



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

September 29, 1953

Hon. E. N. Jones
President
Texas Technological College
Lubbock, Texas

Letter Opinion No. MS-96

Re: Authority of Texas Techno-
logical College to lease
campus space to local
chapter of a national
fraternity or sorority.

Dear Mr. Jones:

You have requested the advice of this office as to the authority of Texas Technological College to lease campus space to the local chapters of national fraternities or sororities.

Article 2630, Vernon's Civil Statutes, vests the government, control and direction of the policies of Texas Technological College in a board of nine directors appointed by the Governor for six-year terms, subject to confirmation by the Senate.

The title to the land comprising Texas Technological College is in the State of Texas. General control of this land is in the Board of Directors. However, such control does not authorize the Board of Directors to make a lease in the manner here suggested. We do not believe that the Legislature has given the Board of Directors the general power to lease such land, for on two separate occasions the Legislature has authorized the Board to make specific leases of its lands. See Article 2628a-9 as to the lease of any of its lands for mineral development and Article 2632b as to the lease to the Texas National Guard Armory Board for the erection of an armory on the campus. It is a necessary inference from the foregoing that the Legislature must authorize the Board of Directors to make the proposed lease. Until such legislation is enacted the Board may not lease

288
Hon. E. N. Jones, page 2 (MS-96)

campus space in any manner other than authorized by the two statutes above. Since there is no constitutional limitation, the Legislature may authorize a lease for any term of years it thinks is reasonable. You will note that the Legislature has enabled the University of Texas and Texas A. & M. College to lease their lands without limitation as to term, or for certain stipulated terms, in Articles 2592, 2592a, 2597, 2603b-1, 2613a-1, 2613a-2, 2613a-3, 2613a-4, 2696 and 6020a, V.C.S.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By

Billy E. Lee
Assistant