



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN¹¹

GROVER SELLERS
ATTORNEY GENERAL

September 1, 1944

Honorable Frank D. Quinn,
Executive Secretary
Texas State Parks Board
Austin 11, Texas

Dear Sir:

Opinion No. O-6119

Re: Proper disposition of proceeds from sale of State property.

We have your letter from which we quote:

"Enclosed find a complete file of correspondence between Hon. Weaver H. Baker, Chairman of the Board of Control, and this Department regarding the sale of some Longhorn calves and whether or not the proceeds therefrom could be used to purchase a thoroughbred Longhorn bull.

"Our problem is this: This herd of Longhorns was donated to the Texas State Parks Board, an agency of the State of Texas. We recognize the fact that the sale of calves should be handled by the State Board of Control, but would it not be permissible to deposit the proceeds to the credit of our Special Park Fund rather than to the General Fund, purchasing the bull which we desire from the Special Park Fund?

"If the money received from the sale of the calves is deposited in the General Fund, it will be no benefit accruing to the Texas State Parks Board, and we will suffer the loss of whatever money it is necessary to pay to secure a good bull.

"We would thank you to advise us if there is any way possible to use the money obtained from the sale of the calves for the purchase of a bull. . . ."

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Among others in the correspondence file enclosed is a letter addressed to you by Chairman Baker in which he advises that if the calves are sold by the Board of Control, "the money must be deposited to the credit of the General Revenue Fund of the State."

We agree with Judge Baker. Article 666, on this point, is too clear and unequivocal to admit of any other construction. In plain terms it provides that when the property of a state agency is sold by the Board of Control "the money from the sale of such property ... shall be deposited in the State Treasury to the credit of the General Revenue Fund."

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By *Elbert Hooper*
Elbert Hooper
Assistant

EH/JCP

APPROVED SEP 7, 1944

(Handwritten initials)

[Signature]
ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION
COMMITTEE
BY *[Signature]*
CHAIRMAN