



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**PRICE DANIEL**  
ATTORNEY GENERAL

June 20, 1952

Hon. R. C. Lanning  
Chairman  
State Board of Control  
Austin, Texas

Opinion No. V-1467  
Re: Legality of purchasing  
school busses and tires  
and tubes for the Pan  
American College, Edin-  
burg, through the State  
Board of Control.

Dear Sir:

You have requested an opinion on the following question:

"May or must the State Board of Control purchase school busses and tires and tubes for the Pan American College?"

The Pan American College was established pursuant to the provisions of Article 2815t, V.C.S. providing for the creation and regulation of regional junior college districts.

Article 634, V.C.S., provides:

"The Board of Control shall purchase all the supplies used by each Department of the State Government, including the State Prison System, and each eleemosynary institution, Normal school, Agricultural and Mechanical College, University of Texas, and each and all other State Schools or Departments of the State Government heretofore or hereafter created. Such supplies to include furniture and fixtures, technical instruments and books, and all other things required by the different departments or institutions, except strictly perishable goods."

It is our opinion that Article 634 was not intended to include colleges which are supported mainly by local tax levies within the class of educational institutions which must purchase their equipment and supplies through the Board of Control.

The only other statute which might possibly authorize the purchase of these busses and equipment through the Board of Control is Article 634(B), V.C.S., which provides in part:

"All motor vehicles used for transporting school children, including buses, bus chassis, and bus bodies, tires and tubes, purchased for or by any school district participating in the Foundation School Program, shall be purchased by and through the Board of Control..."

Article 634(B), is a part of the Foundation School Program Act (S.B. 116, Acts 51st Leg., R.S. 1949, ch. 334, p. 625), which applies only to Texas public school districts as distinguished from schools of higher education. Article 2922-11, V.C.S. The Board of Control's authority to purchase school busses and equipment for school districts is limited by the provisions of Article 634(B). Under its provisions the Board of Control can only purchase busses for school districts "participating in the Foundation School Program." The Pan American College cannot participate in the Foundation School Program since such program is not applicable to universities, colleges, and other schools of higher education.

It is an established rule that public officers and governmental agencies possess only such powers as are conferred upon them by law or are necessarily implied from the powers so conferred. Anderson v. Houchins, 99 S.W.2d 1029 (Tex. Civ. App. 1936); Bryan v. Sundberg, 5 Tex. 418 (1849).

It is therefore our opinion that the Board of Control has no authority to purchase school busses, tires, and tubes for the Pan American College.

#### SUMMARY

The Board of Control does not have authority to purchase school busses, tires, and tubes for the Pan American College established pursuant to Art. 2815t, V.C.S., since this college is not a "State school" within the meaning of Art. 634, V.C.S., and since it does not participate in the Foundation School Program and therefore does not come within the provisions of Art. 634 (B), V.C.S.

Hon. R. C. Lanning, page 3 (V-1467)

Yours very truly,

APPROVED:

PRICE DANIEL  
Attorney General

J. C. Davis, Jr.  
County Affairs Division

Mary K. Wall  
Reviewing Assistant

By *John Reeves*  
John Reeves  
Assistant

Charles D. Mathews  
First Assistant

JR:am