



THE ATTORNEY GENERAL OF TEXAS

GERALD C. MANN

AUSTIN 11, TEXAS

~~JOHN D. BARKER~~
ATTORNEY GENERAL

Dr. George W. Cox
State Health Officer
Austin, Texas

Dear Sir:

Opinion No. O-2661

Re: Legality of counties in San Jacinto Water District using remitted money for public health purposes, as defraying part of expense of a county health unit.

Your request for an opinion of this Department on the above stated question has been received. We quote from your letter as follows:

"Please give me a ruling on the following: According to House Bill 1079 of the Regular Session of the forty-sixth Legislature, page 984, Section 1 provides that tax money remitted to the San Jacinto Water Shed District be expended to for the comfort, health and general welfare of the citizens of said district. Would it be legal for the counties in this district to use a part of this money for public health purposes, such as defraying the partial expense of a County Health Unit?"

House Bill No. 1079, Acts 46th Legislature, reads in part as follows:

"Section 1. The purpose of this Act is to further carry out the command to the Legislature contained in Article 16, Section 59a of the Constitution of the State of Texas to pass such laws as may be appropriate to the conservation and development of all the natural resources of this State, including the control, storing, preservation, and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power, and all other useful purposes, the reclamation and irrigation of its arid, semiarid, and other lands needing drainage, the conservation and development of its forests, water, and hydroelectric power, the preservation and conservation of all such natural resources in said District by aiding said District in carrying out the powers, duties, and functions conferred upon such District under and by virtue of the Act creating the San Jacinto River Conservation and Reclamation District, and in the promotion of the comfort, health, and general welfare of the citizens of such District. The grants and aids hereinabove set out are made and authorized by this Act.

"Sec. 2. For a period of ten (10) years or for such portion of such period as may be required, but no longer, and commencing with the fiscal year beginning September 1, 1939, there is hereby donated and granted by the State of Texas to the San Jacinto River Conservation and Reclamation District fifty

(50) per cent of all State ad valorem taxes collected for General Revenue purposes upon the property and from persons in the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto Watershed, said counties comprising in whole or in part the respective District herein above set out, and shall include the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law. The taxes hereby donated shall be used by the respective District for the purpose of carrying out the powers, duties, and functions conferred upon such District by the Legislature of the State of Texas, provided, however, that the taxes herein donated and granted in the Counties of Walker and San Jacinto shall not apply, nor be allocated or donated in this Act, until the provisions of Senate Bill No. 89, passed at the Regular Session of the Forty-sixth Legislature, become inoperative; however, in that event, taxes accruing in the counties hereinabove named shall apply and be donated as is provided herein for the other counties embraced in this Act, and provided further that all that part of Liberty County embraced in the San Jacinto Watershed shall be embraced in this Act, and all taxes inuring from that portion of such County shall be allocated and donated to the San Jacinto River Conservation and Reclamation District as hereinabove provided. . . ."

The San Jacinto Conservation and Reclamation District was created by virtue and under Chapter 8, Title 128, Vernon's Annotated Civil Statutes. It is to be noted that under the above mentioned act of the Legislature (H. B. No. 1079, Acts of the 46th Legislature) that fifty per cent of all State ad valorem taxes collected for general purposes upon the property and from persons in the counties named in said Act are specifically donated and granted by the State to the San Jacinto River Conservation and Reclamation District, and that such taxes that are donated by said Act shall be used by the District for the purpose of carrying out the powers, duties and functions conferred upon the District by the Legislature of the State. The above mentioned grant is not made to any county or counties named in the act, but as above stated, is specifically granted to the San Jacinto River Conservation and Reclamation District.

In view of the foregoing statute, you are respectfully advised that it is the opinion of this department that no county named in House Bill No. 1079 Acts of the Forty-sixth Legislature, supra, is authorized or has any authority whatsoever to use any portion of the taxes remitted by the State to the San Jacinto River Conservation and Reclamation District for the purpose of defraying the partial expense of a county health unit or for any other purpose.

APPROVED SEP 13, 1940
/s/ Gerald C. Man
ATTORNEY GENERAL OF TEXAS

Yours very truly
ATTORNEY GENERAL OF TEXAS

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By /s/ Ardell Williams

APPROVED: OPINION COMMITTEE
BY B W B CHAIRMAN

Ardell Williams
Assistant