



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable L. A. Woods  
State Superintendent of Public Instruction  
Austin, Texas

Dear Sir:

Attention: Mr. T. J. O'Connor  
Chief Clerk and Auditor  
Vocational Division

Opinion No. 0-1340

Re: Payment of traveling expenses of certain employees of the Department of Education on the proposed trip to a joint conference of all state directors and head supervisors of 18 states to be held at Grand Rapids, Michigan.

We are in receipt of your letter of November 28, relating to the above matter, wherein you ask the following two questions:

1. Will the paying exclusively from Federal Funds of the transportation and other expenses to and from Grand Rapids, Michigan, of Mr. R. A. Manire, Director of Vocational Agriculture, Mr. J. B. Rutland, Head State Supervisor of Vocational Agriculture, and Miss Ruth Huey, Director of Home Economics for the purpose of attending the above conference be a violation of the General Appropriation Bill of the 46th Legislature known as Senate Bill 427?

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"2. Can the State Legislature prevent by its acts the use of Federal Funds appropriated by the Congress of the United States for a specific purpose when this Federal money is on deposit with the State Treasurer?"

If the moneys to be paid in defraying the expenses of the proposed trips to Grand Rapids, Michigan, are to be paid "exclusively from federal funds," in the sense that they are not to be paid by warrant drawn on the State Treasurer of Texas, then the provisions contained in Senate Bill No. 427 passed by the recent session of the Texas Legislature can have no bearing thereon.

If, however, you mean by your question that the federal moneys have been paid into the State Treasury, then the answer to your first question is controlled by the following provision in the general rider to the departmental appropriation bill (Senate Bill 427:)

"Any such federal funds as may be deposited in the State Treasury and hereby appropriated to the specific purpose authorized by the Federal Government."

We do not have before us the act, order or regulation pursuant to which the money to which you refer was delivered by the federal government. If the proposed trip of these three State employees may be reasonably construed to be within such "specific purpose", warrants in payment of their traveling expenses may be properly drawn by the Comptroller against the proper fund in the State Treasury.

We must decline to answer your second question for the reason that the same is hypothetical.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED DEC 4, 1939

*Gerrit B. Meade*

ATTORNEY GENERAL OF TEXAS

WRK:LW

By *Walter R. Koch*  
Walter R. Koch  
Assistant

