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OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable John Q. McAdams
Commissioner,
Department of Banking
Austin, Texas

Dear Mr. McAdams:

Opinion No. 0-4389

Re: Construction of Subsection 9,
of Article 2802f-1, Revised
Civil Statutes, Vernon's Codifi-
cation.

We acknowledge receipt of your letter asking whether or not notes or certificates issued by school districts under the provisions of Article 2802f-1 are eligible for deposit by State depositories to secure the repayment of State funds, under the provisions of Article 2523.

The statute referred to by you is S. B. No. 419, Ch. 16, of the Reg. Sess. of the 46th Legislature (1939).

Section 1 of this Act authorizes the Board of Education, or other governing body of any school district having at any time outstanding delinquent taxes (other than bond taxes), to borrow money for school purposes, and to issue therefor notes or certificates of indebtedness in anticipation of the collection of such delinquent taxes.

Subsection 9 of the Act declares:

"Such notes or certificates shall be eligible to secure deposits of all funds of the State of Texas, and of counties, cities, district and political subdivisions of and in the State of Texas in the same manner and on the same basis that bonds of independent school districts are eligible for such purpose."

The body of the Act, therefore, purports to make such notes or certificates eligible for the purpose mentioned by you, but we are constrained to hold that such is not the legal effect of the Act.

It is a constitutional requirement, in the process of legislation, that "No bill, (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed."
-- Section 35, Article III, Constitution of Texas.

The title to S. B. No. 419, is as follows:

"An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes, including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject; and declaring an emergency."

The subject of State depositories or eligible securities for deposits therein is not contained in the title, and under the provisions of the Constitution above quoted, Sub-section 9 of the Act is void.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

APPROVED OCT 5, 1942

Gerardo M. ...

ATTORNEY GENERAL OF TEXAS



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