



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

January 15, 1947
See V-206 for change in fact situation

Honorable Carlos C. Ashley, Chairman
State Board of Control
Austin, Texas

Opinion No. V-27

Re: Whether or not the amount
remaining in the Texas
Centennial Fund, is now
available to purchase the
French Embassy

Dear Mr. Ashley:

Your request for an opinion upon the above sub-
ject matter is as follows:

"The Daughters of the Republic of Texas sponsored House Bill No. 728, Acts of the 49th Legislature, which purported to authorize the purchase of the French Embassy Building and two and one-half acres out of the Southeast part of Outlot No. 1 in Division B, City of Austin, Texas, and appropriated all monies now in the Texas Centennial Commission Funds, if and when available, to apply on the purchase price of this property. There is now the sum of \$24,256.16 remaining in the Texas Centennial Fund.

"Question: Is the \$24,256.16 remaining in the Texas Centennial Fund now available to purchase the French Embassy, and can the State Comptroller legally issue a warrant for that purpose?

"Inasmuch as the Daughters of the Republic of Texas desire to sponsor such remedial legislation as is necessary, in the light of your opinion in this matter, and because the Board of Control is the custodian of the title of the French Embassy, if and when purchased, in accordance with House Bill No. 728, we respectfully request your consideration of this matter at your earliest convenience."

This Department in Opinion O-6522, addressed to Hon. Harley Sadler, House of Representatives, Austin, Texas, a copy of which opinion we hand you herewith, advises that the unexpended balance of the Congressional appropriation for the Texas Centennial could not be appropriated by the Legislature of Texas for the purpose of purchasing the French Embassy except conditioned upon its release by Congress for that purpose.

We think the advice there given was correct and adhere to the opinion mentioned.

SUMMARY

The amount of money remaining in the Centennial Fund is not available for expenditure for the purchase of the French Embassy under H.B. 728 of the 49th Legislature, unless and until the Congress has approved the appropriation or in some way released the fund to the State of Texas.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Ocie Speer*
Ocie Speer
Assistant

OS/am/lh
encl.

APPROVED: January 15, 1947

Price Daniel
ATTORNEY GENERAL

Approved
Opinion Committee
BWB, Chairman