



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 119

*February 18, 1993*

*Lobby reporting requirements in connection with a luncheon to which all members of the legislature and other elected state officers are invited. (AOR-133)*

A trade association has asked the Texas Ethics Commission a number of questions about lobby reporting requirements in connection with a luncheon to which all members of the legislature and other elected state officers are invited. The first question is whether costs incurred for the following purposes should be reported: supplies, printing, bus transportation between the Capitol and the luncheon, meeting room rental, name badges, flowers, food, and commemorative gifts.

As a general rule, a person required to register under the lobby statute must report expenditures made to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action in the following categories: (1) transportation and lodging; (2) food and beverages; (3) entertainment; (4) gifts, other than awards and mementos; (5) awards and mementos; (6) expenditures made for the attendance of members of the legislative or executive branch at political fundraisers or charity events; and (7) expenditures for mass media communications. Gov't Code § 305.006(b), (c). Reporting under those specific categories is not necessary, however, for an event to which all legislators are invited. *Id.* § 305.0062(d). Because all members of the legislature are invited to the luncheon in question, the expenditures for the luncheon are required to be reported only as a lump sum under section 305.0062(a)(8). *Id.* Although expenditures for an event to which all legislators are invited need not be broken down into types of expenditures, the categories of expenses set out in section 305.006 identify the types of expenses that must be included in a lump sum reported under section 305.0062(a)(8). Therefore, we must determine whether the expenses would be reportable under section 305.006 in order to determine whether the expenses must be included in a lump sum reported under section 305.0062(a)(8). It is in that context that we consider whether the specific expenditures in question are reportable.

Bus transportation between the Capitol and the luncheon need not be reported if the luncheon is in the Austin metropolitan area. Tex. Ethics Comm'n, 17 Tex. Reg. 4446 (1992), (to be codified at title 1, section 40.27, of the Texas Administrative Code). [Ethics Advisory Opinions Nos. 91](#) at 3, 30 (1992). If the luncheon is elsewhere, provision of bus transportation would be an impermissible lobby expenditure. Gov't Code § 305.024(a)(3). Commemorative gifts must be reported as part of the lump sum since they would be either "awards and mementos" or "gifts, other than awards and mementos." The other expenses--for supplies, printing, meeting room rental, name badges, flowers, and food--would be reportable under "food and beverages" since they would be incurred in connection with the preparation or presentation of the meal. Therefore, those expenses would be included in the lump sum reported under section 305.0062(a)(8).

The request letter also asks whether the lump sum reported in connection with the luncheon should include the amount spent for members of the trade association. The lump sum should include such amounts in the circumstances described. See [Ethics Advisory Opinion No. 93](#) (1992).

Another question is how the amount spent per legislator is to be determined. Section 305.0061(b) requires detailed reporting if a lobbyist spends more than \$50 a day for an individual member of the legislative or executive branch. In such circumstances, it is necessary to know the amount spent for each legislator's food and

beverages. Such reports are not required, however, in connection with events to which all legislators are invited. Gov't Code § 305.0062(d). *See generally id.* § 305.0061(f) (apportioning cost of event among number of persons attending is basis for determining expenditure for individual). Also, an individual lobbyist may not spend more than \$500 a year for gifts for a member of the legislative or executive branch. *Id.* § 305.024(a)(5); *see also id.* § 305.024(a)(6) (\$500 cap on each award or memento). The cost of each gift should be readily ascertainable.

The request letter also asks when the expenditures are to be reported. The expenditures are to be reported on a report filed between the 1st and the 10th day of the month after the month in which the activities occur unless the registrant reporting the expenditures is eligible to do modified reporting and has elected to do so. *Id.* § 305.007. Under modified reporting, the expenditures are to be reported on a report filed not later than January 10 of the year after the calendar year in which the activities occur. *Id.* § 305.0063.

### SUMMARY

The lump sum reported under section 305.0062(a)(8) of the Government Code is made up of the kinds of expenditures that are required to be reported under section 305.006. Lobby expenditures incurred in connection with the preparation or presentation of a meal are reportable under the category for "food and beverages."