



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

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February 7, 1957

Hon. Jack Welch, Chairman
Constitutional Amendments
Committee
House of Representatives
Austin, Texas

Opinion Number WW-19

Re: Is Art. 16, Sec. 59, Sub-
section A,B,C, of the Texas
Constitution, broad enough
to cover or permit the is-
suanee of bonds for the pur-
pose of water conservation
and development as outlined
in HJR 3 and the Enabling
Act therefor H.B. 161, or
will it require the adoption
of an amendment to the Consti-
tution such as HJR 3? Also,
could the provisions of HJR 3
be incorporated in or take the
place of the present Art. 16,
Sec. 59 of the Constitution?

Dear Mr. Welch:

The questions presented by the Constitutional Amendments Com-
mittee and the Sub-Committee, present the following questions:

1. Is Article 16, Section 59, Subsection A, B, C, of the Texas Constitution broad enough to cover or permit the issuance of bonds for the purpose of water conservation and development as outlined in H.J.R. 3 and the Enabling Act therefor H.B. 161, or will it require the adoption of an amendment to the Constitution such as H.J.R. 3?
2. Could the provisions of H.J.R. 3 be incorporated in or take the place of the present Article 16, Section 59, of the Constitution?

House Joint Resolution 3 and House Bill 161, as introduced at the current session of the Legislature, would authorize the State of Texas to issue negotiable bonds for the purpose of assisting

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designated agencies in the development of water facilities within the State of Texas. The present provisions of Article 16, Section 59, of the Constitution of Texas, do not authorize the issuance of bonds or other obligations by the State (See particularly Subdivision B).

Article 3, Section 50, of the Constitution, reads, in part, as follows:

"The Legislature shall have no power to give or to lend or to authorize the giving or lending of the credit of the State . . ."

You are respectfully advised that the present provisions of Article 16, Section 59, of the Constitution of Texas, are not broad enough to accomplish the purposes stated in H. J. R. 3 and the Enabling Act as submitted at the present session of the Legislature.

Your second question is answered in the affirmative, since the basic provisions of the Constitution may be changed in any manner deemed necessary by the people of the State of Texas. The purpose of H.J.R. 3 is completely different from the purpose of the present Constitution, Article 16, Section 59, but this purpose may be changed by an amendment to the Constitution.

SUMMARY

The present provisions of Article 16, Section 59, of the Constitution of Texas, are not broad enough to permit the issuance of bonds by the State of Texas for the purposes outlined by H.J.R. 3 and H.B. 161, as introduced at the present legislative session. Article 3, Section 50, of the Constitution, prohibits lending the credit of the State and this provision will control unless changed by another constitutional provision.

The proposals of H.J.R 3 could be combined with the provisions of Article 16, Section 59, of the Constitution, even though the purposes of the provisions are different.

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Very truly yours,

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APPROVED:

OPINION COMMITTEE

H. Grady Chandler, Chairman