



Office of the Attorney General
State of Texas

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August 14, 1998

The Honorable Edmund Kuempel
Chair, Committee on State Recreational
Resources
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Letter Opinion No. 98-061

Re: Whether the Daughters of the Republic of
Texas is subject to the Open Meetings Act,
chapter 551, Government Code (RQ-1127)

Dear Representative Kuempel:

You have requested our opinion as to whether the Daughters of the Republic of Texas [“the DRT”] is subject to the Open Meetings Act, Government Code chapter 551. The DRT is the trustee of the Alamo on behalf of the state of Texas by virtue of a 1905 act of the legislature.¹ In *Conley v. Daughters of the Republic*, 156 S.W. 197 (Tex. 1913), the supreme court upheld the trusteeship:

We are of opinion that the state, acting by its Legislature, had the authority to acquire title to the Alamo property and to place that property in the custody of the corporation, the Daughters of the Republic. . . . We are of opinion that by the acceptance of the terms of the statute the corporation became a trustee for the state.

Conley, 156 S.W. at 200.

The Open Meetings Act provides that “every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.” Gov’t Code § 551.002. A “governmental body” at the state level is defined as “a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members.” *Id.* § 551.003(3)(A). It is abundantly clear that the DRT is not encompassed within this definition. As the court noted in *Conley*, the DRT “is a private corporation.” *Conley*, 156 S.W. at 199. Its officials are not public officers. “An officer is one who exercises some functions of the government. No such authority is vested in that corporation.” *Id.* at 200; *see* Attorney General Opinions DM-7 (1991), JM-596 (1986) (holding that specific corporations are not governmental bodies within Open Meetings Act).

¹Act of Jan. 26, 1905, 29th Leg., R.S., ch. 7, 1905 Tex. Gen. Laws 7, 8.

Since the DRT is a private corporation and not a state entity, it cannot be said to be "within the executive or legislative branch of state government." Thus, the DRT is not a "governmental body" under the terms of the Open Meetings Act.

S U M M A R Y

The Daughters of the Republic of Texas is a private corporation that acts as trustee for the Alamo on behalf of the state of Texas. It is not a "governmental body" under the terms of the Open Meetings Act, Government Code chapter 551.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee