



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

June 6, 1939

Honorable Chas. H. Slaughter
County Attorney
Martin County
Stanton, Texas

Dear Sir:

Opinion Number 0-846
Re: What bonds should the Independent School District issue to pay past due obligations?

Your request for an opinion on the following question has been received by this office:

Whether or not an independent school district can issue bonds to pay past due obligations consisting of school supplies, teachers' salaries, transportation, heat and janitor work.

The right to issue bonds for any purpose must be based upon constitutional or statutory authority. We know of no such authority for the issuance of bonds for the purposes you mention. Your attention is directed to Articles 2784, 2797 and 2802-e, Revised Civil Statutes of Texas, setting out the purposes for which bonds may be issued by an independent school district. A careful reading of such articles will reveal that school districts are not authorized to vote bonds for the purposes mentioned in your letter, since said purposes are not specifically set forth by these articles.

The authority to issue bonds must be expressly given and it is improper to imply such power. *Laster v. Lopez*, 217 S. W. 373.

The Supreme Court has also held that bonds may not be issued for the purpose of paying debts already in existence,

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in the case of Harlingen Independent School District v. Page & Bro. 48 S. W. 983, Second Series.

Therefore, you are respectfully advised that it is the opinion of this department that bonds can not be issued for the purpose of paying past due obligations.

Trusting that this answers your question, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Claud O. Boothman*
Claud O. Boothman
Assistant

COB-s

APPROVED:

Gerard C. Moore
ATTORNEY GENERAL OF TEXAS

