



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

March 5, 1955

Honorable R. L. Strickland, Chairman
House Committee on Highways and Roads
54th Legislature
Austin, Texas

Letter Opinion No. MS-182

Re: Constitutionality of H.B. 584 of the
54th Leg., authorizing Victoria
County to issue certificates of in-
debtedness for maintenance of pub-
lic roads and highways.

Dear Mr. Strickland:

Your letter requests an opinion of this office as to the constitutionality of House Bill 584 of the 54th Legislature which authorizes Victoria County to issue certificates of indebtedness against the Constitutional Road and Bridge fund for the purpose of acquiring rights-of-way for State highways and county roads and for the additional purpose of maintaining the county roads.

In a subsequent conference it was asked that our opinion be confined to the following questions:

1. Is the proposed bill constitutional under the provisions of Section 56 of Article III which prohibits the passage of a local and special law?
2. May the certificates be issued for the purpose of maintaining the county roads?

As to your first question, you are advised that House Bill 584 is a local and special law, but it is constitutional. Section 56 of Article III of the Constitution of Texas appears to prohibit the passage of a local and special law for that purpose, but that particular provision is rendered inapplicable by a later adopted constitutional provision which expressly authorizes special road laws. (Art. VIII, Sec. 9, Tex. Const.) Austin Brothers v. Patton, 288 SW 182, 187-8 (Tex. Comm. App., 1926).

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As to your second question, your attention is called to the provisions of Section 9 of Article VIII of the Constitution of Texas, which authorizes the levy of county taxes for the broad purpose of "roads and bridges". Clearly, a tax for the maintenance of roads and bridges comes within this broad language.

Very truly yours,

JOHN BEN SHEPPERD
Attorney General

By *Elbert M. Morrow*
Elbert M. Morrow
Assistant

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