



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Department of Agriculture
Austin, Texas

Gentlemen:

Attention: Mr. Charles E. Baughman

Opinion No. 0-2093

Re: Authority of the Department of Agriculture to expend from its appropriations the sum of \$10.00 to pay membership fee in Association of Official Seed Analysts.

This will acknowledge receipt of your letter of March 18, 1940, wherein you ask the opinion of this department upon the question whether your department may expend, and the Comptroller may issue warrant for, \$10.00 as payment to the Association of Official Seed Analysts as a service fee.

Your letter states that this fee is not in reality a membership fee, but a service fee; that the service includes copies of international seed testing literature.

We find in your appropriation no item specifically provided for such fees or services, but we do find item 58-1, of \$2,500.00 for "rent, heat, light, postage, telegraph, printing supplies, and contingent," out of which this item may properly be paid if it is a proper and necessary expense of your department.

Section 8 of Article 93a, Vernon's Civil Statutes, provides in part as follows:

"... such test or analysis made by the vendor or his agents shall conform to the reasonable regulations which said Commissioner of Agriculture is hereby authorized and directed to prescribe, or shall conform to the reasonable regulations or method of testing adopted or used by the Association of Official Seed Analysts of North America."

Department of Agriculture, Page 2

It is obvious that the Commissioner of Agriculture must, under this statute, inform himself from time to time of the nature of the regulations or methods of testing adopted or used by the Association of Official Seed Analysts of North America. The Legislature must necessarily have contemplated that the department should be permitted to incur such expenditures as might be necessary to obtain this information, and we therefore hold that your department may incur, and the Comptroller may issue a warrant for the expense in the sum of \$10.00 involved in subscribing for the service, which includes copies of international seed testing literature, furnished by the Association of Official Seed Analysts.

Authority of other departments of the State government to incur and pay charges for similar services has been sustained by this department in its opinions numbered 0-1903 and 0-1990.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAY 3, 1940

Good By
FIRST ASSISTANT
ATTORNEY GENERAL

RW Fairchild
R. W. Fairchild
Assistant

RWF:PBP

