



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 17, 1939

Mr. Joe Kunschik
Commissioner of Labor
Austin, Texas

Dear Sir:

Opinion No. O-416
Re: Whether Independent School
Districts come within the pro-
visions of Article 5159a.

Your request for an opinion as to whether an independent school district as such would come within the provisions of Article 5159a has been received by this office.

As relates to this opinion Section 1 of Article 5159a reads as follows:

"Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed..... shall be paid to all laborers, workmen or mechanics employed by or on behalf of.....any.....district, engaged in the construction of public works....."

The Legislature did not place any limitation upon the type of district subject to the provisions of the law. An independent school district would come within the purview of the word district as used.

Mr. Joe Kunschik, March 17, 1939, Page 2

"Public works" is defined by Article 5159a, Section 4 as follows:

"Any construction....done under contract, and paid for in whole or in part out of public funds,....whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be 'public works'...."

The construction of a school building by an independent school district necessarily involves the expenditure, at least in part, of public funds for the reason that the costs of construction are paid in whole or in part by funds raised or bonds paid for by taxation.

It is, therefore, our opinion that the construction of a school building by an independent school district is such as would be governed by Article 5159a, Revised Civil Statutes 1925.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Richard H. Coker

Richard H. Coker
Assistant

H.Q.B.

RHC:bbb

APPROVED:

Gerald B. Mann
ATTORNEY GENERAL OF TEXAS