



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

August 19, 1959

Honorable Homer Garrison, Jr., Director  
Texas Department of Public Safety  
Box 4087, North Austin Station  
Austin, Texas

Opinion No. WW-690

Re: Whether appropriated funds may be used for the purpose of subscribing to water service from the City of San Angelo to serve property occupied by the Department of Public Safety as a radio station.

Dear Mr. Garrison:

You have requested our opinion concerning "whether appropriated funds may be used for the purpose of subscribing to water service from the City of San Angelo to serve property occupied by the Department as a radio station by virtue of an easement from Tom Green County."

On April 1, 1948, the Commissioners' Court of Tom Green County deeded to the State of Texas certain property for the use and benefit of the Department of Public Safety, to have and to hold such property so long as a radio transmitter station was maintained and operated upon such premises. You state that the water from the well at the radio station is now unfit for human consumption, requiring the Department of Public Safety to obtain water service from the City of San Angelo to serve the property mentioned above.

In Attorney General's Opinion No. WW-585 (1959), it was held:

"The construction and maintenance of these warehouses, essential as they are to the efficient and economic operation of a State Highway System, need not and should not be considered as isolated from the streets of a city upon which they are located, nor did the Legislature intend that they should be. Free use of the street upon which a warehouse is located and the right of egress and ingress

therefrom is necessary to the operation and maintenance of a warehouse. A well paved street adjacent to the warehouse is desirable for the convenience of the Highway Department and its employees operating and using the warehouse. It is, therefore, quite reasonable to say that the pro rata cost of paving the street adjacent to a warehouse owned and operated by the State Highway Department should be borne by the Department. . . ."

Section 1 of Senate Bill 38, Acts of the 55th Legislature, First Called Session, 1957, Chapter 34, page 99, provides:

"In addition to the authority now provided by law, the Texas Department of Public Safety may expend public funds for the purposes of paying salaries, seasonal or contingent help, travel, transportation, automobile maintenance and repairs, maintenance and repairs of aircraft, gas, oil, tires, bond premiums, office and equipment rentals, storage, repairs, forage, duplicating supplies, printing, telephone, telegraph, postage, stationery, clothing and furnishings, express, freight, drayage, utilities, service materials, office supplies, books, drugs, medical, hospital and laboratory expense, and funeral expense when death results in line of duty, necessary expenses for training and for operating law enforcement training schools, miscellaneous operating expenses, purchase of equipment, guns, automobiles, aircraft, land and construction costs, and any and all necessary equipment, services and supplies for the enforcement of all laws under the supervision of the Department of Public Safety."

Section 2 authorizes the Texas Department of Public Safety to expend moneys appropriated by the General Appropriation Act of 1957 for the purposes set out in Section 1.

Under the facts submitted by you, the obtaining of necessary water to serve the radio station operated by the Department of Public Safety is a necessary expense of the Department, and the Legislature has specifically authorized the Department of Public Safety to expend public funds for the purpose of paying utilities. You are, therefore, advised that appropriated funds may be used for the purpose of securing water service from the City of San Angelo to serve property occupied by the Department of Public Safety as a radio station.

Honorable Homer Garrison, Jr., page 3 (WW-690)

SUMMARY

Appropriated funds to the Department of Public Safety may be used for the purpose of securing water service from the City of San Angelo to serve property occupied by the Department of Public Safety as a radio station.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By *John Reeves*  
John Reeves  
Assistant

JR:mfg:me

APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL  
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