



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

April 12, 1967

Honorable George Parkhouse
Chairman, Water and
Conservation Committee
Texas Senate
Austin, Texas

Opinion No. M-59

Re: Whether the Attorney
General could approve
bonds supported by the
fifteen cents per one
hundred dollar valuation,
should S.B. No. 419 with
the amendment be passed
by the Texas Legislature.

Dear Senator Parkhouse:

In your recent opinion request you have set forth the following facts:

1. Senate Bill 419, which is currently before the Texas Legislature, would amend Article 8280-188, V.C.S., to allow the Trinity River Authority to adopt navigational powers permitted by Title 128 of Vernon's Civil Statutes.
2. An amendment to Senate Bill 419 has been proposed which would increase the maximum tax which could be levied by the Trinity River Authority to fifteen cents per one hundred dollar valuation.
3. Notice of intent to introduce Senate Bill 419 or the proposed amendment to this bill has not been published or delivered in accordance with the provisions of Article 16, Section 59(d) of the Texas Constitution.

You then ask whether the Attorney General could approve bonds supported by the increased tax should Senate Bill 419 with the proposed amendment be passed by the Texas Legislature.

The Trinity River Authority was created by the Texas Legislature in Article 8280-188, V.C.S., pursuant to Article 16, Section 59, Texas Constitution which provides in subsection (d):

"No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty (30) days and not more than ninety (90) days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty (30) days from date notice was received by the Texas Water Commission. Such notice and copy of of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district." (Emphasis added.)

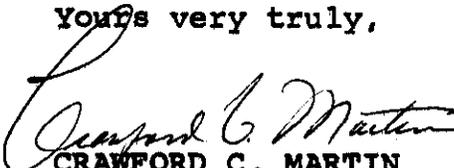
The proposed amendment to Senate Bill 419 would alter the taxing authority of the Trinity River Authority. Since under the submitted facts the notice required by Article 16, Section 59(d) of the Constitution has not been published or delivered, the proposed amendment to Senate Bill 419 would be unconstitutional. Therefore, the tax authorized by the amendment would be unconstitutional, and you are advised that the Attorney General could not approve bonds supported by such a tax.

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S U M M A R Y

The Attorney General could not approve bonds supported by a tax which would be unconstitutional under the submitted facts.

Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John W. Fainter, Jr.
Assistant Attorney General

APPROVED:

OPINION COMMITTEE:

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STAFF LEGAL ASSISTANT

A. J. Carubbi, Jr.