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RQ-0454-JC

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OCT 22 2001
OPINION COMMITTEE

October 17, 2001

Mr. John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, TX 78711

FILE # ML-42245-D1
I.D. # 42245

Re: Request for an Attorney General Opinion under Article 4, Section 22, of the Texas Constitution and Article 5190.6, Section 4B of V.T.C.S.

Dear Attorney General Cornyn:

On behalf of the City of Lake Jackson, I am requesting an Attorney General Opinion with regard to whether the City of Lake Jackson is authorized to spend one-half (1/2) cent sales tax monies on the frontage roadway to provide access to undeveloped land that is zoned commercial.

When a landowner has a piece of undeveloped property that fronts a public road, is the City authorized to spend one-half cent sales and use tax monies on an access road, which is to be located on public property, in order to provide access into the undeveloped commercial property?

On May 2, 1995, the voters of the City of Lake Jackson approved the levy and collection of a one-half cent sales and use tax within the City for the purposes authorized by Section 4B of Article 5190.6 Vernon's Texas Civil Statutes, but limited to provisions for payment of the costs of land, buildings, equipment, facilities, improvements and maintenance and operation costs for public park purposes, recreational facilities to be used for sports and entertainment, and for infrastructure improvements for the development of new or expanded business enterprises.

The question is: Does the ballot language that was approved by the voters authorize a funding of the proposed frontage access road to provide access to undeveloped land that is zoned commercial or does the language limit the use of one-half cent money in a manner that would prohibit use of the money for the proposed access road?

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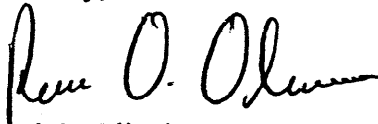
The Honorable John Cornyn

October 17, 2001

Attached is (1) copy of Ordinance No. 95-1330 that placed the proposition of the one-half cent sales and use tax on the ballot in 1995, and (2) a certified copy of the motion that was made and adopted by the City Council on September 2, 2001 to ask for this opinion.

If you have any questions or concerns, please do not hesitate to contact my staff, either Carolyn Merchan or JJ Garza at 463-0640, or Representative Bonnen's staff, Zach Covar at 463-0564.

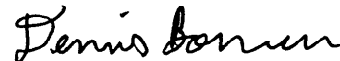
Sincerely,



René O. Oliveira

Chairman,

House Committee on Ways and Means



Dennis Bonnen

Texas State Representative
for District 25