



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

AUSTIN 11, TEXAS

~~XXXXXXXXXXXXXXXXXXXX~~
~~WILL WILSON~~
ATTORNEY GENERAL

Honorable Weaver Moore, Chairman
Committee on State Affairs
The Senate
Austin, Texas

Dear Sir:

Opinion No. 0-3311

Re: Constitutionality of S.B. 355 a-
mending Art. 1269h, V.A.C.S., so
as to authorize creation of air-
port districts.

Pursuant to your request we have carefully consid-
ered Senate Bill No. 355, copy of which bill is attached
hereto.

This bill amends Sections 1 and 2 of House Bill No. 160, Acts of the First Called Session of the 41st Legislature, Chapter 83, Page 209, as amended by House Bill No. 216 of the Regular Session of the 47th Legislature. House Bill No. 160, Acts of the First Called Session of the 41st Legislature has been compiled in Vernon's Annotated Civil Statutes as Article 1269h. House Bill No. 216 of the current session amends this only in that it removes the limitation of the size of airports. The bill under consideration, i.e., Senate Bill No. 355, further amends Article 1269h in that it seeks to authorize the establishment and maintenance of airports by "any designated district within the county" and to authorize such district to levy taxes and issue bonds therefor. As pointed out in our Opinion No. 0-3310 addressed to you, no constitutional authority exists for the levy of taxes by a district created for airport purposes. For the reasons stated and under the author-
ities cited in that opinion, we beg to advise you that Senate Bill No. 355 is unconstitutional insofar as it seeks to confer the taxing power upon a district created for the purpose of constructing and maintaining airports.

Honorable Weaver Moore, Chair~~men~~, page 2

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Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Walter R. Koch
Walter R. Koch
Assistant

WRK:RS:wc

APPROVED APRIL 26, 1941
s/Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman