



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

April 25, 1939

Honorable H. W. Pitman  
County Auditor  
Fayette County  
LaGrange, Texas

Dear Mr. Pitman:

Opinion No. 0-539  
Re: Should trip to school  
land be paid for from the  
General Fund of the County  
or the Available School Fund?

Your letter of recent date requesting an opinion has been received by this office.

We regret that we have been unable to answer your inquiry before this time, and trust that you will accept our apology therefor.

You submit for an opinion the following question:

"Fayette County owns certain school land in Baylor County and has same leased for grass, the proceeds of which are credited to the Available School Fund.

"Said land is also leased for oil; the lease money for oil is placed to credit of The Permanent School Fund and this fund is invested and the returns from the investment goes to the available school fund.

"Since the land is so far from this county and more oil activity, it requires occasional trips to that county to attend to the leases etc., and in the past the expense of such trips has been paid

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out of the General Fund of the county but since the Available School Fund gets all the revenue from the investments, I will thank you to advise - Is it legal to pay the necessary expense of said trips such as traveling expense, hotel bill, etc., out of the Available School Fund? Or should the expense be paid out of the General Fund of the County?"

Relative to the expenditure of the available free school fund, that portion of Article 2827, Revised Civil Statutes, 1925, material to your inquiry, reads as follows:

"The public free school fund shall not be expended except for the following purposes:

"1. The State and county available fund shall be used exclusively for the payment of teachers' and superintendents' salaries, fees for taking the scholastic census, and interest on money borrowed on short time to pay salaries of teachers and superintendents, when these salaries become due before the school funds for the current year become available; provided that no loan for the purpose of the payment of teachers shall be paid out of funds other than those for the then current year."

You are respectfully advised that, in our opinion, the travelling expenses, hotel bill, etc., incurred in attending to leases on lands held by a county for educational purposes could not, under Article 2827, supra, be legally paid out of the rents derived from said land; the purposes for which the available school funds may be expended are enumerated in the statute above quoted; those funds may not, therefore, be spent for purposes not enumerated in the statute.

You are further advised that in the opinion of this department, the expenditure was properly charged to and paid out of the General Fund of the county.

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Trusting that this answers your inquiry,  
we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Claud O. Boothman*  
Claud O. Boothman  
Assistant

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PROVED:

*George B. Mann*  
TORNEY GENERAL OF TEXAS