



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

April 15, 1957

Honorable W. J. Burke
Executive Director
State Board of Control
Austin, Texas

Opinion No. WW-99

Re: Availability of moneys appropriated in Item 79 in the Appropriation to the State Board of Control in House Bill No. 140, Acts of the 54th Legislature, to purchase additional switch gear and transformers required for the expansion of the Capitol Electrical system.

Dear Mr. Burke:

You have requested an opinion on the following question:

"Can any of the money identified in Items 79A and B (and more specifically any residual funds remaining after the rehabilitation of the heating system) be spent for the purchase of the additional switch gear and transformer required for the expansion of the Capitol electrical system?"

Item 79 of the Appropriation to the State Board of Control in the General Appropriation Act (House Bill 140, Acts of the 54th Legislature, Regular Session, 1955, Chapter 519, Page 1348 at Page 1425) provides in part:

"CAPITOL AND STATE OFFICE BUILDING	FOR the Years Ending August 31, 1956	August 31, 1957
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"Out of General Revenue Fund:

"79. Repairs and improvements to Capitol and State Office Buildings and grounds, equip- ment, materials and labor ..	\$100,643	Unexpended Balance
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"It is hereby declared to be the Legislative intent that the foregoing appropriation in the amount of \$100,643 be spent as nearly as practicable in the following manner:

"State Capitol:	For the Years	Ending
	August 31,	August 31,
	1956	1957
"a. Replace worn-out steam radiators, steam traps, and steam water lines as necessary	\$45,860	Unexpended balance
"b. Repair and rebuild water cooling tower at power plant, and install water lines for air conditioning units in Capitol	15,000	Unexpended balance
"c. Repair roof of Capitol	6,000	Unexpended balance
"."		

Item 79 is appropriated for the purpose of making the repairs and improvements to the State Capitol and State Office Buildings and the Legislature has expressed a specific intent that the moneys appropriated shall be used as nearly as practicable in the replacement of steam radiators and necessary installation for air conditioning units in the Capitol.

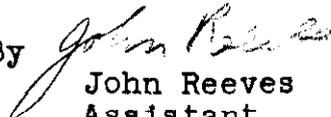
According to your request, additional switch gear and transformers are essential for the expansion of the Capitol electrical system, due to the improvements provided for in the appropriation above set out. Since this expenditure is necessary for the air-conditioning units and constitutes a necessary improvement to the Capitol and State office Buildings, it is our opinion that the appropriation contained in Item 79 may be spent for such purpose.

SUMMARY

Item 79 of the appropriation to the State Board of Control in the current biennium appropriation act may be expended for the purchase of additional switch gear and transformers required for the expansion of the Capitol electrical system.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John Reeves
Assistant

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APPROVED:

OPINION COMMITTEE

H. Grady Chandler,
Chairman
Arthur Sandlin
Richard Stone
B. H. Timmins, Jr.

REVIEWED FOR THE ATTORNEY GENERAL

Geo. P. Blackburn