



Frank Madla

Texas State Senate
District 19

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JUN 25 2002

OPINION COMMITTEE

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

The Honorable John Cornyn
Texas Attorney General
209 W. 14th St.
Austin, Texas 78701

Re: Request for Formal Opinion to determine whether Rider 20 of 2002-03 Biennium Appropriations for Texas Historical Commission authorizes the expenditure of funds for the restoration/preservation of the San Fernando Cathedral in San Antonio.

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Dear General Cornyn:

Last summer, Commissioner John L. Nau, III of the Texas Historical Commission wrote to your office to request an opinion concerning whether the Texas Historical Commission could grant funds under the Historical Courthouse Preservation Program for the restoration of a building other than a county courthouse, as was to be authorized by Rider 20 to the Commission's appropriations for the 2002-03 biennium. By so doing, it was our hope that badly needed funds would be appropriated to help restore San Fernando Cathedral in San Antonio.

The rider in question reads as follows:

Courthouse Preservation Grants. Funds appropriated above to Strategy A.1.5, Courthouse Preservation, may be used for a courthouse or historic structure previously designated by a municipal ordinance as the legal center of a county and that is listed on the National Register of Historic Places.

In response to that request, on July 24, 2001 Assistant Attorney General Joe H. Thrash wrote an opinion, although not an "official" opinion of the Attorney General of Texas that was rendered in accordance with Subchapter C, Chapter 402, Texas Government Code. Mr. Thrash concluded that the Commission could not so use the funds appropriated under Rider 20.

I am writing this letter now, to request a formal opinion from you to determine whether Rider 20 of 2002-03 Biennium Appropriations for Texas Historical Commission authorizes the expenditure of funds for the restoration/preservation of the San Fernando Cathedral in San Antonio. If funds can not be appropriated for this project, would you please explain, why not, so that we may establish definitively how funds appropriated under Rider 20 may be used, and the reasons for which funds could not be granted to San Fernando Cathedral.

Thank you for your consideration of this important issue. I look forward to receiving your response.

Sincerely,

Frank Madla

FM/ho