



**THE ATTORNEY GENERAL
OF TEXAS**

GROVER SELLERS
~~NEWELL COLESON~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Honorable L. A. Woods
State Superintendent of Public Instruction
Austin, Texas

Dear Sir:

Opinion No. 0-6699

Re: Are equalization aid schools, under S. B. 167, 49th Leg., Regular Session, required to list the \$2.00 supplement to the per capita apportionment received in July, 1945, as receipts in the budget and show same as a balance to be used in calculating need for equalization aid in the school year 1945-1946?

Your recent communication to this department reads as follows:

"On July 2, 1945, the State Board of Education declared a \$2.00 supplement to the per capita apportionment, which in effect, amounts to a final distribution of the Available School Fund for the school year 1944-1945.

"We would like your opinion on the following question:

"Will the equalization aid schools be required to list the \$2.00 supplement above referred to as receipts in the budget and show same as a balance to be used in their budgets in calculating need for equalization aid for the school year 1945-1946 under the provisions of S.B. No. 167, Regular Session of the 49th Legislature?"

Based upon our former Opinion No. 0-6285, a copy of which is hereto attached, the question submitted is answered in the affirmative.

We are not unmindful of the contents of H.B. No. 3, Chap. 3, Acts of the 49th Leg. R.S., which amends certain sections of H.B. 176, the Rural Aid Bill passed by the 48th Legislature, Reg. Session. This bill increased the maximum amounts allowed for "other current expenses" during the school

year 1944-1945. It also increased the remuneration of teachers in State aid schools for the last four (4) months of said year; "provided, however, this increase shall apply only to those teachers who receive their salary exclusively from State Available, Local Maintenance and Rural Aid Funds." Section 6 of said H. B. 3 reads as follows:

"Sec. 6. In addition and supplementary to the funds appropriated by the provisions of House Bill 176, Acts of the Regular Session of the Forty-eighth Legislature, there is hereby appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, the sum of One Million Five Hundred and Seventy-five Thousand and Eighty-Two Dollars (\$1,575,082.00), or so much thereof as may be necessary for the biennium ending August 31, 1945, to be allocated and expended under the provisions of House Bill No. 176, Acts of the Regular Session of the Forty-eighth Legislature, and of this Act."

The provisions of said H.B. No. 3, however, do not affect the legal aspects of H.B. 176 aforesaid, as interpreted by our former Opinion No. 0-6285.

Very truly yours

ATTORNEY GENERAL OF TEXAS

LHF:BT:wc

By s/L. H. Flewellen
L. H. Flewellen
Assistant

APPROVED JUL 26, 1945
s/Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/GWB Chairman