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Opinion Committee

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Committee on Criminal Justice

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November 17, 1999

OFFICE OF THE ATTORNEY GENERAL
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NOV 22 1999 P O Box 12548
Austin, TX 78711

The Honorable John Cornyn
Attorney General
State of Texas
Post Office Box 12548
Capitol Station
Austin, TX 78711-2548

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1134 Liz Robinson
cc: Thomas Glenn

RQ-0151-JC

Dear General Cornyn:

An inquiry has been made of my office regarding municipal spending matters. A home rule city, along with the appropriate independent school district, has historically used city funds to jointly sponsor travel of its resident children to Washington D. C. and New York where they represent the city and school district in public appearances. At issue is the provision of these funds for this activity.

Article VIII, Section 3 of the Texas Constitution does provide broad spending authority to Texas cities, and Texas courts have historically maintained a deference to political subdivisions. On occasion legislative enactments, such as Section 332.021, Local Government Code, have specifically addressed the provision of funds from these entities for certain joint functions. Still the concern remains in certain communities that these particular activities are not specifically endorsed or prohibited. The enclosed letter mirrors an identical matter facing the city of Port Arthur.

Absent express legislative authority, may a home rule city expend city tax dollars to participate in funding these joint appearances? In the alternative, may a home rule city expend funds from any source for participation in said projects?

Thank you in advance for your prompt review in this matter.

Sincerely,



Ken Armbrister, Chairman

KA/bkj

enclosure