



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Roy S. Loventhal  
Chairman, Livestock Sanitary Commission  
W. T. Waggoner Building  
Fort Worth, Texas

Dear Sir:

Opinion No. O-2238  
Re: May the Livestock Sanitary  
Commission furnish surplus  
dip to the State Experiment  
Station near Lufkin?

This will acknowledge receipt of your request for our opinion on the question as stated above.

Provision is made by the terms of the Acts of the Forty-first Legislature, 1st C. S., Ch. 53, p. 128 (Vernon's Annotated Penal Code, Article 1525c), for the furnishing of dip to eradicate the fever-carrying tick (*Margaropus Annullatus*); County Commissioners' Courts may furnish it (Section 5); or it may in some cases be furnished by owners of livestock (Section 27); but the primary duty is placed upon the Livestock Sanitary Commission (Section 10). Dip material is included within the appropriation bill for the Commission, (See p. 89, Supplement to Senate Journal, June 13, 1939.)

Under the provisions of Article 665, Revised Civil Statutes of Texas, 1925, as amended, the State Board of Control is charged with responsibility of acting as custodian of all public personal property of the State.

Article 666, Revised Civil Statutes, 1925, reads as follows:

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"All property belonging to the State, situated in the city of Austin, in any department, board or office of the State, when it shall become unfit for use or shall be no longer needed, shall be placed in the hands of the Board of Control, and the Board shall sell such property at public auction after advertising it for not less than five days in two newspapers, published in the City of Austin. The money from the sale of such property, less the expense of advertising and selling, shall be deposited in the State Treasury to the credit of the general revenue fund. The Board shall make a written report to the Comptroller after each sale, showing the articles received, each article sold, to whom sold and the price received."

On August 10, 1939, our Opinion No. O-1163 was approved and furnished Honorable J. H. Raseo, Executive Head of the Livestock Sanitary Commission, and in that opinion we held that there was no authority, express or implied, authorizing the Commission to sell surplus dip. We enclose a copy of the opinion for your consideration.

We therefore respectfully advise that your department does not have authority to furnish surplus dip to the State Experiment Station, or to otherwise dispose of it other than in compliance with Article 666, supra, which would require that it be returned to the Board of Control.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Benjamin Woodall*  
Benjamin Woodall  
Assistant



BW:BBB

ENCLOSURE

APPROVED MAY 18, 1940

*Gracie Mann*  
ATTORNEY GENERAL OF TEXAS