



**THE ATTORNEY GENERAL
OF TEXAS**

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AUSTIN, TEXAS 78711

March 17, 1971

Honorable Joe Resweber
County Attorney
Harris County Courthouse
Houston, Texas 77002

Opinion No. M-812

Re: Authority of Harris County to
make certain expenditures in
providing facilities for dis-
tribution of food stamps.

Dear Mr. Resweber:

Your request for an opinion asks the following questions:

"1. Can Harris County enter into a lease contract, and expend county funds, for the purpose of providing facilities to house a distribution point for food stamps?

"2. If the answer to the first question is in the affirmative, can Harris County contract with utility companies, and expend county funds, for the furnishing of public utilities for such facilities?

"3. If the answer to the first question is in the affirmative, can Harris County contract, and expend county funds, for the purpose of remodeling such facilities?"

In Attorney General's Opinion M-382 (1969) it was held that the actual administration and operation of the Federal Food Stamp Program is the exclusive responsibility of the State Department of Public Welfare because of the specific provisions of the Food Stamp Act of 1964. That Opinion specifically recognized, however, that the contract between Harris County and the State Department of Public Welfare therein considered complied with the Food Stamp Act of 1964 and the regulations published in the Federal Register. Furthermore, that Opinion specifically pointed out:

"Article 695c, Section 7 is ample authority for the State Department of Public Welfare to act. In addition to the last sentence of Section 7, above, Article 695c,

Section 39, appears specifically to provide for county funding of programs to be operated in the county by the State. "

It is our opinion that the contract involved in your present request is authorized by the provisions of Sections 4, 7, 7a and 39 of Article 695c, Vernon's Civil Statutes.

In this connection, it is noted that Section 39 provides:

"No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department, and if so administered, shall be devoted exclusively to the services in the county or municipality making such appropriation. "

In view of the foregoing we answer your questions in the affirmative, and you are advised:

1. Harris County has the legal authority to enter into a lease contract and expend county funds for the purpose of providing facilities to house a distribution point for food stamps.
2. Harris County has the authority to contract with utility companies and expend county funds for furnishing public utilities for such facilities.
3. Harris County is authorized to contract for and to expend county funds for the purpose of remodeling such facilities.

SUMMARY

Sections 4, 7, 7a and 39 of Article 695c, Vernon's Civil Statutes, authorizes the State Department of Public Welfare to contract with counties for the purpose of carry-

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ing out the Food Stamp Program authorized and required to be administered by the State Department of Public Welfare, and the counties are authorized to expend county funds for the purpose of providing such facilities.

Yours very truly,

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