



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN**

**GERALD C. MANN
ATTORNEY GENERAL**

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-1669
Re: Texas Highway Patrol -- Ap-
proval of Accounts for
Warrants -- R.C.S. Article
4413 (26) -- R.C.S. Article
6694

We have your request for an opinion as follows:

'Article 6694, Revised Civil Statutes, 1925,
reads, as follows:

'All funds coming into the hands of
the Commission derived from the registra-
tion fees or other sources provided for in
this subdivision, as collected, shall be
deposited with the State Treasurer to the
credit of a special fund designated as
"The State Highway Fund," and shall be
paid only on warrants issued by the Com-
ptroller upon vouchers drawn by the chair-
man of the Commission and approved by one
other member thereof, such vouchers to be
accompanied by itemized sworn statements
of the expenditures."

'Article 4413 (26) reads, in part:

'All appropriations for the Texas
Highway Patrol shall be made by the Legis-
lature from and out of the State Highway
Fund.'

'This last provision comes under the Act creat-
ing the Department of Public Safety.

"The question has arisen in the payment of claims in this department as to whether the Chairman of the Highway Commission and one other Commissioner will be required to approve the accounts incurred by the Texas Highway Patrol before this department is authorized to issue warrant in payment of such account. Or, is the approval of the Public Safety Commission sufficient to authorize this department to pass such accounts for warrants?"

The obvious purpose of Article 6694 in requiring the Chairman of the State Highway Commission and one member thereof to approve vouchers drawn against the State Highway Fund was to afford authentic verity to the Comptroller before accounts for warrants should be drawn against the State Highway Fund.

Article 4413 (26) requiring all appropriations for the Texas Highway Patrol to be made by the Legislature from and out of the State Highway Fund does not come within the meaning of the requirement for approval provided by Article 6694, since it is a legislative appropriation from the State Highway Fund.

The appropriation for the present biennium expressly makes the appropriation for Texas Highway Patrol division (as it should) out of the State Highway Fund.

The reason for the requirement of approval by the Chairman and a member of the Highway Commission having ceased, the requirement itself ceases as to vouchers and warrants thereon to be paid out of the last-mentioned appropriation.

So that the approval by the Public Safety Commission is sufficient to authorize you to pass such accounts for warrants.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

APPROVED NOV 17, 1938

OS-MR

Gracie B. Mann

ATTORNEY GENERAL OF TEXAS

