



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
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October 5, 1970

Honorable Bevington Reed
Commissioner, Coordinating
Board Texas College and
University System
P. O. Box 12789, Capitol Station
Austin, Texas 78711

Opinion No. M-700

Re: Authority of Junior College
Districts to acquire build-
ings and lands for buildings
under eminent domain.

Dear Dr. Reed:

In your letter requesting an opinion from this office, you submitted the following question:

"Under Section 51.073 or any other section of the Texas Education Code does the Board of Trustees of a County Junior College District have the power of eminent domain for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the Board of Trustees of such districts to be needed to carry out the authorized functions of such districts?"

V. A. T. S., Education Code, Article 51.073 states that:

"The Board of Trustees of junior college districts shall be governed in the establishment, management, and control of the junior college by the general law governing the establishment, management, and control of independent school districts insofar as the general law is applicable."

To determine the power of an independent school district with regard to the power of eminent domain, Article 23.31 of the Education Code, Vernon's Civil Statutes, states that:

"(a) All independent school districts . . . shall have the power by the exercise of the right of eminent domain to acquire fee simple title to real property for

the purpose of securing sites upon which to construct school buildings or for any other purpose which may be deemed necessary for the independent school district."

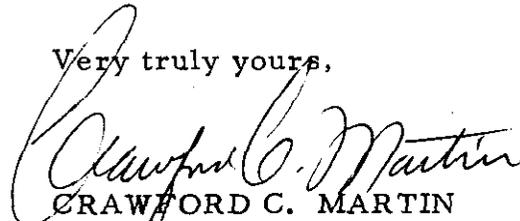
These two sections of the Texas Education Code are intended to be read together. By means of them, the Legislature has conferred upon the Board of Trustees of a Junior College District, the power of eminent domain.

In conclusion, it is our opinion that the Board of Trustees of a Junior College District, by virtue of the reading together of Sections 51.073 and 23.31 of the Texas Education Code, has the power of eminent domain for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the Board of Trustees of such districts to be needed to carry out the authorized functions of such districts.

SUMMARY

Under Articles 51.073 and 23.31 of the Texas Education Code, the Board of Trustees of a Junior College District has the power of eminent domain for the purpose of acquiring buildings, lands for building or campus sites, or other property determined by the Board of Trustees of such districts to be needed to carry out the authorized functions of such districts.

Very truly yours,


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Attorney General of Texas

Prepared by Edward B. Rather
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APPROVED:
OPINION COMMITTEE

Honorable Bevington Reed, page 3 (M-700)

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