



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable M. B. Morgan, Chairman  
Appropriations Committee  
House of Representatives  
Forty-ninth Legislature  
Austin, Texas

Dear Sir:

Opinion No. 0-6525  
Re: Clarification of Senate  
Bill No. 38, Article 5,  
Sections 1, 2, 3 and 4,  
which provides appropria-  
tion from the Available  
School Fund, rather than  
from the General Fund.

We have your letter of recent date reading as follows:

"I am submitting to you printed Senate Bill No. 38, which has passed the Senate and is now being considered in the House Appropriations Committee.

"Our Appropriations Committee has directed me to request a legal opinion from your office on Article 5, Sections 1, 2, 3 and 4 of the attached Senate Bill, which provides appropriation from the Available School Fund rather than from the General Fund, and which it is argued that this provision is in violation of the provision contained in Article 7, Section 5 of the Texas Constitution.

"We shall appreciate your giving us an early opinion in this matter in order that we may take further action on the bill during the present session of the legislature."

It is clear that if the appropriation is made out of the Available School Fund it would be in violation of Arti-

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ole 7, Section 5 of the Constitution, since that section provides the the Available School Fund shall be distributed to the several counties according to their scholastic population.

The appropriation may be made out of the General Revenue Fund.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *C. F. Gibson*

C. F. Gibson  
Assistant

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*[Handwritten signature]*  
RECEIVED APR 27 1945

