



PRICE DANIEL
ATTORNEY GENERAL

**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

February 2, 1948

Hon. H. D. Dodgen, Executive Secretary
Game, Fish and Oyster Commission
Austin, Texas

Opinion No. V-492

Re: The authority of the Game,
Fish and Oyster Commission
to purchase uniforms for
game and fish wardens from
current appropriation.

Dear Sir:

Reference is made to your request for an opinion, dated December 9, 1947, which we quote as follows:

"Several months ago, the Game, Fish and Oyster Commission passed a resolution authorizing the Executive Secretary to purchase uniforms for all game and fish wardens and to have such uniforms consigned to the wardens as a part of their equipment.

"In the absence of a specific appropriation for the purchase of this type of equipment, we respectfully request your opinion as to whether the funds available to this Department may be used for the purchase of such uniforms under the condition of our current biennial appropriation."

The current departmental appropriation bill, being S. B. 391, Acts 1947, 50th Leg., p. 842, containing the specific appropriations for the Game, Fish and Oyster Commission, contains a rider which reads in part as follows:

"The foregoing specific amounts, or so much thereof as may be used, are hereby appropriated for the purposes above enumerated and shall be paid out of either the

Special Game and Fish Fund or the Medina Lake Fund, and all money to the credit of these special funds on hand in the State Treasury on September 1, 1947, together with the current revenues to be derived and placed to the credit of these special funds during the next ensuing two years ending August 31, 1949, are hereby appropriated for the purpose of protecting, purchasing, propagating, trapping, distributing and improving the wild life resources of this State; for the creation, leasing, purchase and maintenance of game sanctuaries, public hunting grounds and public fishing grounds; for the dissemination of information pertaining to the conservation, propagation, distribution and economic value of the wild life resources of this State; for the purpose of purchasing land; for the construction, maintenance and operation of fresh water fish hatcheries and rearing ponds; for the purpose of providing living quarters and maintenance of same for fish hatchery superintendents, assistant fish hatchery superintendents; for the making of scientific investigations and surveys of marine life; for the purpose of the construction and maintenance of passes from one body of coastal water to another; for the payment of refunds to the State Highway Commission, to counties, cities, or towns or any political subdivision thereof as provided by law; for the purpose of propagating fish to be placed in Medina Lake and protecting the same; for auditing expenses; for the payment of bond premiums on qualifications bonds of the Chairman and members of the Game, Fish and Oyster Commission and other officers and employees of the Game, Fish and Oyster Commission."

After carefully studying the appropriation bill for the Game, Fish and Oyster Commission, and the rider attached thereto as set out herein, we have found no authority for the expenditure you propose. It will be observed that the rider will permit an expenditure only for the purposes enumerated in the appropriation

bill or in the rider itself. And we would also direct your attention to the provisions of Section 6 of Article VIII of the Texas Constitution which prohibits money being withdrawn from the State Treasury except pursuant to specific appropriations made therefor by the Legislature.

The 50th Legislature, in the departmental appropriation bill providing for the Department of Public Safety, under its maintenance and miscellaneous items, specifically provided for uniforms for the Texas Highway Patrol Division and also for the Drivers License Division. We think it not unreasonable to conclude, therefore, that had the Legislature intended to authorize the purchase of uniforms under the maintenance, miscellaneous and improvements items appropriated to the Game, Fish and Oyster Commission, it would have specified uniforms thereunder, as it did in the appropriation to the Department of Public Safety.

This opinion is in accord with former Opinion O-7243 of this Department, holding that coveralls may not be purchased for boiler inspectors employed by the Bureau of Labor Statistics out of the appropriation for that department.

SUMMARY

The Game, Fish and Oyster Commission is not authorized to purchase uniforms for game and fish wardens from its current appropriation. Sec. 6, Art. VIII, Texas Constitution.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

Dean J. Capp
Dean J. Capp
Assistant

DJC:jmc:wb

APPROVED:

Price Daniel
ATTORNEY GENERAL