



**THE ATTORNEY GENERAL
OF TEXAS**

July 11, 1990

**JIM MATTOX
ATTORNEY GENERAL**

Honorable Fred Toler
Executive Director
Texas Commission on Law Enforcement
Standards and Education
1606 Headway Circle, Suite 100
Austin, Texas 78754

LO-90-41

Dear Mr. Toler:

You ask whether the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) may hold title to real estate donated to the commission.

A threshold issue is whether the commission has authority to accept gifts of real estate. Administrative agencies have only those powers expressly conferred on them by statute, and those necessarily implied from express powers. Attorney General Opinion JM-459 (1986). Section 415.010 of the Government Code provides:

The commission may:

(3) accept donations, contributions, grants, or gifts from private individuals, foundations, or the federal government . . .

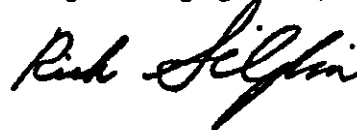
You suggest that the commission's general authority to accept gifts includes the authority to accept gifts of real property. We disagree.

The legislature has granted a number of state agencies the express authority to acquire real property. For example, section 495.001 of the Government Code provides that the Board of the Texas Department of Corrections (TDC) may acquire real property through the acceptance of a gift, grant, or donation for a prison site; section 51.123 of the Water Code provides that water control and improvement districts may acquire fee simple title to land by gift, grant, purchase, or condemnation; and section 13.008 of the Parks and Wildlife Code authorizes the Parks and Wildlife Department to solicit and receive donations of land for

state park purposes. In light of these and similar statutes, we conclude that the commission's general authority to accept gifts does not include the authority to accept gifts of real property.

Your specific question has to do with the authority of the commission to "hold title" to real property donated to the commission. Because we conclude that the commission has no authority to accept gifts of real property, we need not address your specific question. We note in regard to your question, however that regardless of the agency name in which state property is held, the legislature has exclusive control over the disposition of state-owned land. Attorney General Opinion JM-1170 (1990).

Very truly yours,



Rick Gilpin, Chairman
Opinion Committee



Sarah Woelk, Chief
Letter Opinion Section

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APPROVED: OPINION COMMITTEE

RG/SW/TGD/er

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