



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 154

June 24, 1993

Whether the Texas Commission on the Arts is a "regulatory agency" for purposes of the revolving door provision in V.T.C.S. article 6252-9b. (AOR-177)

The Texas Ethics Commission has been asked to consider whether the Texas Commission on the Arts is a "regulatory agency" for purposes of section 7A of article 6252-9b, V.T.C.S. Section 7A contains several "revolving door" prohibitions that restrict the activities of certain former officers and employees of "regulatory agencies."

Section 7A(f)(1) defines a "regulatory agency" as follows:

"Regulatory agency" means any department, commission, board, or other agency that:

- (A) is in the executive branch of state government;
- (B) has authority that is not limited to a geographical portion of the state;
- (C) was created by the constitution or a statute of this state; and
- (D) has constitutional or statutory authority to engage in rule making, adjudication, or licensing.

The Commission on the Arts is in the executive branch of state government. *See Texas Liquor Control Bd. v. Continental Distilling Sales Co.*, 199 S.W.2d 1009, 1012-13 (Tex. Civ. App.--Dallas, writ ref'd n.r.e.), *appeal dismissed*, 332 U.S. 747 (1947). Its authority, which includes the ability to determine eligibility for financial assistance funds, is not limited to a geographical portion of the state. Gov't Code §§ 444.021, 444.024. The commission was created by statute. *Id.* ch. 444. It also has rulemaking authority. *Id.* § 444.009. Therefore the Commission on the Arts is a regulatory agency for purposes of section 7A of article 6252-9b, V.T.C.S.

SUMMARY

The Commission on the Arts is a regulatory agency for purposes of section 7A of article 6252-9b, V.T.C.S.