exceptions from required lobby registration set out in Ethics Commission rules do not apply to persons required to register under section 1.06D of the Insurance Code.

¹ Since January 1, 1992, persons registering under Government Code chapter 305, the lobby statute, have been required to register with the Texas Ethics Commission rather than the secretary of state. S.B. 1, Acts 1991, 72d Leg., ch. 304, § 1.39(b), at 1303. Section 1.06D was adopted by the same legislature that adopted Senate Bill 1. H.B. 2, Acts 1991, 72d Leg., ch. 242, § 1.05, at 945-46. Provisions adopted by the same legislature are to be read in harmony if possible. *Freels v. Walker*, 26 S.W.2d 627, 630 (Tex. 1930). Therefore section 1.06D requires registration with the Ethics Commission in the circumstances described.