



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable W. A. Davis, State Registrar
Bureau of Vital Statistics
State Department of Health
Austin, Texas

Dear Sir:

Opinion No. 0-4010
Re: Appropriation of funds in
the Vital Statistics Fund.

We received your letter requesting our opinion on the following questions:

"(1) Is the fee for certified copy of a birth or death certificate as mentioned in Rule 54a, Article 4477, R. C. S., 1936, to be considered legally collected on the day

- "(a) When paid to the State Registrar?
- "(b) When the copy is issued?
- "(c) When the copy is delivered? Or
- "(d) When the fee is deposited in the State Treasury, and the checks, money orders, etc., cashed?

"(2) Is the balance in the Vital Statistics Fund in the State Treasury on August 31, 1941, as carried forward on September 1, 1941, available for use on and after September 1, 1941, as prescribed in Rule 54a, Article 4477, R.C.S., 1936 * * * ."

We quote from the Departmental Appropriation Bill, same being Senate Bill No. 423, Acts 47th Legislature, Regular Session, as follows:

"Subject to the limitations appearing at the end of this Act, all fees received under the provisions of Article 4477, Rule 54a, and deposited to the Vital Statistics Fund are hereby appropriated for each year of the biennium beginning September 1, 1941, for the

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uses and purposes prescribed by the above Act, and any amendments thereto, including salaries, maintenance, travel and contingent expense. This appropriation shall be in addition to the itemized appropriations herein made for the Bureau of Statistics."

We have carefully examined the above quoted provision of the Departmental Appropriation Bill. It seems clear to us that said provision appropriates all funds legally contained in the Vital Statistics Fund on September 1, 1941, as well as all funds legally deposited in said fund on or subsequent to that date. However, such appropriation is limited to the fees received under the provisions of Rule 54a of Article 4477, Vernon's Annotated Civil Statutes.

We wish to point out that in determining what funds are legally contained in the Vital Statistics Fund, our Opinions Nos. 0-1394 and 0-2720 must be considered. Copies of these opinions are attached.

Although we do not have sufficient facts to answer your first question, we think it unnecessary for same to be answered in view of our answer to your second question.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED DEC 11, 1941
Boon Miller

DEPUTY ATTORNEY GENERAL

By *Lee Shoptaw*
Lee Shoptaw
Assistant

LS:ej
Encls.

