



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

July 31, 1957

Honorable Howard M. Fender  
District Attorney  
Tarrant County  
Criminal Courts Building  
Fort Worth, Texas

Opinion No. WW-213

Re: Whether Chapter 268, Acts of  
the 55th Legislature, 1957,  
page 569, is constitutional.

Dear Mr. Fender:

In your letter of July 17, 1957, you request the opinion of this office as to whether House Bill 921, Acts of the 55th Legislature, Regular Session, 1957, chapter 268, page 569, is constitutional.

This Act relates to Tarrant County Water Control and Improvement District No. 1, and you state that Attorney General's Opinion WW-163 appears to hold an amendment to this type of statute unconstitutional, whereas Attorney General's Opinion MS-194 holds the same type of act constitutional.

Your question is resolved by the differences in the types of acts in each of the cases. In Opinion WW-163, our office was not passing on the validity of an act creating a river authority or a water control and improvement district, but on the contrary, this office was merely considering the validity of House Bill 317 of the 55th Legislature that authorized the San Antonio River Authority to condemn lands not heretofore used, but merely dedicated for cemetery purposes, when such lands were located only in Bexar County. We held this Act unconstitutional on the ground that Section 56 of Article III of the Constitution of Texas prohibits the enactment of any local or special law relating to cemeteries, and we in no respect passed on the authority of the Legislature to create river authorities or water control and improvement districts.

In Attorney General's Opinion MS-194 (1955), this office passed on the constitutionality of Senate Bill No. 389, Acts of the 54th Legislature, Regular Session, 1955, which created the Reagan County Water Supply District. In that Opinion it was held that Senate Bill 389 is a general law, and the notice required by Section 57 of Article III of the Constitution and statutes enacted pursuant thereto are not required to be published nor exhibited prior to introduction or passage of the proposed act. Consequently, Senate Bill 389 was constitutional.

In view of the foregoing, you can readily see that there is no conflict between the holdings in Attorney General's Opinions WW-163 and MS-194, and after a careful review of House Bill 921, Acts of the 55th Legislature, Regular Session, 1957, chapter 268, page 569, you are advised that the Act is constitutional for the same reasons that were announced in Opinion MS-194.


Honorable Howard M. Fender, Page 2 (WW-213)

SUMMARY

House Bill 921, Acts of the 55th Legislature, Regular Session, 1957, chapter 268, page 569, is constitutional under the provisions of Section 59, Article III of the Constitution of Texas since it is a general law. The provision in Section 57, Article III of the Constitution of Texas concerning publication of local and special laws is not applicable to the instant case.

Very truly yours,

WILL WILSON  
Attorney General of Texas

By   
Ralph R. Rash  
Assistant

RRR:jl:cm

APPROVED:

OPINION COMMITTEE:

H. Grady Chandler, Chairman

W. V. Geppert

Wallace Finfrock

B. H. Timmins, Jr.

REVIEWED FOR THE ATTORNEY GENERAL

BY:

Geo. P. Blackburn