



DONNA J. GORDON
Houston County Attorney

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OPINION COMMITTEE

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January 7, 2000

Sarah Shirley, Chairman
Opinion Committee
Attorney General's Office
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0170-JC
FILE # ML-41217-00
I.D. # 41217

Re: Allocation of funds from the Federal Government under § 130.906 of the Local Government Code

Dear Ms. Shirley:

I respectfully request an opinion on the following matter.

Section 130.906 of the Local Government Code states that the Commissions Court shall allocate the funds to the school districts in proportion to the area encompassed by each district. My question is whether the area referred to is the area encompassed by national forest in each district or the total area of each district.

In Trinity Independent School District v. Walker County et al, 287 S.W.2d 717 (Tex. Civ. App. 1956), the Court found that the legislative intent of the statute is clear from the face of the statute. The Court determined that "[s]ince the funds are for the benefit of the public schools... of the county... in which the national forest is situated" the determinative factor is the presence in the county of the national forest not the presence of such lands in a particular school district. If the intent is to benefit the county's public schools, then the money should be allocated to the school districts in proportion to their total area not allocated in proportion to the national forest area in each district. Id at 724.

The above cited case contained a discussion of previous Attorney General Opinions. Opinion V-93 stated that the money should be prorated to all school districts within the county in proportion to the area in said school districts with area meaning the area of the school districts in the county. A later opinion, S-121, overruled V-93 and decided that the money should be prorated to the school districts only in proportion to

the national forest area in each district in relation to the total national forest area within the county.

It seems to me that the above cited case contains the correct answer to the question. Is that the opinion of the Attorney General as well?

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna J. Gordon".

Donna J. Gordon
County Attorney
Houston County