



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 287

October 13, 1995

Whether members of a legislative committee may accept meals, lodging, and transportation (in vans) from public universities and community colleges in connection with a committee visit to the universities and colleges. (AOR-321)

A member of a legislative committee has asked whether members of the committee may accept meals, lodging, and transportation (in vans) from public universities and community colleges in connection with a committee visit to the universities and colleges.

Members of the legislature are subject to a general prohibition on the acceptance of benefits. Penal Code § 36.08(f). There are, however, a number of exceptions to that prohibition. There is an exception for benefits in the form of food, transportation, and lodging accepted as a guest and reported under any applicable reporting statute. *Id.* § 36.10(b). Under that exception, members of the legislature may accept food, transportation, and lodging in connection with visits to public universities and community colleges as long as representatives of the universities and community colleges are present during the visits.¹ See [Ethics Advisory Opinion No. 261](#) at 2 (1995) (the "guest" exception does not require host's presence when transportation and lodging are provided as long as transportation and lodging are provided in the context of a larger event at which the host is present).

Another exception to the general prohibition on benefits is for "an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity." Penal Code § 36.10(a)(7). That exception may also be applicable to certain benefits provided during the legislators' visit to the public universities.

SUMMARY

Members of the legislature may accept food, transportation, and lodging from public universities and community colleges in connection with a visits to the public universities and community colleges as long as representatives of the universities and community colleges are present during the visit.

¹ The guest exception applies if the benefit is reported under any applicable reporting statute. Members of the legislature are required to report certain "gifts" on an annual personal financial statement. Gov't Code § 572.023(b)(7). Food, transportation, and lodging provided by a public university or community college in connection with an official visit of a legislative committee is not a "gift" for purposes of that provision and therefore need not be reported.