



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Geo. E. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-2720

Re: Whether fees collected by
the State Registrar of Vital
Statistics should be transferred
to the General Revenue Fund to
apply against the appropriations
made to the Vital Statistics
Division.

Your letter to us of September 9th reads as follows:

"I respectfully refer you to your opinion No. 0-1394 dated September 14, 1959, to Hon. W. A. Davis, State Registrar, concerning the status of the special Vital Statistics Fund as related to the appropriations in Senate Bill 427, Acts of the Forty-sixth Legislature, for the Vital Statistics Division of the State Health Department. This opinion denies the Health Department the use of the vital statistics fees deposited in the special fund and implies that those fees be applied to offset the cost of the Vital Statistics Division which is paid from the General Revenue appropriations.

"The collections of vital statistics fees in the last fiscal year were less than the expenditures from the general appropriations. Will you kindly give me your opinion as to whether or not these fees should be transferred to the General Revenue Fund to apply against the costs of the Vital Statistics Division?"

You state that our Opinion No. 0-1394 "denies the Health Department the use of the vital statistics fees deposited in the special fund. Perhaps a more accurate statement of that part of our holding in Opinion No. 0-1394 would be that the

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vital statistics fees collected are to be deposited in the special vital statistics fund and applied to the payment of salaries provided for in the appropriation to the Bureau of Vital Statistics. Insofar as these fees are insufficient to pay all the salaries of the bureau authorized by the appropriation bill, payment thereof is to be supplemented from the General Revenue Fund.

We understand from your letter that no withdrawals whatever were made during the last fiscal year from the Vital Statistics Fund, but that all expenditures of the Vital Statistics Bureau were paid out of the General Revenue Fund.

In order to rectify this situation, it is our opinion that you should as you suggest, transfer the monies deposited in the Vital Statistics Fund to the General Revenue Fund to apply against the expenditures of the Bureau of Vital Statistics. That such is the intention of the Legislature is to be found in the following provision of Section 2, House Bill 613, Acts 1939, (which appears as Rule 54a of Article 4477, Vernon's Civil Statutes):

" . . . all such fees shall be kept by the State Treasurer in a special and separate fund, to be known as the 'Vital Statistics Fund', and the amounts so deposited in this fund may be used for defraying expenses incurred in the enforcement and operation of this Act."

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Walter R. Koch*
Walter R. Koch
Assistant

WRK:AMM

APPROVED OCT 22, 1940

George H. Menz
ATTORNEY GENERAL OF TEXAS

