



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

*Harris Co,*

Honorable George H. Sheppard  
Comptroller of Public Accounts  
Austin, Texas

Dear Sir:

Opinion No. O-2252

Re: Should the Comptroller's Department consider the sum of \$35,863 appropriated by the Legislature for each year of the biennium for the payment of deficiency warrants issued in payment of and for the construction of an additional unit to the Science Building of the John Tarleton Agricultural College in arriving at the amount of current appropriations set up against the General Revenue Fund?

We are in receipt of your letter in which you request the opinion of this Department as to whether or not you should consider the following sums appropriated by the Legislature in arriving at the amount of current appropriations set up against the General Revenue Fund:

"The Board of Directors of the Agricultural and Mechanical College of Texas (and its branches) is hereby authorized to use local institutional funds of the John Tarleton Agricultural College to pay, retire and deliver to the State Comptroller for cancellation, during each year of the biennium beginning September 1, 1939, and ending August 31, 1941, \$35,863.00 dollars face amount, State of Texas general revenue fund deficiency warrants issued in payment of and for the construction of an additional unit to the Science Building of the John Tarleton Agricultural College at Stephenville, Texas, during the biennium beginning September 1, 1937, and ending August 31, 1939, provided, however, if for any reason the provisions of this paragraph are not complied with, then, for each year of the biennium, the sum of \$35,863 listed

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above as supplemental maintenance shall revert to the general revenue fund of this State."

This Department ruled in Opinion No. 0-733 that the Legislature was unauthorized to appropriate money for the payment of deficiency warrants issued by the Governor in the amount of \$75,000 for the purpose of erecting a building on the campus of John Tarleton College.

In your letter you supply the additional information that the construction that was placed on the campus of John Tarleton College was not a new building, but was rather an additional unit to the Science Building of said school.

In light of this additional information you have furnished, we have again reconsidered the original proposition as to the validity of the deficiency warrants and have reached the conclusion that in accordance with our opinion No. 0-733, the Legislature was unauthorized to appropriate money for the payment of such deficiency warrants issued in this case. It is the opinion of this Department that the Comptroller of Public Accounts should not consider those sums so appropriated in arriving at the amount of current appropriations set up against the general revenue fund.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Billy Goldberg*

Billy Goldberg  
Assistant

BG:BBB

APPROVED JUN 21, 1940

*George H. Sheppard*  
ATTORNEY GENERAL OF TEXAS



OK.  
SAR