



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**PRICE DANIEL**  
ATTORNEY GENERAL

August 27, 1951

Hon. Olin Culberson, Chairman  
Railroad Commission of Texas  
Austin, Texas

Opinion No. V-1258

Re: Whether money collected by the Railroad Commission of Texas for reproducing and distributing its public records for private use may be deposited in the State Treasury to the credit of contingent expense fund from which cost of reproduction and distribution is paid to reimburse such fund.

Dear Sir:

Your request for an opinion is in part as follows:

"The Railroad Commission has made a charge and collected money as reimbursements to the funds for microfilm, photostatic and other reproductions of public records of the Railroad Commission and has made a request of the State Treasurer to deposit the monies collected for such reproductions of public records of the Railroad Commission back to the current appropriations above mentioned.

"The question has arisen as to whether the funds collected are reimbursements to the appropriations, or whether they are reimbursements to the funds and are not covered by the appropriations for current use. I shall, therefore, thank you to advise this department whether the monies collected by the Railroad Commission for such reproductions of public records of the Railroad Commission can be deposited back to the current appropriations for the use and benefits of the Railroad Commission." (Emphasis supplied throughout opinion.)

Subdivision (3) of Section 2 of the general departmental appropriation bill for the biennium ending August 31, 1951 (H.B. 322, Acts 51st Leg., R.S. 1949, ch. 615, p. 1208, 1343), reads as follows:

" . . . Any contingent funds herein appropriated, and any funds appropriated for printing, may be used under the direction of any department for which any such appropriation is made for the publication and distribution of any notices, pamphlets, booklets, rules, regulations and other matters of public interest; provided that a charge may be made and collected for such publications and notices which will reasonably reimburse funds for such actual expense, but any such pamphlets shall be furnished to another State Department without charge."

This provision, in identical language, was re-enacted by the Fifty-second Legislature as Subdivision (3), Section 2 of Article III of the general appropriation bill for the biennium ending August 31, 1953 (H.B. 426, Acts 52nd Leg., R.S. 1951).

In Opinion V-1125 (1950), we held that money received by the Railroad Commission from the sale of its publications should be deposited in the State Treasury to the credit of its current appropriation for contingent expenses, printing, and other purposes to reimburse that appropriation for money withdrawn therefrom to pay the cost of printing and distributing public records of the Commission to the general public for private use.

The holding in that opinion has application to the question you present. It will be observed that the authority contained in the above-quoted rider to the general departmental appropriation bill for the biennium ending August 31, 1951, to use current appropriations for contingent expenses for the publication and distribution of official records of the Railroad Commission of public interest is not limited to printed matter. From the language of the rider in question, we think it is clear that the authority granted extends to publication and distribution of public records in any form or by any technical process.

Undoubtedly, the rider was attached to the appropriation bill to enable any State department to which it applies to reproduce public records and matters of public interest and furnish the same to the public for private use without cost to the State. To accomplish this purpose, the Legislature has authorized payment of the costs incurred in connection with publication and distribution of such records and matters of public interest out of current appropriations for contingent expenses. It has further authorized a charge to reasonably reimburse the

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fund from which such costs are paid. Att'y Gen. Op. V-1125 (1950).

In view of the foregoing, it is our opinion that money collected by the Railroad Commission for reproducing and distributing public records of the Commission by microfilm, photostatic, or other process should be deposited to the credit of the contingent expense fund from which the cost of reproduction and distribution was paid to reimburse such appropriation, and that money so deposited is appropriated to the Commission to be expended for the purposes designated therein.

SUMMARY

Money collected by the Railroad Commission of Texas for reproducing and distributing its public records for private use by microfilm, photostatic, or other process should be deposited in the State Treasury to the credit of the current appropriation for contingent expenses from which the cost of reproduction and distribution was paid, in order to reimburse such appropriation. Contingent expense appropriations, so reimbursed, may be expended by the Commission for the purposes designated therein.

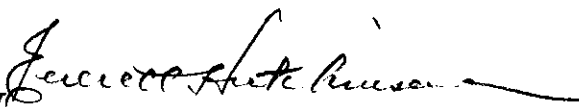
Yours very truly,

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