



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

February 13, 1939

D. C. MANN  
ATTORNEY GENERAL

Hon. J. E. Whitmore  
Livestock Sanitary Commission  
304 W. T. Waggoner Building  
Fort Worth, Texas

Dear Mr. Whitmore:

Opinion No. O-230  
Re: Whether funds derived from registration fees of \$1.00 paid in compliance with Art. 7451 is limited in any manner by Art. 7456.

Your request for an opinion as to whether funds derived from registration fees of \$1.00 paid in compliance with Article 7451 is limited in any manner by Article 7456 has been received by this Department.

Article 7456, Revised Civil Statutes, limits the purpose for which the various fees collected under the statute relating to Veterinary, Medicine & Surgery may be expended. This article provides that the funds may first be applied to the necessary expenses of the Board and the remaining fund shall be applied to compensating the members at \$10.00 per day.

Article 7458 of the Revised Civil Statutes provides that:

"The several district and county attorneys of this State shall file and prosecute appropriate proceedings in the name of the State for violations thereof on request of any member of said Board."

This article makes the prosecutions of violations of the Veterinary Medical Practice Act the express

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duty of the various county and district attorneys of this state.

Article 7461 relates to the renewal of licenses and in the event the license is not renewed within sixty days after expiration, the applicant must then take the examination as required by the Board. In that event, the examination fee would be controlled by Article 7456 and it is our opinion that the expenditure of the \$1.00 license fee is controlled by the purposes prescribed in Article 7456.

It is the opinion of this Department that you would not have authority to expend funds collected from renewal of licenses to make investigations, file charges and make prosecutions for violation of the Veterinary Medical Practice Act.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Morris Hodges*  
Morris Hodges  
Assistant

*M.C.H.*

MH:AW

APPROVED:

*Gerard B. Mann*  
ATTORNEY GENERAL OF TEXAS

*MMS*