



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

December 24, 1957

Honorable Raymond W. Vowell
Acting Executive Director
Texas State Hospitals and
Special Schools
Austin, Texas

Opinion No. WW-331

Re: Can the Hog Farm Revolving
Fund be reimbursed to the
extent of the value of any
pork furnished to other
institutions under the
supervision of the Board
for Texas State Hospitals
and Special Schools?

Dear Mr. Vowell:

You have requested our opinion on whether or not the Hog Farm Revolving Fund may be credited with receipts from other institutions under the supervision of the Board for Texas State Hospitals and Special Schools to the extent of the value of the meat furnished the various institutions.

The Hog Farm Revolving Fund was provided for in House Bill 133, Acts 55th Legislature, Regular Session, 1957, Chapter 385, page 906, which reads as follows:

"For the Years Ending
August 31, August 31,
1958 1959

"HOG FARM:

"Out of Central Supply
Revolving Fund:

"There is hereby appropri-
ated from any balance
remaining in the Central
Supply Service Revolving
Fund as of August 31,
1957, for the establish-
ment of a Hog Farm Revolving
Fund to be used in the

"For the Years Ending
August 31, 1958 August 31,
1959

operation of a Hog Farm
at Leander, Texas, the
sum of, or so much
thereof as may be
available \$20,000 U.B.

"This Farm shall be operated on a reimbursable basis to serve institutions under such rules and regulations as may be established by the Hospital Board. This fund, together with all receipts deposited to its credit, may be used to pay salaries, purchase supplies and equipment, and to pay such other expenses as may be necessary for the efficient operation of the Hog Farm."

In the above section of the appropriation bill, the Legislature clearly expressed its intent to establish a Hog Farm Revolving Fund, which fund was to be continually replenished by receipts from the several institutions under supervision of the Board for Texas State Hospitals and Special Schools to the extent of any meat used by said schools and hospitals.

In Attorney General's Opinion No. WW-320, it was stated that the Hog Farm was part of the Texas State Hospitals and Special Schools and any sum of money appropriated to the Hog Farm was appropriated to the central office of the Board for Texas State Hospitals and Special Schools, and the money so appropriated was to be expended by that branch for the purpose indicated in the appropriation bill.

The Hog Farm Revolving Fund which was set up by the 55th Legislature, clearly provided that the Hog Farm was to be operated on a reimbursable basis to provide meat for institutions under such rules and regulations as may be established by the Hospital Board. The funds in the Hog Farm Revolving Fund could be expended only for the purpose of operating the Hog Farm by the Hospital Board for the benefit of various institutions in

administering the Revolving Fund.

It is our opinion that the provisions of House Bill 133, set out above, clearly express the intent of the Legislature that the Hog Farm is to be supported out of a Revolving Fund, which fund is to be reimbursed by the several institutions to the extent of any meat used by said institutions. Further, the above provision of House Bill 133 specifically provides for this accounting procedure.

It is further our opinion that the supplying of meat to these institutions does not involve a purchase or sale, but instead, is merely a self-supporting supply procedure for which each institution under the State Board for Hospitals and Special Schools is to pay its proportionate share of the expense involved in maintaining the perpetual supply of fresh meat.

SUMMARY

The Hog Farm Revolving Fund is to be administered by the State Board for Texas State Hospitals and Special Schools for the benefit of the various institutions under said Board. Therefore, the intent of the Legislature, as expressed in the appropriation bill which provided for reimbursement to the Revolving Fund by the using institution and the accounting procedure therefor, does not involve such a transfer or sale as was prohibited under any existing statute. Further, the Revolving Fund may be credited with receipts from other institutions to the

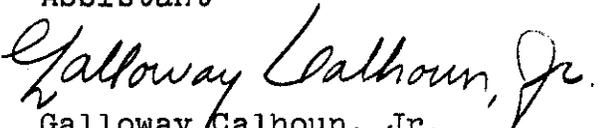
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extent of any meat furnished said
institution.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Linward Shivers
Assistant


Galloway Calhoun, Jr.
Assistant

LS:GC:pf:jl

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

J. C. Davis, Jr.

John Reeves

W. V. Geppert

Leonard Passmore

REVIEWED FOR THE ATTORNEY GENERAL

BY: James N. Ludlum