



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Mr. Joe Nelson
Chief Accountant
Board of County and
District Road Indebtedness
Austin, Texas

Dear Sir:

Opinion No. 0-7512

Re: Eligibility of bonds for participation of payment out of the county and road district highway funds, under constitutional amendment adopted pursuant to House Joint Resolution 49, 49th Legislature.

You submit for the opinion of this department the question contained in your letter of Nov. 15, 1946, which we quote as follows:

"At the election held on November 5, 1946, a constitutional amendment on the state gasoline tax was adopted. This amendment reads in part as follows:

"... and for the payment of principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the county and road district highway funds under existing law."

"Since January 2, 1945, this Board has declared several issues of bonds eligible for participation for payment out of the county and road district highway fund. In view of the above quoted section of HJR 49 we ask that you please advise us whether or not in your opinion these bonds should continue to participate for payment out of the county and road district highway fund."

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The main question in which you seem primarily interested is whether or not the express terms of that portion of the constitutional amendment quoted in your letter above restricts the payment of county and road district bonds for participation out of the county and road district highway fund to bonds and warrants declared eligible subsequent to Jan. 2, 1945.

We are of the opinion that by the express terms of this constitutional amendment only bonds and warrants that were declared eligible for payment prior to Jan. 2, 1945, may participate in the county and road district highway funds. This is consistent with the ruling of this department in opinion No. 0-6564, wherein it is said:

" . . . you are advised that it is our opinion that the proposed amendment restricts eligibility of indebtedness to those county or road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945."

To hold otherwise would be to ignore the plain, unambiguous language of this amendment; this we are not justified in doing.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APPROVED DEC 6, 1946

[Handwritten Signature]
ATTORNEY GENERAL OF TEXAS

By

[Handwritten Signature]
E. P. Lollar
Assistant

LPL:AMH

