OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable T. M. Trimble
First Assistant
State Superintendent of Public Instruction
Austin, Texas

Dear Sir: Opinion No. O-4147
Re: Appropriation for college entrance examination expenses.

In your letter of December 6th you inquired, "May the State Department of Education continue to pay the necessary cost of administering this testing program from fees authorized in Article 2904b of the Revised Civil Statutes." The testing program referred to is the giving of college entrance examinations as provided for in the above Article of the Statutes.

Article 2904b provides that the State Superintendent of Public Instruction shall provide for holding college entrance examinations and collect a fee of not more than $1.00 for any four subjects taken, which shall be turned over to the General Fund of the State. Section 5 of said article provides as follows:

"There is hereby appropriated out of the General Fund of the State of Texas, not otherwise appropriated, so much money as is necessary to administer this Act from and after its passage for the remaining biennium of 1938-39 not to exceed the sum of Six Hundred Dollars ($600) and for the regular biennium September 1, 1939, to September 1, 1941, so much as may be necessary to administer this Act not to exceed the sum of Six

NO COMMUNICATION IS TO BE CONSTRUED AS A DEPARTMENTAL OPINION UNLESS APPROVED BY THE ATTORNEY GENERAL OR FIRST ASSISTANT

Hundred Dollars ($600) for the fiscal year 1940 and Six Hundred Dollars ($600) for the fiscal year 1941."

It is the opinion of this department that the Education Department cannot continue paying for the administration of this act from fees collected under Article 2904b since that money must be paid into the General Fund and it is necessary for an appropriation by the Legislature to authorize the expenditure of this money and no appropriation is provided for the year beginning September 1, 1941.

Article 8, Section 6 of the Constitution of the State of Texas provides as follows:

"No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth Legislature."

Yours very truly

ATTORNEY GENERAL OF TEXAS

By D. D. Mahon

D. D. Mahon
Assistant

APPROVED DEC 20, 1941

Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

DDM:BT

APPROVED
OPINION
COMMITTEE
BY BWB
CHAIRMAN