



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

December 22, 1953

Hon. Allan Shivers
Governor of Texas
Austin, Texas

Letter Opinion No. MS-112

Re: Whether Trust Fund Commission for Clayton Vocational Institute is legally in existence.

Dear Governor Shivers:

You have requested our opinion on the question whether the Trust Fund Commission for the Clayton Vocational Institute which was created by Chapter 3, Special Laws, Acts 36th Legislature, 1919, is still in existence and whether you have authority to make appointments to the Commission. You state that no such appointments have been made since 1922.

Chapter 3 established said Institute as an independent school within the Manor Independent School District, and provided for the acceptance of gifts, donations, devises, and bequests. The duties of the Commission and of the board of trustees of the school district, in connection with the Institute, were set forth.

Until Section 3, Article VII, Constitution of Texas, was amended at an election held November 2, 1926 (proclamation January 20, 1927), the Legislature had the power to enact special legislation creating or otherwise affecting school districts. However, said amendment did away with such power, and now the Legislature may enact only general laws affecting school districts.

The Manor Independent School District, as it existed in 1919 when Chapter 3 was enacted, is no longer in being. Many changes have been made both in the boundaries and corporate status of the district since 1927, and all such changes were effected under the provisions of general law. For instance, territory and other districts have been added to the Manor district. At one time it became a rural high school district. It has since converted to an independent school district. All such changes have been either authorized by general law or have been validated under the provisions of general law.

It is clear that the Manor Independent School District is now a school district operating under and subject to the provisions of general law, and that the 1919 act no longer has application to said district. In fact, the district to which the 1919 act applied is no longer in

Hon. Allan Shivers - page #2 (MS-112)

existence.

As the general law makes no provision for a commission or an institute similar to those created by the 1919 act, you are advised that the same are no longer in existence. Conceivably, contract rights could have arisen where gifts, bequests, or the like, had been made to the Commission or Institute, which contract rights would require a holding that the Commission and Institute would be in existence insofar as carrying out the contract or trust provisions is concerned. However, it is our understanding that there are no such contract rights and that there are no assets. It follows that there is no reason why the Legislature could not do away with the Commission and the Institute. It is our opinion that this is just what the Legislature has done -- by authorizing the changes in the boundaries and status of the Manor district, either by original general legislation or by subsequently enacted general validation statutes.

You are, therefore, advised that the Trust Fund Commission for the Clayton Vocational Institute is no longer in existence. It follows that the Governor has no authority to make appointments thereto.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
George W. Sparks
Assistant

GWS - s:mg