



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN, TEXAS 78711

JOHN W. HULL,
ATTORNEY GENERAL

November 21, 1975

The Honorable Dolph Briscoe
Governor of the State of Texas
State Capitol Building
Austin, Texas 78711

Opinion No. H- 743

Re: Whether contributions to defray
the expenses of the Southern
Governors Conference must be
reported as campaign contri-
butions or lobby expenditures.

Dear Governor Briscoe:

You have requested our opinion regarding whether contributions to defray the expenses of the Southern Governors Conference must be reported as campaign contributions or as lobby expenditures. We answered this question in the negative in Attorney General Opinion H-252 (1974). Since that Opinion was issued, the Legislature has amended the relevant statutes, the Lobby Act, article 6252-9c, V. T. C. S., and Chapter 14 of the Texas Election Code. Acts 1975, 64th Leg., ch. 550, p. 1811; ch. 711, p. 2257.

We are satisfied that the conclusions reached in Attorney General Opinion H-252 are correct. Furthermore, you state that the factual situation described in your earlier request remains applicable. Specifically you indicate that:

. . . the 43rd Southern Governors' Conference will be totally organized and administered by a Host State Committee made up of men and women from throughout Texas and comprising both the public and private sectors. All contributions collected by the Host State Committee will be used to defray the expenses of the Conference, or, if contributions remain, will revert to the parent organization, the Council of State Governments. In no event will any contributions be made to me personally or to my office and I will engage neither in the solicitation for contributions or receiving of same.

The purpose of the Host State Committee is to act on behalf of the state of Texas in all stages of the Conference including the raising and expending of funds, hiring and fixing of salaries of contract employees and determining the site and particulars of the meeting. I do not serve as a member of this Committee nor do I reserve authority to supervise the Committee after having named the chairman of it. Moreover, the Host State Committee is an autonomous group and independent in all particulars.

I would further state that the Southern Governors' Conference is a voluntary association of jurisdictions made up of some 18 states and territories from throughout the south, southeast and southwest regions of the United States. It is a creature of the National Governors' Conference which is in turn organized under the auspices of the Council of State Governments. In absolutely no way can any of the activities of the Southern Governors' Conference include assistance of any nature to any particular officeholder in the discharge of his duties; rather, the purpose of the Southern Governors' Conference is the furtherance of regional interest and understanding.

The only significant statutory addition made by the 64th Legislature which is pertinent to this inquiry is an amplified definition of "contribution." The definition of "contribution" was previously limited to:

any advance, deposit, or transfer of funds, contract or obligation, whether enforceable or unenforceable, to transfer any funds, goods, services, or any thing of value to any candidate or political committee involved in an election.
Election Code, art. 14.01(c).

"Contribution" now includes:

any advance, deposit, or transfer of funds, goods, services or anything of value or creation of any contract or obligation, enforceable or unenforceable, to transfer any funds, goods, services or anything of value to any office-holder for the purpose of assisting such person in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision.
Election Code, art. 14.01(D).

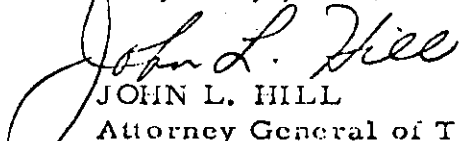
In view of your factual statement and particularly that part in which you recite that "[i]n no event will any contribution be made to [you] personally or to [your] office" and in light of the nature of the organization as a branch of the Council of State Governments, it is our opinion that the expanded definition of "contribution" was not intended to bring contributions to defray the expenses of the Southern Governors' Conference under the umbrella of the amended statute.

In summary, we believe Attorney General Opinion H-252 continues to be a correct statement of the law notwithstanding recent amendments to article 6252-9c and Chapter 14 of the Texas Election Code. We thus conclude that under the facts you have submitted and under the guidelines set out in Attorney General Opinion H-252 (1974), contributions to defray the expenses of the Southern Governors' Conference need not be reported as campaign contributions, and the persons who make such contributions are not thereby subject to the Lobby Act.

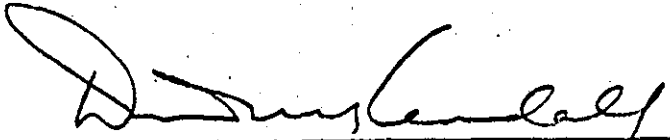
S U M M A R Y

Contributions to defray the expenses of the Southern Governors' Conference and not made directly or indirectly to any office holder need not be reported as campaign contributions, and the persons who make such contributions are not thereby subject to the Lobby Act.


Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee