MRC

AUG 0 5 [illegible]

Opinion Committee

Comal County MBJ

OFFICE OF COUNTY ATTORNEY

Nathan B. Rheinlander

FILE # ~~[illegible]~~

I.D.# 21637

RQ-592

August 3, 1993

Hon. Dan Morales
Office of the Attorney General
209 W. 14th St.
Austin, TX 78701
ATTN: Opinion Committee

RE: H.B. 2087, relating to the authority of a county to donate surplus or salvage property to a civic or charitable organization.

Ladies and Gentlemen:

It is only with reluctance that I pose the following question, in that the intent of the above-referenced statute, newly enacted and effective as of August 30, is obviously good.

Nevertheless, I cannot see how it can be made to conform with the prohibition contained in Article III, Section 52(a) of the Texas Constitution, which governs and restricts so many of the activities of local government:

> (a) . . . the Legislature shall have no power to authorize any county. . . or other political corporation or subdivision of the State. . . to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever. . . .

Many thanks,

Nathan B. Rheinlander

(512) 620-5590 / 150 N. Seguin, Suite 318 / New Braunfels, Texas 78130-5113
Fax (512) 620-5599