



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

September 11, 1951

Hon. D. Richard Voges
County Attorney
Wilson County
Floresville, Texas

Opinion No. V-1278

Re: Authority of Wilson
County to issue bonds
to construct a building
to house the County
Agent, the County Home
Demonstration Agent,
the Production Market-
ing Administration of-
fice and the like.

Dear Mr. Voges:

Your request for an opinion relates to the authority of a county of less than 20,000 population to construct a building to be used by the County Agent, the County Home Demonstration Agent, the Soil Conservation Office, and the Production and Marketing Administration by the issuance of county wide bonds. If bonds may be issued for such a purpose, you also wish to know if a petition is required and what is the maximum tax rate that the county may fix in order to retire the bond issue.

We believe the question you present is answered by Att'y Gen. Op. O-7036 (1946), wherein it was stated:

"The courts of this State have repeatedly held that a county cannot issue bonds unless such power is expressly conferred by law. Such is the established doctrine in this State, and has been from an early time. It was affirmed in the original appeal from San Patricio County v. McClane, 44 Tex. 392, and reiterated in Robison v. Breedlove, 61 Tex. 316; also in Lasater v. Lopez, 217 S.W. 373, 110 Tex. 179."

". . .

"We have failed to find a statute in this State expressly authorizing a county

to construct the type building mentioned in your request. Therefore, it is the opinion of this Department, based on the foregoing decisions of the courts of this State, that a county does not have the authority to issue . . . bonds for the purpose of constructing an agricultural building in which to house the county agent and the A.A.A. offices."

Article 2370(a), V.C.S. (H.B. 382, Acts 51st Leg. 1949, ch. 60, p. 100), authorizes the issuance of negotiable bonds for the purchase, construction, or otherwise acquiring of additional office space if the courthouse is not adequate to properly house all county offices. We need not decide whether any or all of the offices named by you are "county offices" within the meaning of this statute, since it expired by its own terms on Sept. 1, 1951, at the latest.

You also ask whether these offices could be considered experiment stations so as to authorize the county to issue bonds under the authority granted by Article 163a, V.C.S. The definition of an experiment station is a station established "for the purpose of making experiments and conducting investigations in the planting and growing of agricultural and horticultural crops and soils, and the breeding, feeding and fattening of livestock for slaughter." Att'y Gen. Op. 0-7483 (1946). We do not believe that a building for any of the named offices can qualify as an "experiment station" under this definition; therefore, Article 163a, V.C.S., has no application.

This office, following the decisions of the courts has repeatedly held that the commissioners' court is a court of limited jurisdiction and has only such powers as are conferred upon it, whether by express terms or by necessary implication by the statutes and Constitution of this State. Childress County v. State, 127 Tex. 343, 92 S.W. 2d, 1011 (1936); Von Rosenberg v. Lovett, 173 S.W. 508 (Tex. Civ. App. 1915 error ref.); Roper v. Hall, 280 S.W. 289 (Tex. Civ. App. 1925); 11 Tex. Jur. 632, Counties Sec. 95, 20 C. J.S. 1006, Counties, Sec. 174.

Hon. Richard D. Voges, page 3 (V-1278)

In view of the foregoing, it is our opinion that Wilson County is not authorized to issue bonds to construct buildings for the County Agent, County Home Demonstration Agent, the Soil Conservation Office and the Production and Marketing Administration.

SUMMARY

There is no authority for Wilson County to construct a building by the issuance of bonds for the purpose of housing the County Agent, the County Home Demonstration Agent, the Soil Conservation Office, and the Production and Marketing Administration.

APPROVED:

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County Affairs Division

Jesse P. Luton, Jr.
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BW:awo

Yours very truly

PRICE DANIEL
Attorney General

By 
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