



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

March 29, 1977

The Honorable Bill Clayton
State of Texas House of
Representatives
Austin, Texas

Letter Advisory No. 129

Re: Constitutionality
of H. B. 228 which proposes
to authorize loans from the
Texas Opportunity Plan Fund
to students attending foreign
medical schools.

Dear Speaker Clayton:

You ask whether House Bill 228 is valid in view of
article 3, section 50b of the Texas Constitution. Article
3, section 50b(b) authorizes the Legislature to establish the
Texas Opportunity Plan Fund

to make loans to students who have been
admitted to attend any institution of
higher education within the State of Texas,
public or private, including Junior Colleges,
which are recognized or accredited under
terms and conditions prescribed by the
Legislature

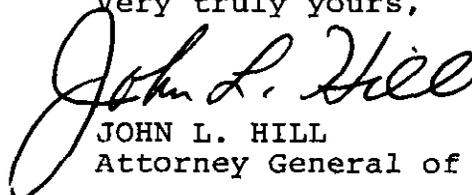
Legislation implementing the student loan program is found
in chapter 52 of the Education Code. See Attorney General
Opinion H-485 (1974).

House Bill 228 proposes to amend section 52.32 of the
Education Code, which in its present form states qualifications
for receipt of a loan. House Bill 228 would add a provision
authorizing

loans from the Texas Opportunity Plan
Fund to any student who is a Texas resi-
dent but is attending a medical school
located outside the United States which
is listed by the World Health Organization.

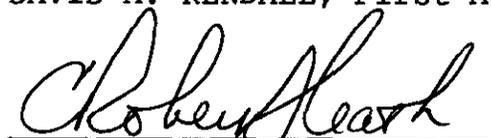
Since article 3, section 50b earmarks the Fund for loans to students admitted to attend higher education institutions in Texas, the Legislature may not, in our opinion, constitutionally authorize loans from the Fund to students who do not meet this requirement. See Empire Gas & Fuel Co. v. State, 47 S.W.2d 265, 274 (Tex. 1932); Letter Advisory No. 119 (1977).

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


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Opinion Committee

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