



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 120

February 18, 1993

Whether a legislator may accept a free subscription to a magazine. (AOR-134)

The Texas Ethics Commission has been asked to consider whether a legislator may accept a free subscription to a magazine.¹ Members of the legislature are subject to a general prohibition on the acceptance of benefits. Penal Code § 36.08(f). A subscription to a magazine may well be a benefit if it is of more than minimal value.² There is an exception to the prohibition on the acceptance of benefits for a gift that is required to be reported under the lobby statute. *Id.* § 36.10(a)(5). Therefore, a member of the legislature may accept a subscription to a magazine if the person providing the subscription is required to report it under the lobby statute. *See* Gov't Code §§ 305.024(a)(5) (\$500 limit on value of gifts lobbyist may provide to individual legislator during calendar year).

SUMMARY

A subscription to a magazine may be a benefit if it is of more than minimal value.

¹ In responding to this question, we use the term "magazine" to mean something other than a publication whose sole purpose is to explain matters that may be the subject of legislative action or to urge legislators to take certain action. Such a publication would not be a benefit; nor would it be a "gift" under the lobby statute. But see *id.* § 305.006(c) (reporting of certain communications under lobby statute).

² A subscription that is available to the general public at no cost would not be a benefit. Cf. [Ethics Advisory Opinion No. 66](#) (1992).