



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

Affirmed by *County ISD*
V. Walker Co. - 287
Sw 2d 717 (1956)

Overruled by *S-721*

March 20, 1947

Hon. A. E. Hickerson
County Auditor
Montgomery County
Conroe, Texas

Opinion No. V-93

Re: National forest receipts,
prorating of under Article
2351b-4, V. C. S.

Dear Sir:

We refer to your letter of recent date acknowledged by this office on March 4, 1947, wherein you stated that the County Treasurer of Montgomery County has received \$6,607.95 from the State Treasurer as the county's part of National forest receipts, and the Commissioners Court wishes to distribute this sum in accordance with Article 2351b-4, V. C. S. You wish to be advised as to what interpretation should be placed on the word "area" as used and found in the second paragraph of said statute.

Article 2351b-4, Vernon's Civil Statutes, provides, in part, as follows:

"That, whereas Congress has heretofore passed a law which provides that thereafter twenty-five per centum (25%) of all moneys received during any fiscal year from each national forest shall be paid at the end thereof by the Secretary of the Treasury to the State . . . in which said forest is situated to be expended as the State . . . Legislature may prescribe for the benefit of the public schools and the public roads of the county or counties in which the national forest is situated, and whereas the Legislature of the State of Texas has not prescribed any method for prorating said funds, now, therefore, be it enacted that the Commissioners Courts of the counties in Texas in which such national forests are situated are hereby authorized to prorate all such funds received and to be received from the Federal Government for timber and all other income derived from such land as follows:

"Fifty per cent (50%) of such money received shall be allocated to the school districts in proportion to the area in said districts, and fifty per cent (50%) of same to the county for the benefit of the public roads in said county. Provided the Commissioners Court may transfer the fifty per cent (50%) received by said Court to the school districts."

Section 500, United States Code Annotated, Title 16, Chapter 2, provides that national forest receipts payable thereunder to a State and received thereby may be expended as the State Legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such national forest is situated.

It is the opinion of this Department that that portion of the national forest receipts received by the county by virtue of the provisions of Title 16, Chapter 2, Section 500, U.S.C.A., and Article 2351b-4, V. C. S., for public school purposes should be prorated and transferred by the Commissioners Court to all the school districts within the county in proportion to the area in said school districts; further, that the term "area" as used in Article 2351b-4, means area of the school districts located in the county, and does not mean area of national forest lands.

SUMMARY

National forest receipts received by a county under Title 16, Chapter 2, Section 500, U.S.C.A., and Article 2351b-4, V. C. S., for public school purposes should be prorated and transferred by the Commissioners' Court to all school districts within the county in proportion to the area in said school districts. "Area" as used in Article 2351b-4, V. C. S., means area of the school districts in the county.

Very truly yours,

APPROVED MAR. 20, 1947

Price Daniel
ATTORNEY GENERAL
CEO:djm:mrj:jrb

ATTORNEY GENERAL OF TEXAS

By *Chester E. Ollison*
Chester E. Ollison
Assistant