



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 6, 1959

Dr. J. W. Edgar
Commissioner of Education
Texas Education Agency
Austin, Texas

Opinion No. WW-590

Re: Whether the procedure followed by the Texas Education Agency in administration of local fund assignments is in compliance with the requirements of Section 5 of Article 2922-16, Vernon's Civil Statutes.

Dear Dr. Edgar:

We quote from your request for an opinion as follows:

"The second paragraph of Section 5 of Article 2922-16, reads in part as follows:

'Provided, however, that in any district containing State University-owned land, . . . the amount (local fund assignment) assigned to such school district shall be reduced in proportion that the area included in the above-named classification bears to the total area of the district. . . .'

"In further connection therewith said Section 5 provides in part:

'The County Tax Assessor-Collector in each county, . . . shall certify to the State Commissioner of Education . . . not later than December 1st of each year, the following information: . . .

'(3) The area within each school district comprised of State University-owned land, . . .'

"The exhibits attached hereto have been prepared to serve as information and other purposes concerning the manner in which this Agency since 1949-50 and through the school year 1958-59 has processed local fund assignment, reduction-adjustments for school districts certified by

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County Tax Assessor-Collectors as containing State University-owned lands and in many other instances State college-owned lands."

The various exhibits attached to your request indicate that the Texas Education Agency has allowed an adjustment in local fund assignments for all lands reported as State University-owned land, endowed or otherwise, which is the property of the University of Texas. The exhibits further show that adjustments have been disallowed for lands held by other institutions of higher learning.

We believe the procedure followed to be correct. As we pointed out in Attorney General's Opinion WW-301 (1957), the phrase "State University-owned land" includes the campus and endowment lands of the University of Texas. We think the phrase would also include any lands owned by the University of Texas and under the jurisdiction of the Board of Regents of the University of Texas, wherever situated and how so ever acquired. We do not believe, however, that the phrase would include any lands held by other State institutions of higher learning. A careful study of your request, together with the exhibits attached thereto, indicate that you have followed this construction of the law in making local fund assignments.

You are therefore advised that your administration and construction of Section 5 of Article 2922-16, Vernon's Civil Statutes, is in compliance with the intendment and requirements of the law as above set forth.

SUMMARY

The Texas Education Agency is complying with the intendment and requirements of Section 5 of Article 2922-16 of Vernon's Civil Statutes, in making local fund assignments to school districts.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
Leonard Passmore
Assistant

LP:mg

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APPROVED:

OPINION COMMITTEE
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Thomas Burrus
Jot Hodges, Jr.
W. Ray Scruggs

REVIEWED FOR THE ATTORNEY GENERAL
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