



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 122

February 18, 1993

Whether an expenditure by a student government group at a state university is subject to regulation under the lobby statute. (AOR-141)

The Texas Ethics Commission has been asked to consider whether expenditures for a reception for legislators require a student government group at a state university to register as a lobbyist. A group that makes a total expenditure of more than \$200 in a calendar quarter to communicate with members of the legislative branch to influence legislation must register under the lobby statute, chapter 305 of the Government Code.¹ Gov't Code § 305.003(a)(1); Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.1, of the Texas Administrative Code); see [Ethics Advisory Opinion No. 89](#) (1992) (discussing circumstances in which a group is required to register as a lobbyist). State colleges and universities, however, are exempt from lobby registration. [Ethics Advisory Opinion No. 69](#) at 1 n.1 (1992). Thus, the issue is whether the exemption for state colleges and universities is applicable in the circumstances described.

The group in question receives its funds from the university. The university obtains the funds through the collection of student activity fees. The board of regents of the university has approved the expenditures in question. It is for the board of regents to determine whether the activity of the student government group is an activity of the university for purposes of the lobby statute. If the activities of the student government group are attributable to the university for purposes of the lobby statute, the expenditures in question are not subject to regulation under the lobby statute.

SUMMARY

It is for a state university's board of regents to determine whether the activities of a student government group are activities of the university for purposes of the lobby statute. Activities of the university are not lobby activities for purposes of the lobby statute.

¹ Presumably the expenditures for the reception will be made to communicate to influence members of the legislature in regard to legislation that may affect the university. See generally [Ethics Advisory Opinions Nos. 94, 4](#) (1992) (communications to generate goodwill may be communications to influence legislation).