



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

January 26, 1971

Honorable W. S. (Bill) Heatly  
Chairman of the Appropriations  
Committee  
House of Representatives  
Austin, Texas

Opinion No. M- 775

Re: Construction of Article  
4357, Vernon's Civil  
Statutes.

Dear Mr. Heatly:

Your request for an opinion on the above subject matter asks the following question:

"As Chairman of the Appropriations Committee of the House, I respectfully request an interpretation of Article 4357 with specific reference to the time when appropriated funds lapse."

The pertinent provision of Article 4357 reads:

"....No claim shall be paid from appropriations unless presented to the Comptroller for payment within two (2) years from the close of the fiscal year for which such appropriations were made, but any claim not presented for payment within such period may be presented to the Legislature as other claims for which no appropriations are available. ...." (Emphasis added.)

In Attorney General's Opinion V-1416 (1952) it was held:

".... we are of the opinion that the 'fiscal year for which such appropriations were made' should be construed to mean the fiscal year during which the appropriated funds became available for disbursement. ...."

See also Attorney General's Opinions WW-1518 (1962), WW-280 (1957) and O-4259 (1942).

You are therefore advised, for example, that moneys appropriated for the fiscal year ending August 31, 1969, do not lapse until August 31, 1971, and moneys appropriated for the fiscal year ending August 31, 1970, do not lapse until August 31, 1972.

It is noted that Article 4357 also provides:

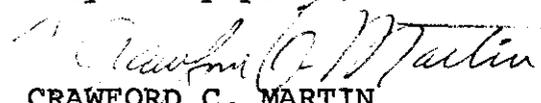
"It is specifically provided, however, that as to all appropriations relating to new construction contracts, and to repair and remodeling projects which exceed the sum of Twenty Thousand Dollars (\$20,000.00), including in either instance furniture and other equipment, architects' and engineering fees and other related costs, any claim may be presented for payment within four (4) years from the close of the fiscal year for which such appropriations were made."

These last quoted provisions, however, have no application to your request, since the request apparently does not involve appropriations for "new construction contracts" or "repair and remodeling projects." Attorney General's Opinion WW-1518 (1962).

#### S U M M A R Y

Under the provisions of Article 4357, Vernon's Civil Statutes, moneys appropriated for the fiscal year ending August 31, 1969, do not lapse until August 31, 1971, and moneys appropriated for the fiscal year ending August 31, 1970, do not lapse until August 31, 1972.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

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