

Warren Chisum  
STATE REPRESENTATIVE

COMMITTEES:  
Appropriations, Chair  
Energy Resources



Austin Office:  
P.O. Box 2910  
Austin, Texas 78768-2910  
(512) 463-0736

District Office:  
P.O. Box 2061  
Pampa, Texas 79066-2061  
(806) 665-3552

**RECEIVED**

House of Representatives

AUG 20 2007

**OPINION COMMITTEE**

August 9, 2007

The Honorable Greg Abbott  
Attorney General of Texas  
209 W. 14th Street  
Austin, Texas 78701

FILE # ML-45325-07  
I.D. # 45325

**RQ-0614-GA**

Dear General Abbott:

As chairman of the Appropriations Committee of the House of Representatives, I request your opinion regarding the proper interpretation of Section 556.0055, Government Code, as it applies to a payment that may be made to a person who is required by Chapter 305, Government Code, to register with the Texas Ethics Commission as a lobbyist.

Section 556.0055(a), Government Code, provides that:

(a) A political subdivision or private entity that receives state funds may not use the funds to pay:

- (1) lobbying expenses incurred by the recipient of the funds;
- (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;
- (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
- (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

The question arises because affected political subdivisions and private entities understand that Section 556.0055, Government Code, may be interpreted to prohibit the use of state funds to make a payment of any kind to a person described by Section 556.0055(a), regardless of whether the payments made have any relation to lobbying activities. For example, under this interpretation an entity that receives state funds would be in violation of Section 556.0055 if the entity were to use any of that money to make to a person described by that section a payment unrelated to lobbying for office space rental or for professional services, consulting services, or other services.

Alternatively, Section 556.0055, Government Code, may be interpreted to prohibit a payment to one of the described persons only when the payment is related to lobbying activities. Note the heading to the section, "RESTRICTIONS ON LOBBYING EXPENDITURES."

The Honorable Greg Abbott

August 20, 2007

Page 2

There are significant consequences for violating Section 556.0055(a), Government Code. Section 556.0055(b) provides that "[a] political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds." In light of those consequences, I ask for your opinion regarding the proper interpretation of Section 556.0055(a), Government Code. Does that section prohibit a political subdivision or a private entity from making payments of any kind to persons described by that section, regardless of whether the payment is related to lobbying activities?

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Warren Chisum".

Warren Chisum, Chair  
House Appropriations Committee