



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 304

March 22, 1996

Whether a legislative caucus may use facilities of a public university for meetings, and whether the university may provide food, transportation, and lodging. (AOR-336)

The Texas Ethics Commission has been asked to consider whether a legislative caucus may use facilities of a public university for meetings. The request letter also asks whether the university may provide food, transportation, and lodging. The Ethics Commission does not have jurisdiction to determine whether a public university has either statutory or constitutional authority to use its resources in the manner described in the request letter.¹ Questions about permissible uses of university resources should be directed to the attorney general.

Assuming the university has authority to provide meeting facilities, food, transportation, and lodging to the legislative caucus, it would be the caucus, not individual members of the legislature, who would be accepting them from the university. There is nothing in the laws under the jurisdiction of the Ethics Commission that would prohibit a legislative caucus from accepting meeting facilities, food, transportation, and lodging as an in-kind contribution from a university as long as they are not accepted during a regular legislative session or during the 30-day period before a regular legislative session. Elec. Code § 253.0341. The legislative caucus would be required to report contributions in accordance with section 254.0311 of the Election Code.

Individual members of the legislative caucus would be accepting food, transportation, and lodging from the caucus. Although members of the legislature are subject to restrictions on the acceptance of benefits, they may accept food, transportation, and lodging as guests as long as they comply with any applicable reporting requirements. Penal Code §§ 36.08(f), 36.10(b). For a legislator to accept something as a guest, the donor must be present. In this case the donor would be the legislative caucus. Representatives of the legislative caucus would obviously be present in the circumstances described. See [Ethics Advisory Opinion No. 261](#) (1995).

SUMMARY

The Ethics Commission does not have jurisdiction to determine whether a public university has either statutory or constitutional authority to provide meeting facilities, food, transportation, or lodging to a legislative caucus. There is nothing in the laws under the jurisdiction of the Ethics Commission that would prohibit a legislative caucus from accepting meeting facilities, food, transportation, and lodging as an in-kind contribution from a university as long as they are not accepted during a regular legislative session or during the 30-day period before a regular legislative session. Although individual members of the legislature are subject to restrictions on the acceptance of benefits, they may accept food, transportation, and lodging as a guest of the caucus as long as they comply with any applicable reporting requirements.

¹ We assume the meeting is not for the purpose of conducting official legislative business. See generally [Ethics Advisory Opinions Nos. 287](#) (1995), [88](#) (1992).