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June 24, 1993

Opinion Committee

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FILE # RO-00569-DM
~~196-79955-13~~
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Honorable Dan Morales
Attorney General of Texas
Opinions Department
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711

RE: Request for Opinion

Dear Attorney General Morales:

Pursuant to Section 402.043 of the Texas Government Code, I am requesting an opinion as to whether extra retirement checks issued by the Texas County and District Retirement System (TCDRS) violates Article III, Section 52, of the Texas Constitution.

By way of background, the TCDRS has in years past, issued an extra check to all persons who were entitled to receive a check by December 31st of that year. The extra check, which was paid in early January of the following year, was equal to 200% of the recipient's regular monthly benefit plan (please see attachments explaining this policy further).

Since this is an ongoing policy, I have some question whether this practice violates Article III, Section 52, of the Texas Constitution which prohibits the legislature from authorizing a political subdivision of the State to grant public money to an individual.

I would appreciate you issuing an opinion addressing this issue. As required, I have attached a brief stating my conclusions.

Thank you for your prompt consideration of this matter.

Sincerely,

JOHN D. WHITLOW,
Criminal District Attorney
for Calhoun County, Texas

Enclosures

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