



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

July 9, 1949.

Hon. Frank C. Dickey  
County Attorney  
Coke County  
Robert Lee, Texas

Opinion No. V-837.

Re: Issuance of time warrants  
under facts submitted.

Dear Sir:

You have requested an opinion regarding the authority of the Commissioners' Court of Coke County to issue time warrants for the construction of a county hospital under the following circumstances. On May 20, 1949, the Commissioners' Court gave notice to the bidders that on June 18, 1949, the Commissioners' Court of Coke County would let a contract for the building of a county hospital and pay for the construction by the issuance of time warrants payable over a period of years not to exceed twenty. On June 18, before bids were opened and before any action was taken on the letting of the contract, a petition of duly qualified property taxpaying voters numbering in excess of ten per cent of the number of qualified property taxpaying voters as shown by the last approved tax rolls was presented to the Commissioners' Court in writing to submit to a referendum vote the question as to the issuance of bonds for the purpose of paying for the construction of the county hospital named in the notice of May 20, 1949.

It was held in Attorney General's Opinion No. V-779 that if the proceedings authorizing the issuance of \$67,000 of warrants inquired about in that opinion were in accordance with the terms and conditions of Article 2368a, and if no referendum petition were filed in connection therewith, then such warrants could lawfully be issued. It was held in Attorney General's Opinion V-728 that the Commissioners' Court was authorized to issue additional warrants for the purpose of improving the grounds of Bexar County Agricultural and Livestock Building subject to the right of referendum by the voters.

According to the facts submitted by you, a petition of duly qualified voters in excess of ten per cent of the number of qualified voters shown by the last

approved tax rolls was presented within the time prescribed by law to the Commissioners' Court in writing to submit to a referendum vote the question as to the issuance of bonds for the purpose of paying for the construction of the county hospital in question. Section 4 of Article 2368a gives the voters the right to file a referendum petition on such questions; and Article 4478 V.C.S., upon the petition by ten per cent of the qualified property taxpaying voters, authorizes an election for the issuance of bonds for the establishment, enlargement, and equipment of the county hospital. In view of the facts submitted, it is our opinion that the Commissioners' Court of Coke County cannot legally issue the time warrants in question, but must submit to the qualified property taxpaying voters the question as to the issuance of bonds for the purpose of paying for the construction of the county hospital.

SUMMARY

Where a referendum petition by ten per cent of the qualified property taxpaying voters of a county has been presented to the Commissioners' Court within the time prescribed by law, petitioning the court to submit to a vote the question as to issuance of bonds for the purpose of paying for the construction of a county hospital, the Commissioners' Court does not have the authority to issue time warrants for such purpose, but must submit to the voters the question of issuance of bonds for the purpose of paying for the construction.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

APPROVED

*Jack Greenhill*

FIRST ASSISTANT  
ATTORNEY GENERAL

JR:bh

By

*John Reeves*

John Reeves  
Assistant