



**THE ATTORNEY GENERAL
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**CRAWFORD C. MARTIN
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January 11, 1972

Honorable Jack K. Williams
President
Texas A&M University
College Station, Texas 77843

Opinion No. M-1041

Re: Disposition of that portion
of real estate broker and
salesman license fees dedicated
to the Real Estate Research
Center at Texas A&M University
by Section 24a of Article
6573a, V.C.S.

Dear Dr. Williams:

Your request for an opinion reads as follows:

"In reference to Opinion No. M-970 (1971), it is our understanding that no appropriation is required to enable the State Treasurer, under authority of Article 4393a, to transmit to Texas A&M University the fees referred to in Section 24 of the Real Estate Research Center Act. If we are correct in this, your confirmation will be appreciated."

Section 6 of Senate Bill 338, Acts 62nd Leg., R.S., 1971, amends Section 22 of the Real Estate License Act (Article 6573a, Vernon's Civil Statutes) so as to increase the fee for filing of either an original application or renewal application for real estate broker from \$10.00 to \$20.00 and the fee for filing of an original or renewal application for real estate salesman from \$5.00 to \$10.00. Section 7 of Senate Bill 338 amends Section 24 of the Real Estate License Act, and the relevant portion thereof reads as follows:

"Sec. 24. (a) Ten Dollars (\$10.00) received by the commission for the filing of broker license renewal applications and Five Dollars (\$5.00) received by the commission for the filing of real estate salesman license renewal applications shall be transmitted to Texas A&M University for deposit in a separate banking account. The money in the separate account shall be expended for the support and

maintenance of the Real Estate Research Center and for carrying out the purposes, objectives, and duties of the Center.

"(b) Except as provided in Subsection (a) of this section all moneys derived from fees, assessments, or charges under this Act, shall be paid by the commission into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the commission in the administration of the Act upon requisition of the commission . . ."

In construing the above quoted provisions it was held in Attorney General's Opinion M-970 (1971):

"It is clear from the provisions of Section 24a as amended by Senate Bill No. 338 that the Legislature has dedicated one-half of the filing fee for renewal applications of real estate broker and real estate salesman licenses to the special purpose of the maintenance and support of the Real Estate Research Center at Texas A&M University. . . .

". . .

"It is mandatory that one-half of the license fees be deposited in the State Treasury and that the other one-half be transmitted to Texas A&M University. This duty may be performed by placing all the license fees in the hands of the State Treasurer for proper distribution by him pursuant to Article 4393a, Vernon's Civil Statutes."

Since the fees dedicated to the Real Estate Research Center at Texas A&M University are not in the State Treasury, such fees are not required to be appropriated. Article VIII, Section 6, Texas Constitution.

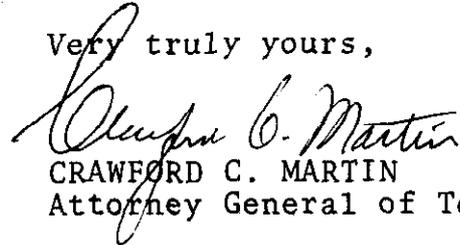
S U M M A R Y

Fees referred to in Section 24 of the Real Estate Research Center Act which are transmitted by the State Treasurer to Texas A&M University pursuant to Articles 6573a and 4393a, Vernon's Civil Statutes, are not required to be appropriated

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by the Legislature, not being in the State Treasury.
Article VIII, Section 6, Texas Constitution.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John Reeves
Assistant Attorney General

APPROVED:
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