



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

August 15, 1955

Honorable W. L. Weaver  
Executive Secretary  
State Board of Veterinary  
Medical Examiners  
Austin, Texas

Letter Opinion MS-231

Re: Expiration date of ap-  
propriation to State  
Board of Veterinary  
Medical Examiners under  
Article 7465-a, Vernon's  
Civil Statutes.

Dear Mr. Weaver:

You have requested an opinion on the following ques-  
tion:

"Is there an available appropriation in existence  
for the period between August 26th and September 1, 1955,  
for expenditures by this Board for carrying out the direc-  
tives of the Legislature contained in the 'Veterinary Prac-  
tice Act'?"

Article 7465, Vernon's Civil Statutes, the old Veter-  
inary Medicine and Surgery law, was repealed by Chapter 342,  
Acts of the 53rd Legislature, 1953, Section 22, effective 90  
days after May 27, 1953, date of adjournment.

The question of the effective date of the Act and  
the effective date of the appropriation present a question  
here to be determined. If there are words in the Act that  
reflect the intent of the Legislature, we must resort to  
such words to determine, if we can, such intent. To our  
minds there are such words from which we may conclude that  
the intent of the Legislature was that the effective date of  
the Act and the effective date of the appropriation were not  
the same.

Section 20 of Article 7465-a reads as follows:

"All fees collected by the Board under this Act  
shall be placed in the State Treasury every thirty  
(30) days, as collected, to the credit of a special  
fund to be known as the 'Veterinary Fund,' and all  
expenditures from this fund shall be on order of the  
Board, on warrants issued by the State Comptroller  
for the purposes and in the amounts fixed by the Legis-  
lature in appropriation bills; except, however, for the

first biennium from and after the effective date of this Act, the State Board of Veterinary Medical Examiners shall have power and authority to expend such funds as they now have, and to receive, collect and expend all such funds for the compensation and expenses of the Board members and employee salaries and other expenses for the administration and enforcement of this Act. On August 31st of each year, all money in excess of Twenty Thousand Dollars (\$20,000) remaining in said 'Veterinary Fund' shall revert to the General Revenue Fund of the State Treasury."

There is no word, or words within said Section that indicate that the revenue of the Board and the right to pay expenses of operation and salaries of its officers, should be cut off on August 26, 1955.

But we do find an exception in said Section 20 of the Act that provides: "except, however, for the first biennium from and after the effective date of this Act, the State Board of Veterinary Medical Examiners shall have power and authority to expend such funds as they now have, and to receive, collect and expend all such funds for the compensation and expenses of the Board members and employee salaries and other expenses for the administration and enforcement of this Act." (Emphasis ours.) And on August 31st (not August 26th) of each year, all money in excess of Twenty Thousand Dollars (\$20,000) remaining in said "Veterinary Fund" shall revert to the General Revenue Fund of the State Treasury.

Article 12, V.C.S., directs that appropriations shall conform to the fiscal year of the State, which terminates on the thirty-first day of August of each year. The Legislature, in the instant case, did not make an appropriation for the remainder of the fiscal year ending on the 31st day of August, 1953, but made an appropriation "for the first biennium from and after the effective date of this Act". We believe this language clearly indicates the Legislature intended the appropriation should conform to the fiscal year.

You are, therefore, advised that there is an available appropriation in existence for the period between September 1, 1953, and August 31, 1955, for expenditure by

your Board for carrying out the directives of the Legislature contained in the "Veterinary Practice Act".

Yours very truly,

APPROVED:

JOHN BEN SHEPPERD  
Attorney General of Texas

JOHN REEVES  
County Affairs Division

By *B. Duncan Davis*  
B. Duncan Davis  
Assistant Attorney General

DAVIS GRANT  
Reviewer

WILLIAM W. GUILD  
Reviewer

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