



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

September 11, 1974.

The Honorable William R. Pemberton  
County Attorney  
P. O. Box 610  
Beeville, Texas 78102

Opinion No. H- 397

Re: May a county become a  
dues paying member of a  
chamber of commerce which  
is a corporation.

Dear Mr. Pemberton:

Your request for an opinion explains that the Beeville and Bee County Chamber of Commerce is a corporation, and that its Board of Directors has asked Bee County, through the Commissioners Court, to become a dues-paying member. You also advise that the purposes and functions of the organization include promoting industrial development in the county, the development of downtown Beeville, and the promotion of the county-owned stadium. We understand that it also supports other measures beneficial to its commercial members.

Specifically, you have asked:

May Bee County, through the Commissioners Court, become a member of the Beeville and Bee County Chamber of Commerce and pay dues, out of the General Fund, in the amount of \$1,500.00 per year?

In a helpful brief you have directed our attention to several Texas Constitutional provisions bearing on the matter --among them, Article 11 § 3 of the Constitution which reads in pertinent part:

No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any

appropriation or donation to the same, or in anywise loan its credit. ...

In our opinion this provision of our Constitution prohibits Bee County from becoming a dues paying member of the Beeville and Bee County Chamber of Commerce, and Article 3 § 52 of the Constitution prohibits legislative authorization of such a practice. Attorney General Opinion O-6168 (1945).

The situation you describe does not, in our opinion, come within the holding of Barrington v. Cokinos, 338 S. W. 2d 133 (Tex. 1960). Nor is it insulated from the abuses which those Constitutional provisions were designed to prevent, as was the case in Brazos River Authority v. Carr, 405 S. W. 2d 689 (Tex. 1966). It is an attempt to secure for the community and its citizens by subscription to a private corporation general benefits resulting from encouragement of private industry and business. While this is a laudable purpose it is one to which Bee County is prohibited by law from participation.

Although counties may not, in our opinion, become dues paying members of private corporations operating chambers of commerce in order to promote and advertise the area, the Legislature has enacted provisions enabling certain counties to raise and spend funds for advertising and promotion under certain conditions which include an authorizing election and the establishment of a Board of Development. Articles 2352a, 2352c, 2352d, V. T. C. S. And see Bland v. Taylor, 37 S. W. 2d 291 (Tex. Civ. App., Austin, 1931) aff'd 67 S. W. 2d 1033 (Tex. 1934). Authority to engage in such activities under such conditions, however, does not carry with it other authority to join or make donations to private organizations in order to achieve a similar end. Attorney General Opinions M-936(1971), O-2629 (1940).

#### SUMMARY

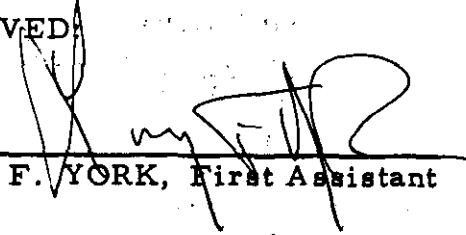
A county may not become a dues paying member of a chamber of commerce which is a corporation.

Very truly yours,

  
JOHN L. HILL

Attorney General of Texas

APPROVED:



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LARRY F. YORK, First Assistant



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DAVID M. KENDALL, Chairman  
Opinion Committee

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