

# *Monday Memo - Special Joint Edition*

**Jim Dunnam**  
State Representative

**Larry Taylor**  
State Representative

The San Antonio Express-News has recently published an article that questions the practice by many Members of paying for Austin apartments using campaign funds while also receiving per diem while in Austin. The story specifically notes that neither complaint "cite[s] any alleged violations of specific criminal statutes." This is not surprising, as according to Caucus legal counsel, Texas law currently specifically permits Members to pay for their Austin housing expenses from campaign funds.

Section 253.035(d)(1) of the Texas Election Code expressly permits legislators to use political contributions to make "payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder, including payment of rent, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County[.]" Section 24a(e), Article III, Texas Constitution, specifically authorizes Members to receive per diem during session and the interim. Neither the Constitution, the House Rules nor the House Personnel Manual impose any requirements as to what you can spend your per diem on.

Caucus research also confirms that it has been recognized since the beginning of the Texas Republic that the per diem--whatever the amount--is not sufficient to cover all out-of-pocket costs incurred because of one's public service. Old-timers will recall that former Rep. Paul Ragsdale successfully applied for food stamps in the 1970s because of his state salary/per diem. We all know Members who have retired because of the financial hardship.

Members of our delegations endeavor toward openness and direct response to any issues of fiscal concern in our campaign and officeholder accounts. This fact is supported by both Republican and Democratic House Caucuses' routine offering of tougher and broader ethics laws from session to session