



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

May 17, 1977

JOHN L. HILL  
ATTORNEY GENERAL

The Honorable Ron Bird  
Committee on Regions, Compacts  
& Districts  
Texas House of Representatives  
Austin, Texas

Letter Advisory No. 143

Re: Constitutionality of  
House Bill 1312.

Dear Mr. Bird:

You have requested our opinion concerning the constitutionality of House Bill 1312 which would amend the special law establishing the Corpus Christi Independent School District by providing for single member districts for trustees. You have also asked if the special law, Chapter 34, Special Laws, Acts of the 31st Leg., Reg. Session 1909, as amended, is the governing law for the Corpus Christi Independent School District. The original Corpus Christi statute was enacted in 1909 when such special laws were permissible under article 7, section 3. That constitutional provision was amended in 1926 to remove the provision permitting special laws relating to school districts.

House Bill 1312 would expressly apply only to the Corpus Christi Independent School District. The Bill would clearly be unconstitutional as a special law regulating the affairs of a school district. Tex. Const. art. 3, § 56; County School Trustees of Orange County v. District Trustees of Prairie View Common School District No. 8, 153 S.W.2d 434 (Tex. 1941); Attorney General Opinions H-641 (1975); H-545 (1975); H-393 (1974); Tex. Att'y Gen. Op. (to Honorable Benjamin Woodall, Jan. 28, 1927), 1926-1928 Tex. Att'y Gen. Bien. Rep. 262.

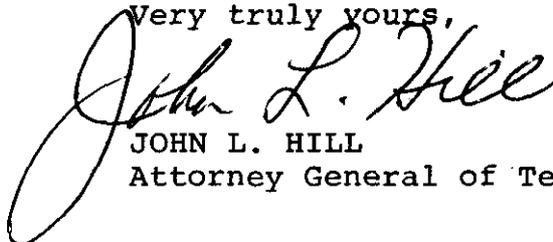
Your second question is whether the special law involved is the governing law for the Corpus Christi Independent School District. Article 7, section 3 of the Texas Constitution authorizes the Legislature to

provide for the formation of school districts by general laws. . .and the Legislature shall be authorized to pass laws for the assessment and collection

of taxes in all said districts and for  
the management and control of the public  
school or schools of such districts. . . .

Pursuant to this authorization the Legislature has enacted various provisions of general law which govern independent school districts. See e.g., Education Code § 23.01, et seq.; V.T.C.S. art. 2775a, et seq. Where these general provisions are applicable they supersede conflicting provisions contained in special laws. Attorney General Opinion H-469 (1974). Thus, in our opinion the special law creating the Corpus Christi Independent School District is the governing law for such district except as superseded by applicable provisions of subsequent general law.

Very truly yours,

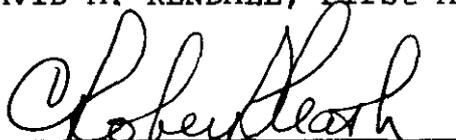


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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman  
Opinion Committee

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