



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

June 18, 1953

Hon. J. A. Bethea
Executive Director
Board for Texas State Hospi-
tals and Special Schools
Austin, Texas

Letter Opinion No. MS-63
Re: The legality of paying for
renovation of the electri-
cal distribution system at
Austin State Hospital from
fund carried by the Comptrol-
ler of Public Accounts as
local fund of the State Dairy
and Hog Farm.

Dear Sir:

You have requested the opinion of this office re-
garding the above matter, your specific question being:

"Please advise whether the payment for reno-
vation of the electrical distribution at the Austin
State Hospital is a legal charge against the local
fund appropriation carried by the State Comptroller
as O-1014A, State Dairy and Hog Farm Local Funds."

You explain in your letter that there is no evidence
that the State Dairy and Hog Farm was ever legally created as
a separate institution.

There appears to be no legislative act creating the
State Dairy and Hog Farm as a separate institution. An appro-
priation act would not be a lawful means of accomplishing such.

Therefore it is the opinion of this office that the
State Dairy and Hog Farm local funds were and are local funds
of the Austin State Hospital, and could be used to pay for
removation of the electrical distribution facilities at the
Austin State Hospital.

Yours very truly,

JOHN BEN SHEPPERD

By /s/ Horace Wimberly
Horace Wimberly, Assistant

HW:rt:wb