



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

**GERALD C. MANN
ATTORNEY GENERAL**

Honorable Homer P. Rainey, President
The University of Texas
Austin, Texas

Dear Sir:

Opinion No. 0-2962

Re: Use of unexpended balance
in total salaries appropriated
to supplement item appropriated
for purchase of equipment.

Your letter of December 6, 1940, requests the opinion of this Department upon the question whether an unexpended balance of \$6,600.00 in the total appropriation for salaries made by the Forty-sixth Legislature to the University of Texas, Medical Branch, for the fiscal year 1939-1940, was available for use during that fiscal year to supplement the \$12,000.00 item provided for the fiscal year 1939-1940 for "Clinic and laboratory for cancer research. . . salaries, operating expenses, and equipment," and expended for additional equipment for the cancer clinic and laboratory.

The function of an appropriation is to set apart a certain sum of money to be expended for a certain purpose. In the absence of express authority, moneys appropriated for one purpose may not be expended for another and different purpose. We find no authority conferred upon the University of Texas to expend moneys appropriated for salaries to supplement or augment the amount appropriated for supplies or equipment. It is true that authority is given to supplement salaries under certain circumstances, with certain limits, and from certain funds; but the authority to supplement salaries is not involved in your inquiry, and we therefore do not discuss it, for your letter makes it clear that you were not confronted with the question of supplementing a salary, but with the question of supplementing the amount appropriated for the purchase of equipment and supplies.

The fact that the Comptroller carried the \$12,000 item as one account upon his books, or the fact that the item is listed in the appropriation bill with the other specific salary items, does not affect the question.

You do not ask, and we therefore express no opinion upon, the question whether the \$6,600.00 unexpended balance in the total appropriation made for salaries to the Medical Branch of the University of Texas was available for use during the fiscal year 1939-40 to supplement a salary paid from the \$12,000.00 item provided for "Clinic and laboratory for cancer research. . . salaries, operating expenses, and equipment."

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY (signed) Richard W. Fairchild,
Assistant

RWF:sw APPROVED DEC 14, 1940

(signed) Gerald C. Mann

ATTORNEY GENERAL OF TEXAS