



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

**GERALD C. MANN
ATTORNEY GENERAL**

Honorable Bascom Giles, Commissioner
General Land Office and
Chairman Board for Lease of Texas Prison Lands
Austin, Texas

Dear Sir:

Opinion No. O-1682

Re: Payment of expenses incurred
in advertising lands for lease
by the Texas Prison Board

By your letter of November 10, 1939, you request the opinion of this department upon the question of whether the expenses incurred by the board for the lease of Texas Prison lands, in advertising the lands for lease, may be borne jointly by the Texas Prison Board and the General Land Office, the Texas Prison Board bearing, out of its appropriation, the expenses of advertising the lands, and the General Land Office bearing, out of its appropriation, the expenses involved in furnishing the necessary stamps and stationery. In connection with your question, you state that after the appropriation made to the board for the lease of Texas Prison lands in Senate Bill 29, Fourth Called Session, 41st Legislature, had expired, no other appropriation has ever been made for the expenses of this board, and that it has been the custom or practice, so far as you have been able to ascertain, for the expenses of the board to be borne by the two agencies you mentioned, distributed between them on the basis indicated in your question.

Investigation of previous appropriation bills passed by the Legislature discloses that the following appropriation has been made for the expenses of advertising for lease and leasing the Texas Prison lands:

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By the 42nd Legislature, an emergency appropriation was made to extend to August 31, 1931, to the board for the lease of prison lands "to pay for advertising for bids and for contingent expense . . . \$500."

In the appropriation made by the same Legislature to the Texas Prison system, in the departmental appropriation bill, there appears the item "for advertising for bids and contingent expenses of leasing board . . . \$500.00". (General Laws, 42nd Legislature, page 748.)

In the departmental appropriation bill passed by the 44th Legislature, there appears the item in the appropriation for the Texas Prison system, "advertising for bids -- leasing . . . \$500.00". (General Laws, 44th Legislature, page 1128.)

In the departmental appropriation bill passed by the 45th Legislature, in the appropriations to the Texas Prison system, there appears the item "advertising for bids --leasing . . . \$500.00".

It thus appears that it has been the legislative practice to incorporate an appropriation available for the expenditures involved in advertising and leasing Texas Prison lands by inserting an item in the departmental appropriation bill, under the maintenance and miscellaneous expenses of the Texas Prison system.

An examination of the departmental appropriation bill passed by the 46th Legislature reveals that the 46th Legislature continued the practice. Under the heading "Maintenance and Miscellaneous" in the appropriation made to the Texas Prison system in Senate Bill 427, Acts of the 46th Legislature, Regular Session, there appears the following item:

"Advertising for bids -- leasing * * * \$125.00"

(See Item 14, under the heading "Maintenance and Miscellaneous," page 113, Senate Journal Supplement of June 13, 1939, containing the report of the conference committee on the departmental appropriation bill.)

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You are therefore advised that the expenses of advertising and leasing Texas Prison lands are to be paid exclusively from the item appropriated for such purposes by the 46th Legislature, and appearing in the appropriation made to the Texas Prison system. This item may not be supplemented from the appropriation made to the General Land Office.

Trusting that the foregoing satisfactorily answers your inquiry, we are,

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Richard W. Fairchild
Assistant

RWF:LW

APPROVED DEC 4, 1939

GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION
COMMITTEE
BY B. W. B.
CHAIRMAN