



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable T. M. Trimble  
First Assistant State Superintendent  
of Public Instruction  
Austin, Texas

Dear Sir:

Opinion No. 9-3898  
Re: Per capita apportionment  
for students in public  
junior college under S.B.  
163, Acts 47th Legisla-  
ture.

We have received your letter of recent date, which we quote in part as follows:

"I would appreciate your consideration and opinion on the following questions:

"1. Under the provisions of S.B. No. 163, passed by the 47th Legislature, is it legal to grant the University of Houston the same per capita apportionment for the students in its first two years as is granted the junior colleges named therein?

"2. Under the provisions of S.B. No. 163, supra, is it legal to grant the Houston College for Negroes the same per capita apportionment for the students in its first two years as is granted for the junior colleges named therein?

"3. Is it legal for the State Department of Education to certify to the proper authorities a bill for payment for junior college students for junior colleges which may yet be established but are not named in said S.B. No. 163?"

All three of your questions are answered by Section 3 of the Act. Section 3 sets out that \$325,000.00, or so much thereof as may be necessary, is appropriated for each of the

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fiscal years of the biennium. Then the following provision appears:

". . . and provided further that this appropriation shall be apportioned among the following Junior Colleges:

". . . .

"University of Houston, Houston, Texas, Junior College Division, Freshman and Sophomore students only." (Emphasis supplied)

Section 3 then provides:

"Provided that each of the above Public Junior Colleges shall qualify within the requirements of this Act; and provided further that the funds here appropriated shall be disbursed to and distributed among the Public Junior Colleges which qualify to receive it on the basis of Fifty (\$50.00) Dollars per capita for each full time student per scholastic year, . . ." (Emphasis supplied.)

It is apparent that only those Junior Colleges named in Senate Bill 163 are to participate in the appropriation. Therefore, your second and third questions must be answered in the negative. It is also apparent that those colleges named in the Act which qualify under the same are to be given the benefits of the Act. It follows that your first question is answered in the affirmative.

Very truly yours

APPROVED SEP 11, 1941

ATTORNEY GENERAL OF TEXAS

*George W. Sparks*  
FIRST ASSISTANT  
ATTORNEY GENERAL

By *Glenn R. Lewis*  
Glenn R. Lewis  
Assistant

GWS:db

By *George W. Sparks*  
George W. Sparks

