



**THE ATTORNEY GENERAL
OF TEXAS**

Gerald C. Mann

AUSTIN 11, TEXAS

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ATTORNEY GENERAL.

Hon. T. M. Trimble
First Assistant State Super-
intendent Public Instruction
Austin, Texas

Opinion No. 0-3352

Re: Annexation of Territory
to Junior College District

Dear Sir:

We are in receipt of your request for an opinion of March 28, 1941, concerning a junior college district for Galveston County, which is accompanied by letters from the County School Superintendent and President of the Board of Trustees of the City of Galveston.

It appears that the City of Galveston many years ago assumed control of the public schools within its limits and in 1935 created by vote of its citizens, as provided in Article 2815h, Vernon's Texas Civil Statutes, a Junior College District within said city. Subsequently, an attempt to vote a maintenance tax for the Junior College District was defeated and the Junior College for that reason has not functioned as such. A movement has been instituted to bring this Junior College District into operation and also extend it so as to include the remainder of the County outside the City of Galveston. Several questions are asked concerning the procedure to be followed with reference to Sections 4 and 17, of Article 2815h, Vernon's Texas Civil Statutes, however we think the procedure set in Section 21 of said statute adequately disposes of the various inquiries.

Section 21 of Article 2815h, Vernon's Texas Civil Statutes, reads as follows:

"Sec. 21. (Annexation of districts to junior college district.)- An independent school district, or districts, a common school district or districts, may be annexed to a junior college district for junior college purposes only, by an election as provided in Section 2 hereof, upon petition of five per cent of the property taxpaying voters in such district or districts seeking to be annexed, provided further that such annexation shall have been previously approved by the board of trustees of the junior college district and provided further that election for such annexation shall be called and the results canvassed

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and declared by the county board of education or the county commissioners's court of the county, in case there is no county board of education, provided further that the territory included in such annexed district shall thereby assume its share or any outstanding bonded indebtedness of the junior college district, in proportion to the assessed valuation within the said district, and shall also become liable for taxes for maintaining the junior college."

It is our opinion that a junior college district including all the territory in Galveston County may be formed by following the annexation procedure provided in the above quoted statute. It would also be necessary, of course, to vote a maintenance tax for said district.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /c/ Cecil C. Cammack
Cecil C. Cammack, Assistant

APPROVED MAY 7, 1941
/s/ Grover Sellers
FIRST ASSISTANT ATTORNEY GENERAL

APPROVED: OPINION COMMITTEE
BY: BWB, CHAIRMAN

CCC:lh:wb