



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. J. H. Rasco, Executive Head
Livestock Sanitary Commission
W. T. Waggoner Building
Fort Worth, Texas

Dear Sir:

Opinion No. 0-1163

Re: The power of the Livestock Sanitary
Commission to sell its surplus dip
and credit the proceeds received to
the department's appropriation for
dip material and paint.

Your request for an opinion advising you what may
be done with your surplus dip, has been received by this
department.

You ask if your Department may sell its surplus
dip and credit the proceeds therefrom to the dip material
and paint appropriation for the fiscal year ending August
31, 1940.

There is no authority, statutory or otherwise,
permitting your department to sell any state property. While
the dip has been purchased by the Board of Control and turned
over to your department, it is nevertheless state property.
The same rule is applicable to all state property in the
possession of state departments. If the surplus dip is no
longer useable, and it is not good business policy for you
to move the dip to some other county where it is needed and
you desire to dispose of it, you can only turn it over to
the Board of Control. In the event the Board of Control
should sell the property at public auction, the funds received
therefrom would go into the general funds of the state and
could not be credited to your department for use in purchasing
dip materials for the fiscal year ending August 31, 1940.

It has long been the policy of the Comptroller's
office upon receipt of funds from a state department to in-
quire as to the source of the funds and to apply them as a
credit on that department's appropriation, but such funds
cannot be withdrawn at a later date.

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You are, therefore, advised that it is our opinion that you have no authority to sell the surplus dip in any manner.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By s/Morris Hodges
Morris Hodges
Assistant

MH:ob:wc

APPROVED AUG 10, 1939
s/Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By s/RWF Chairman