



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

September 6, 1955

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

Hon. Glenn E. Garrett  
Executive Director  
Good Neighbor Commission of Texas  
Austin, Texas

Letter Opinion No. MS-237

Re: Disposition of unexpended  
balances of monies donated  
to the Good Neighbor Com-  
mission of Texas.

Dear Mr. Garrett:

Your opinion request dated August 16, 1955  
recites, in part, as follows:

"Supplement to House Journal, in  
providing the text of H.B. 140, 54th Legis-  
lature, on page 88 [Ch. 519, Acts of the  
54th Legislature, page 1447 -- General  
Appropriation Bill], contains the follow-  
ing:

'Any bequests and gifts of money  
made to the Good Neighbor Com-  
mission are hereby appropriated  
for use by the Commission for such  
purposes as the grantors of such  
bequests and gifts may specify;  
provided, however, that all such  
moneys shall be deposited in the  
State Treasury, and shall be ex-  
pended in accordance with the pro-  
visions of this Act.'

If such monies are deposited under the terms  
of this provision and if a balance remains  
unspent on August 31, 1957, does such balance  
lapse into the General Fund?"

The Good Neighbor Commission of Texas was created as a  
permanent Commission by an Act of the 50th Legislature,  
codified as Article 4101-2, Vernon's Civil Statutes.  
Section 4 (h) of said statute reads as follows:

"[The Commission shall have power:]

To receive and extend in payment of salaries and necessary expenses any funds donated to it. Such funds, when received by the Commission, shall be deposited with the State Treasurer and shall be placed to the credit of a special account to be known as 'Good Neighbor Commission of Texas Fund.' Expenditures from such Fund shall be only to defray the salaries or other necessary expenses of the Commission."

It is the opinion of this office that the unexpended balance of monies donated to the Commission, deposited in the Good Neighbor Commission of Texas Fund, does not lapse into the General Fund at the end of the biennium.

The above quoted Section 4(h) does not require the unexpended monies to be deposited into the General Fund where they will no longer be subject to the purposes of the Good Neighbor Commission. The General Appropriation Bill of the 54th Legislature (Ch. 519, Acts of the 54th Legislature, page 1447) does not provide that the unexpended balance shall be transferred to the General Revenue Fund. If it did contain such a provision, the provision would be in conflict with the general law creating the Good Neighbor Commission Fund and would be void, since a rider in an appropriation act cannot amend, modify or repeal a general law. Att'y Gen. Ops. V-412 (1947), V-1254 (1951), and V-1304 (1951).

Yours very truly,

APPROVED:

Mert Starnes  
Reviewer

Mary K. Wall  
Reviewer

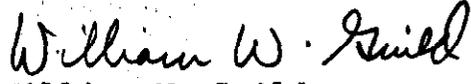
J. A. Amis, Jr.  
Reviewer

John Atchison  
Acting First Assistant

John Ben Shepperd  
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WWG:bt

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