



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

January 14, 1957

Hon. Earl Rudder, Chairman  
Veterans' Land Board  
Austin, Texas

Opinion Number WW-2

Re: Will it be necessary to  
amend the Veterans' Land  
Act in any way before  
the recently authorized  
\$100,000,000.00 bond issue  
or any part thereof may be  
issued by the Board?

Dear Mr. Rudder:

Your recent letter questions whether the Veterans' Land Board may proceed to issue bonds under the provisions of Article 3, Section 49(B) of the Constitution of Texas, as adopted November 6, 1956, or whether it will be necessary to amend Article 5421(m), V.C.S.

It is, of course, elementary that bonds or other negotiable instruments of the State may not be issued without express statutory or constitutional authority. This constitutional provision supplies that authority when it says:

"The Veterans' Land Board may issue not to exceed Two Hundred Million Dollars (\$200,000,000) in bonds or obligations of the State of Texas. . . ."

Article 5421(m), Section 3, had, pursuant to the former provision of the Constitution, authorized \$100,000,000 in obligations. The Constitution expressly supersedes the statute when it says:

"Such bonds (reference to \$200,000,000) shall be executed by said Board as an obligation of the State of Texas in such form, denominations, and upon such terms as are now provided by law or as may hereafter be provided by law."

Again, the Constitution states:

"The additional bonds herein authorized may be sold in such installments as deemed necessary and advisable . . . ."

Hon. Earl Rudder, page 2 (WW-2)

Article 5421(m), Section 9(a), also provides that beginning December 1, 1959, moneys shall be set apart for the payment of interest and principal on the outstanding bonds. This provision is carried forward by Article 3, Section 49(B) of the Constitution of Texas.

Article 3, Section 49(B) also provides a similar date for the additional bonds therein authorized, namely, December 1, 1965. It is a new provision, making specific reference to the additional bonds, and is not in conflict with Article 5421(m), V.C.S.

You are respectfully advised that a reading of the constitutional provision, as a whole, and particularly the above quoted provisions, demonstrates the amendment is self-enacting and the additional bonds may be issued without additional legislation upon the terms and conditions specified in Article 5421(m), V.C.S., as modified by Article 3, Section 49(B) of the Constitution of Texas.

SUMMARY

The provisions of Article 3, Section 49(B) of the Constitution of Texas, are self-executing. The additional \$100,000,000 of bonds may be issued without further legislation.

Very truly yours,

WILL WILSON  
Attorney General

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

EMM-s

APPROVED:

OPINION COMMITTEE

By *H. Grady Chandler*  
H. Grady Chandler, Chairman