



**THE ATTORNEY GENERAL  
OF TEXAS**

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December 20, 1971

Hon. James H. Harwell  
Executive Director  
Texas Industrial Commission  
814 Sam Houston Building  
Austin, Texas 78711

Opinion No. M-1022

Re: Whether the Director of the International Trade Division may authorize the manager of the Texas International Trade Office in Mexico to expend funds for the purchase of Mexican postage stamps in Mexico in conducting State of Texas business.

Dear Mr. Harwell:

We quote from your letter requesting an opinion from this office as follows:

"The International Trade Division, Texas Industrial Commission, opened an extension office in Mexico City on 1 October, 1971. Your opinion is respectfully solicited on the following matter.

"The Republic of Mexico requires that all correspondence utilizing the mail system, and originating in Mexico, must have Mexican postage stamps affixed to such pieces of mail.

"Section 42 of Senate Bill No. 11, Regular Session as amended by Senate Bill No. 7, first called Session Sixty-Second Legislature, 1971, (the current Appropriations Bill) entitled Purchases of Postage specified that expenditures for post office box rent or postage stamps be paid on Vouchers made payable to a United States Post Office, and the warrant or check shall be endorsed by the Postmaster from whom the purchase is made. It is apparent that Mexican stamps for

use by our Mexico office would have to be purchased from the Mexican Post Office Service, therefore, your specific opinion is required to permit the Director of the International Trade Division to authorize the manager of the Texas International Trade Office in Mexico to expend funds for purchase of Mexican stamps in Mexico in order to conduct the State of Texas' business."

We hold that the Texas Industrial Commission, acting through its duly authorized personnel, may expend in Mexico monies appropriated to it by line item 14 of Article III, Sec. 1, of the current General Appropriation Act (S.B. 11, Acts 62nd Leg., R.S., 1971, as amended by S.B. 7, 1st C.S., same Leg., at p. III-85) for the purchase of postage stamps of the Country of Mexico which are necessarily incident to the conduct of its authorized operations in that country.

Your question arises by reason of the apparent conflict between Sec. 42 of Article V of the current General Appropriation Act (at p. V-49), and line item 14 in Section 1 of Article III of that Act (at p. III-85). These provisions read as follows:

"Sec. 42. PURCHASES OF POSTAGE. None of the moneys appropriated in this Act shall be expended for postage stamps or post office box rent except on vouchers made payable to a United States Post Office, and the warrant or check shall be endorsed by the Postmaster from whom the purchase is made; provided, however, this restriction shall not apply in any reimbursement authorized under Section 31 of this Article."

"14. To provide from the General Revenue Fund for international trade projects including but not limited to foreign trade missions, overseas offices, reverse investment missions, including salaries of exempt and classified positions, professional fees and services, part-time and seasonal help, travel consumable supplies and materials, current and recurring operating expenses, capital outlay, planning grants and all other activities for

which no other provisions are made." (under-scoring added).

Although the wording of Sec. 42 is specific, its scope is limited. On the other hand, the language of line item 14 is broad and general. The intent of the Legislature in line item 14 is clearly to the effect that it intends that the international and foreign trade activities of the State be continued and carried on. Specifically included in the grant in line item 14 are "consumable supplies and materials, current and recurring operating expenses...and all other activities for which no other provisions are made."

It seems evident that Sec. 42 applies only to United States postage because only United States postage is sold by United States post offices. It is equally evident that the Legislature intended by line item 14 to enable foreign trade missions, etc., to make all expenditures necessary for performance of their duties. From these premises it follows either that line item 14 is an exception to Sec. 42 or that the Legislature considered these provisions as different and non-conflicting. 52 Tex. Jur.2d 208-210, Statutes, Sec. 143-144. The legislative intent, gathered from the overall view of these two provisions, must control. 52 Tex. Jur.2d 180-187, Sec. 124, and also at pp. 237-240, Sec. 163.

Our prior Opinion No. M-909 (1971) held that the Industrial Commission had authority under Article 6144e, Sec. 4, Vernon's Civil Statutes, to open and operate an extension office in Mexico City, Mexico, D.F. The several types of operating expenses specified, together with the broad authorization of ". . .and all other activities for which no other provisions are made," which are authorized in line item 14, are in support of the manifest intent of the Legislature therein specified that this office in Mexico function in the normal and usual manner of a business office. Necessarily incident to that functioning is the use of the mails of that country and the consequent necessity, in the usual course of business, for the purchase of postage stamps of that country in that country as needed. A construction of Sec. 42 that is a burden upon the clear mandatory language of line item 14 should be avoided.

To construe the Appropriation Act in such a manner as to permit Section 42 to control over the language in line item 14 would

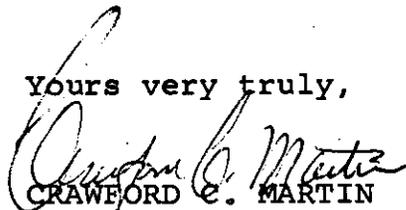
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be to adopt a construction that will lead to absurd or ridiculous consequences or purposeless or useless results, contrary to the well settled canons of statutory construction. 53 Tex.Jur. 243-245, Statutes, Sec. 165. As stated by the text, ". . .the legislature is not to be credited with doing or intending a foolish, useless, or vain thing, nor with requiring a futile, impossible, or useless thing to be done." If Section 42 were applicable to line item 14, the Texas International Trade Office in Mexico would be forced to carry on operations without being able to engage in correspondence or use the mails. In lieu of written correspondence, the office would in all probability be forced to engage in expensive telephone calls, many of which would be insufficient and impracticable to accomplish necessary operations. We cannot credit the legislature with any such absurd, foolish, or purposeless intent and therefore adopt that construction which avoids such result.

S U M M A R Y

Authorized personnel of the Texas Industrial Commission may expend in Mexico monies appropriated to it by line item 14 of Article III, Sec. 1 of the current General Appropriation Act (S.B. 11, Acts 62nd Leg., R.S., 1971, as amended by S.B. 7, 1st C.S., same Leg., at p. III-85) for the purchase of postage stamps of the Country of Mexico which are necessarily incident to the conduct of its authorized operations in that country.

Yours very truly,



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