



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable W. J. McConnell, President  
North Texas State Teachers College  
Denton, Texas

Dear President McConnell:

Opinion No. 0-7049  
Re: Is North Texas State  
Teachers College a  
state governmental  
agency within the  
meaning of such term  
used in Public Law  
534, 78th Congress,  
2nd Session?

You have submitted to this department for our answer the following question:

"Is North Texas State Teachers College of Denton, Texas, a state governmental agency within the purview of Public Law 534, 78th Congress, 2nd Session, Chapter 665, wherein state governmental agencies are granted special consideration in the leasing of Federal lands?"

Section 4 of Chapter 665, Public Law 534, supra, reads as follows:

"Sec. 4. The chief of engineers, under the supervision of the Secretary of War, is authorized to construct, maintain and operate public park and recreational facilities in reservoir areas under the control of the War Department, and to permit the construction, maintenance, and operation of such facilities. The Secretary of War is authorized to grant leases of lands, including structures or facilities thereon, in reservoir areas for such periods and upon such terms as he may deem reasonable; provided, that preference shall be given to Federal, state, or local governmental agencies,

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and licenses may be granted without monetary consideration, to such agencies for the use of areas suitable for public parks and recreational purposes, when the Secretary of War deems such action to be in the public interest."

The following constitutional and statutory provisions are applicable to your question:

Section 1, Article 7, Constitution of Texas.

"A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools."

Article 2651, V. A. C. S., 1925.

"The State Teachers College located at Denton shall be known as the 'North Texas State Teachers College'. It shall be conducted for a session of not less than thirty-six weeks each year upon improved methods and plans for first class schools designed for special training of teachers."

Article 2652, V. A. C. S., 1925, provides for the maintenance of the college to be set apart annually out of the general revenue of the State of Texas.

There are many other regulatory statutes dealing with the administration of North Texas State Teachers College. No useful purpose is subserved by setting them forth here. We deem it sufficient to enumerate the above to indicate the general nature of a state college.

In Volume 37, page 547 of Texas Jurisprudence we note the following:

"Under the Constitution public education is a division or department of the government, the affairs of which are administered by public officers, and in the conduct of which the Legislature has all legislative power not denied it by the fundamental law." *Mumma v. Harris*, 40 S. W. (2d) 31 (Writ Refused by Supreme Court).

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In virtue of Article 7 of the Texas Constitution, supra, the school system is a matter of state care and supervision, and the various state teachers' colleges have been established to perform the educational function of the government, namely, the training of teachers. We conclude that North Texas State Teachers College is clearly a state governmental agency, and your question is therefore answered in the affirmative.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

Joe Fultz  
Assistant

JF:bw:LJ

APPROVED FEB 6, 1946

/s/ CARLOS C. ASHLEY  
FIRST ASSISTANT  
ATTORNEY GENERAL

APPROVED  
OPINION  
COMMITTEE

By HJY  
Chairman