

STATE ETHICS ADVISORY COMMISSION

ADVISORY OPINION 1984-4

Re: If one spends \$200 or more on a chart for a presentation before a state agency, must one register as a lobbyist and report that expenditure?

This opinion responds to a request (AOR 1984-23) from the Public Servant Standards of Conduct Advisory Committee for a State Ethics Advisory Commission opinion. The request was received by the Commission at its meeting on January 13, 1984, and relates to the following issue:

If one spends \$200 or more on a chart for a presentation before a state agency, must one register as a lobbyist and report that expenditure?

Tex. Rev. Civ. Stat. Ann. art. 6252-9c, Section 3, (Vernon's Supp. 1983-1984) requires a person to register as a lobbyist if that person:

(a) makes a total expenditure in excess of \$200 in a calendar quarter . . . on activities described in subsection (b) of section 6 of this Act for communicating directly with one or more members of the . . . executive branch to influence legislation or administrative action; and

(b) receives compensation or reimbursement in excess of \$200 in a calendar quarter from another to communicate directly with a member of the executive branch to influence legislation or administrative action. (Emphasis added.)

The "activities described in subsection (b) of section 6" of the act consist of entertainment expenditures, including food, beverages, and similar expenses; gifts, awards, or loans; and broadcast or print advertisements, direct mailings and other mass media communications.

A chart for a presentation before a state agency does not fall within any of those categories of reportable expenditures. Therefore, a person who is paid in excess of \$200 in a calendar quarter to influence legislation or administrative action but who only expends money on a chart for presentation before a state agency is not required to register as a lobbyist. Expenditure on such a chart is not a reportable expenditure under the Act, for it does not constitute an entertainment, gift, or mass media expense. Even if the person making the expenditure were already a registered lobbyist, he would not be required to report this expense on his activity report.

SUMMARY

A person who spends \$200 or more on a chart for a presentation before a state agency is not required to register as a lobbyist, unless he has other expenditures that require him to file. If he is already registered, the expenditure on the chart is not reportable.

W. Page Keeton, Chairman
State Ethics Advisory Commission
Adopted this 24th day of February, 1984.