



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 273

August 11, 1995

Whether a member of the legislature may accept fees for public speaking. (AOR-306)

The Texas Ethics Commission has been asked to consider whether a member of the legislature may accept fees for public speaking. The member in question routinely accepted fees for public speaking before becoming a member of the legislature.

Under the honorarium provision in the Penal Code, a member of the legislature may not accept a fee for speaking if the legislator would not have been requested to speak but for the legislator's official position or duties. Penal Code § 36.07. In other words, the permissibility of a speaking fee depends on the motivation of the person requesting that the legislator speak. Although the permissibility of any particular fee must be determined on a case-by-case basis, the fact that a legislator received fees for speaking before becoming a member of the legislature is certainly strong evidence that the legislator is a desirable speaker for reasons other than his status as a member of the legislature.

The request letter also asks whether a legislator may accept expenses for transportation, lodging, and meals in connection with a speaking engagement. A legislator may accept expenses for transportation, lodging, and meals in connection with a speaking engagement. Penal Code § 36.07(b), [Ethics Advisory Opinion No. 17](#) at 2 (1992).¹ A legislator may accept such expenses in connection with a speaking engagement even if the honorarium provision prohibits the acceptance of a fee for the speaking engagement.

SUMMARY

Whether a member of the legislature may accept a speaking fee depends on the motivation of the person requesting that the legislator speak. Although the permissibility of any particular fee must be determined on a case-by-case basis, the fact that a legislator received fees for speaking before becoming a member of the legislature is certainly strong evidence that the legislator is a desirable speaker for reasons other than his status as a member of the legislature.

A legislator may accept expenses for travel, lodging, and meals in connection with a speaking engagement even if the honorarium provision prohibits the acceptance of a fee for the speaking engagement.

¹ A legislator must report expenses accepted under section 36.07(b) on a personal financial statement filed under chapter 572 of the Government Code. Gov't Code § 572.023(b)(11).