



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

April 15, 1939

Honorable E. H. Thornton, Jr.
Chairman, Appropriations Committee
House of Representatives
Austin, Texas

Dear Mr. Thornton:

Opinion No. 0-551
Re: The use of moneys from the
General Revenue Fund for the pur-
pose of building and equipping
buildings at Texas Agricultural
and Mechanical College.

On April 7, 1939, you requested an opinion from the
Attorney General's Department on the following question:

"Assuming the Agricultural and Mechanical College
is a part of the University of Texas, would the
Legislature be prevented by virtue of Section 14
of Article 7 of the Constitution of Texas or any
of the laws of this State from making appropri-
ations out of the General Revenue Fund of this
State for the purpose of building and equipping
buildings at said Agricultural and Mechanical
College?"

It is the opinion of this department that the Legis-
lature is prevented by virtue of Section 14 of Article 7 of the
Constitution of Texas from making appropriations out of the
General Revenue Fund for the purpose of building buildings and
equipping same with permanent fixtures at said Agricultural
and Mechanical College, assuming that said College is a part
of the University of Texas.

With respect to equipping said buildings insofar as
such equipment is not affixed to said buildings and not made
permanent improvements thereof, it is the opinion of this de-
partment that such equipment does not come under the provision

of Section 14 of Article 7 of the Constitution of Texas. Article 2591-A, Section 6, of the Revised Civil Statutes of 1925, as amended, authorizes the Board of Directors of the Agricultural and Mechanical College of Texas to borrow not more than two million dollars for the erection and equipment of permanent buildings at said College, and other purposes therein set out, and pledge one-third of the Available University Fund as security for the payment of the principal and interest on said bonds. Article 2592 of the Revised Civil Statutes of 1925, as amended, provides that the Board of Directors of the Agricultural and Mechanical College of Texas shall, with the approval of the Legislature, expend for construction of buildings on the campus and for the extension and improvement of its campus and for the equipment of the buildings thereon one-third of the Available University Fund received from the Permanent University Fund arising from the one million acres of land appropriated by the Constitution of 1876 and the land appropriated by the Acts of 1883 except income from grazing leases on University land, and provides that the Board of Directors may pledge their part of the available funds for not exceeding fifteen years to make said funds immediately available.

The above statutes make provisions for the purchase of such equipment out of the Available University Fund. However, we find no specific provision that would prevent the Legislature, if it so desires, from appropriating additional money out of the General Revenue Fund for the purpose of equipping said buildings insofar as such equipment does not constitute permanent fixtures.

Hoping that this answers your question, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

D. D. Mahon
D. D. Mahon
Assistant

DDM:FL

APPROVED:

George B. Murray
ATTORNEY GENERAL OF TEXAS