



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 193

March 25, 1994

Whether a member of the legislature may use state resources to perform "routine [legislative] duties" for constituents in a geographical area that will become part of his district in 1995. (AOR-217)

A member of the legislature has asked the Texas Ethics Commission whether he may use state resources to perform "routine [legislative] duties" for constituents in a geographical area that will become part of his district in 1995. Specifically, the legislator asks about constituent casework, meetings with members of a community in regard to a project that requires a state permit, and traveling to the area to "discuss concerns which may require legislative solutions."

The Ethics Commission has authority to interpret specified statutes. Gov't Code § 571.061. The provision subject to the Commission's interpretation that is relevant to the question raised is section 39.01 of the Penal Code, which prohibits the misapplication of state resources. It is a matter for the legislature, subject to constitutional limitations, to determine whether legislators may use state resources to provide various services to constituents. *See* Tex. Const. art. III, § 51 (prohibition on the use of state funds for private purposes). In the absence of any applicable legislative restriction, we see no basis for distinguishing between a legislator's use of state resources to assist a resident of the district from which the legislator was elected and his use of state resources to assist a person who lives elsewhere in Texas. Thus a legislator may, without violating section 39.01 of the Penal Code, use state resources to provide the type of legislative assistance he provides to residents of his current district to a person who lives in a geographical area that will become part of the legislator's district in 1995.

SUMMARY

A member of the legislature may use state resources to provide the type of legislative assistance he provides to residents of his current district to a person who lives in a geographical area that will become part of the legislator's district in 1995.