




# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***  **Opinion History**



## ETHICS ADVISORY OPINION NO. 156

*June 24, 1993*

*Whether it is permissible, under the laws subject to interpretation by the Texas Ethics Commission, for a law firm of which a legislator is a member to contract with another law firm to assist with the collection of delinquent property taxes for various local taxing units. (AOR-179)*

The Texas Ethics Commission has been asked to consider whether it is permissible, under the laws subject to interpretation by the Ethics Commission, for a law firm of which a legislator is a member to contract with another law firm to assist with the collection of delinquent property taxes for various local taxing units.<sup>1</sup>

Under the provisions subject to interpretation by the Ethics Commission, a legislator may provide legal services to a special district. [Ethics Advisory Opinions Nos. 117](#) (1993), [72](#), [41](#) (1992). As long as payment for such services reflects the actual value of the services, the fee is not considered an impermissible benefit under chapter 36 of the Penal Code. [Ethics Advisory Opinions Nos. 117](#) (1993), [41](#) (1992). A legislator must report sources of occupational income on his annual financial disclosure statement. V.T.C.S. art. 6252-9b, § 4(c)(1).

Section 8 of article 6252-9b sets out general standards of conduct for all state officers and employees and advises that a state officer should not accept employment that might tend to influence or interfere with the officer's independence of judgment in the performance of official duties. Compliance with those standards is a matter of personal ethics. *See* [Ethics Advisory Opinions Nos. 41](#), [28](#) at 7-8 (1992); *see also* V.T.C.S. art. 6252-9b, § 1. *See generally id.*   7 (restricting the representation of others before executive branch agencies; prohibiting voting for measures or bills benefitting a business entity in which a legislator has a controlling interest), 8A (prohibiting the making of certain leases of real property); [Ethics Advisory Opinion No. 117](#) (1993) (a legislator's and his firm's representation of clients before state agencies and school districts).

### SUMMARY

The provisions subject to interpretation by the Ethics Commission do not prohibit a legislator or his law firm from entering into a contract to assist with the collection of delinquent property taxes for a local taxing authority.

<sup>1</sup> The Ethics Commission has authority to interpret six statutory schemes: (1) chapter 305 of the Government Code (lobby); (2) chapter 302 of the Government Code (speaker's race); (3) title 15 of the Election Code (campaign finance); (4) article 6252-9b, V.T.C.S. (financial disclosure and standards of conduct); (5) chapter 36 of the Penal Code (bribery); and (6) chapter 39 of the Penal Code (abuse of office). The request letter asks only about the application of those statutes to the question raised. The Texas Constitution contains a "contracts clause," which bars legislators from entering into any contract with the state or county when such contract has been authorized or funded by a legislature of which the individual was a member. Tex. Const. art. III, § 18. Although the Ethics Commission does not have interpretative authority over this provision, we note that an attorney general opinion states that contracts with cities and school districts are not prohibited by article III, section 18. Attorney General Opinion H-696 (1975).