



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 1, 1974

The Honorable Joe Resweber
Harris County Attorney
Harris County Courthouse
Houston, Texas 77002

Opinion No. H- 290

Re: Constitutionality of
legislation creating
Harris County Youth
Village Independent
School District.

Dear Mr. Resweber:

The 63rd Legislature, in adopting what was House Bill 602 (Acts 1973, 63rd Leg., ch. 585, p.1624) attempted to create the Harris County Youth Village Independent School District coextensive with the territorial boundaries of the Harris County Youth Village operated by the Harris County Juvenile Board.

As laudable as may be the creation of this new district, we are compelled to conclude that the Act creating it is unconstitutional as an unauthorized local law.

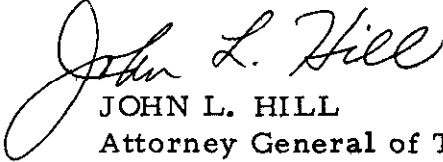
The Texas Constitution in Article 7, Sec. 3, authorizes the Legislature to provide for the formation of school districts by general laws. Section 56 of Article 3 specifically prohibits the creation of school districts by local or special law. In Fritter v. West, 65 S.W.2d 414 (Tex. Civ. App., San Antonio, 1933, err. ref'd.) these provisions were cited to support an order restraining local officials from carrying into effect an act similar in purpose to House Bill 602. Following that lead, we and other Attorneys General have determined that statutes creating or abolishing single, designated school districts or offices are unconstitutional. See, for example, Attorney General Opinions M-1073 (1972); M-1200 (1972); M-1237 (1972); H-52 (1973); H-67 (1973). For a general discussion of what are special laws, see Attorney General Opinion H-8 (1973).

We are of the opinion that House Bill 602 of the 63rd Legislature is unconstitutional.

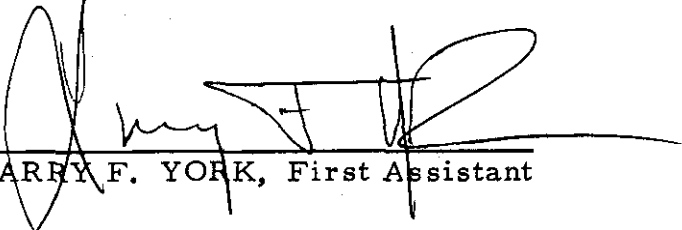
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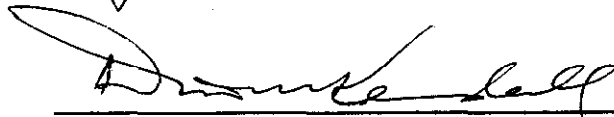
An act of the Legislature creating a single independent school district in a specified territory is unconstitutional as a local or special law.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee