



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

March 15, 1968

*Overrules S-171
where conflicts*

Dr. J. W. Edgar
Commissioner
Texas Education Agency
Austin, Texas

Opinion No. M-212

Re: Whether under the submitted facts an Independent School District may issue bonds pursuant to Article 2784e, Vernon's Civil Statutes.

Dear Dr. Edgar:

In your recent request for an official opinion from this office, you submitted the following facts:

(1) On April 22, 1958, an independent school district a. voted a maintenance tax of \$1.30 pursuant to the provisions of Article 2784e, Vernon's Civil Statutes.

(2) On October 8, 1964, the County Board of School Trustees of the county in which the District is located annexed a common school district to the District.

(3) On November 2, 1964, the Board of Trustees b. of the District called an election for November 18, 1964, for the purpose of authorizing the District to assume the outstanding indebtedness of the enlarged District and authorizing the Board to levy a maintenance tax not to exceed \$1.30 therein. Both propositions received favorable vote.

(4) In calling the election for November 18, 1964, the Board inadvertently used printed forms which provided that the maintenance tax, if authorized, would be levied pursuant to the provisions of Article 2784e-1, Vernon's Civil Statutes.

(5) On September 12, 1967, the Board called an election to be held October 10, 1967, for the purpose

- a. Hereinafter referred to as "the District"
b. Hereinafter referred to as "the Board"

of authorizing the levy of a tax of \$1.40 pursuant to Article 2784e and authorizing the issuance of \$1,100,000 in bonds under Article 2784e. Both propositions carried in the election, and on January 15, 1968, the Board passed an order authorizing the issuance and sale of the above mentioned bonds.

(6) No bonds have ever been voted or issued by the District pursuant to Article 2784e-1. All outstanding bonds of the District have been issued pursuant to Article 2784e.

You then ask whether under these facts the District may issue bonds pursuant to Article 2784e, Vernon's Civil Statutes, as authorized in the election held on October 10, 1967.

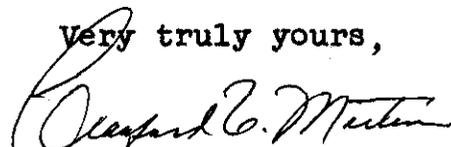
Article 2784e and Article 2784e-1 are alternative methods of issuing school bonds. Attorney General's Opinion No. S-171 (1955). Clearly once a district has adopted the provisions of Article 2784e-1 and issued bonds pursuant thereto, commonly known as "unlimited tax bonds", it could not then subsequently re-adopt the provisions of Article 2784e and revert to a limited tax district. A district that had not issued bonds pursuant to Article 2784e-1, however, would be authorized to revert to a limited tax status under Article 2784e and issue bonds pursuant thereto upon approval of the qualified electorate. We accordingly hold that under the submitted facts the District may issue bonds pursuant to Article 2784e.

This opinion should not be construed as overruling Attorney General's Opinion No. S-171 (1955) except where in conflict therewith, nor should this opinion be construed as final approval of the District's bonds by this Department.

S U M M A R Y

The Independent School District may issue bonds pursuant to Article 2784e Vernon's Civil Statutes, under the facts submitted.

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

Mr. J. W. Edgar, page 3 (M-212)

Prepared by John W. Fainter, Jr.
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Hawthorne Phillips, Chairman
Kerns Taylor, Co-Chairman
W. V. Geppert
Joseph H. Sharpley
Malcolm Quick
James McCoy

A. J. CARUBBI, JR.
Executive Assistant