



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 112

December 10, 1992

Whether a full-time employee of a city is required to register as a lobbyist if the employee's duties include "lobbying the Governor and members of the state legislature regarding legislation." (AOR-132)

The Texas Ethics Commission has been asked to consider whether a full-time employee of a city is required to register as a lobbyist if the employee's duties include "lobbying the Governor and members of the state legislature regarding legislation affecting [the city]."

In many circumstances a person who makes expenditures in connection with lobby communications or receives compensation for lobby communications is required to register as a lobbyist. Gov't Code § 305.003(a). This requirement is not applicable, however, to an employee of a "political subdivision." *Id.* § 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). A city is a political subdivision. *Corporation of San Felipe de Austin v. State*, 229 S.W. 845, 847 (Tex. 1921); *see also* Gov't Code § 305.026 (for purposes of that section, "political subdivision" includes a municipality). Therefore, a city employee is not required to register as a lobbyist for activities in his capacity as a city employee. *See Ethics Advisory Opinion No. 73* (1992) (exemption does not apply to outside activities).

The requestor also asks whether the commission has adopted rules under Government Code section 305.0051. That section permits the Ethics Commission to adopt a rule requiring an officer or employee of a political subdivision or other governmental entity to file information regarding lobby communications with the Ethics Commission. As of the date of this opinion, the Ethics Commission has not adopted any rule under section 305.0051.

SUMMARY

A city employee is not required to register as a lobbyist for activities in his capacity as a city employee. As of the date of this opinion, the Ethics Commission has not adopted any rule under section 305.0051.