OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. Werth B. Durham
County Attorney
Sterling County
Sterling City, Texas

6-7241

A. G. Opinion No. 0-7359
Re: Construction of Senate Bill No. 167, 49th Legislature, Art. V. --Transportation Aid.

Dear Sir:

We have your letter of August 17, 1946, wherein you request an opinion from this department concerning the matters described therein, which reads, in substance, as follows:

> Prior to 1919, Sterling County contained the Sterling City Independent School District and nine common school districts. Since 1919, the nine common school districts were consolidated with the independent school district, becoming a county-wide district covering 948 square miles, known as Sterling City Independent School District No. 1. This county-wide district conforms to the county unit system of transportation, it receives no other type of aid, either tuition or salary, is a consolidation of one independent school district and nine common school districts, and can show need of transportation aid.
>
> 1. Under the submitted facts, is the Sterling City Independent School District No. 1 entitled to receive transportation aid under provisions of Acts 1945, 49th Legislature, Regular Session, Senate Bill No. 167, Art. V?
>
> 2. What types of school districts are eligible for transportation aid under the provisions of Senate Bill 167, Art. V?

NO COMMUNICATION IS TO BE CONSTRUED AS A DEPARTMENTAL OPINION UNLESS APPROVED BY THE ATTORNEY GENERAL OR FIRST ASSISTANT

Article V, Acts 1945, 49th Legislature, Senate Bill 167, at page 361, insofar as the same pertains to the questions submitted, reads in part as follows:

". . . .

"The County Superintendent and County School Boards of the several counties of this state subject to the approval of the State Superintendent of Public Instruction, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The county shall be regarded as the unit and the warrant made payable to the County Board Transportation Fund, on the total transportation earned within the county not to exceed the total approved cost thereof; . . . .

". . ; provided however, all school districts conforming to County Unit System of Transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing fifty (50) square miles or more of territory, may receive transportation aid only on a transportation budget showing need therefor on the basis and at the rate provided in this Act. .."

Under the facts hereinabove submitted, wherein it is stated that the Sterling City Independent School District No. 1 conforms to the county unit system of transportation, receives no other type of aid, either tuition or salary, which is comprised of three or more consolidated districts, and contains fifty (50) or more square miles of territory, and which district desires to apply for transportation aid only on a transportation budget, and which can show a need therefor on the basis and at the rate provided for in Senate Bill 167, and can set up an economical system of transportation bearing the approval of the State Superintendent of Public Instruction, it is our opinion that said district would be entitled to the transportation aid available under the above quoted Act. This opinion is in conformance with our holding in Opinion No. O-7241 based on a

similar but not identical statement of facts

The Legislature in its enactment of Senate Bill 167 having proclaimed in Article V that "all school districts conforming to the County Unit System of Transportation . . . may receive transportation aid . . ." provided they meet the specific requirements of the Act, meant, we believe, all types of school districts, whether common, independent, consolidated, or other created public school districts of Texas. There are no words of limitation in the act which limit or specifies the type of school districts entitled to transportation aid thereunder.

From Attorney General's Opinion No. O-7241, last paragraph on page 9 we quote:

> "Likewise any district that conforms to the County Unit System of transportation, and receives no other type of aid, either tuition or salary, and which comprises three or more independent districts, and contains fifty (50) square miles of territory, and which is applying for transportation aid only on a transportation budget, and which shows a need therefor on the basis and at the rate provided for in the Act, as does Huntsville Independent School District, is entitled to such transportation aid."

The phrase therein which reads "and which comprises three or more independent districts" should and is herein corrected to read "and which comprises three or more consolidated districts". Substitute the word "consolidated" therein for the word "independent" which was inadvertantly inserted.

Trusting the above satisfactorily answers your inquiry, we remain.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

APPROVED AUG 27, 1946

FIRST ASSISTANT ATTORNEY GENERAL

By Chester E. Ollison

Chester E. Ollison
Assistant

CEO-rt

APPROVED OPINION COMMITTEE BY BWB CHAIRMAN