



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

November 16, 1965

This Opinion
Overrules Opinion

0-4350

Honorable Robert S. Calvert
Comptroller of Public Accounts
Austin, Texas

Opinion No. C-546

Re: Whether funds appropriated to the Texas State Board of Registration for Professional Engineers for operation and maintenance of such department can be expended for the purchase of picture frames and lettering of Board members' pictures.

Dear Mr. Calvert:

You have requested an opinion from this office upon the question of whether funds appropriated to the Texas State Board of Registration for Professional Engineers for the operation and maintenance of such Board may be expended for the purchase of picture frames and lettering of Board members' pictures.

In connection with the foregoing you have referred to the holding in Attorney General's Opinion No. 0-4350 (1942) which dealt with the question of whether the State Board of Architectural Examiners could expend funds appropriated to that Board for its operation for photographs of the membership of such Board. In Attorney General's Opinion No. 0-4350 (1942), it was held:

"Expenses for matters which contribute in no degree whatsoever to the administration of such laws are not authorized to be paid from the appropriations made for the support and maintenance of such agency. We think it obvious that photographing the personnel of the State Board of Architectural Examiners contributes in no degree whatsoever to the enforcement of the laws intrusted to that Board for administration. You are therefore advised that the account for this purpose may not be paid from the appropriations made to the Board of Architectural Examiners."

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Section 2 of Article 3271a, Vernon's Civil Statutes, provides in part that:

"A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this Act. . . ."

Section 9 of Article 3271a, Vernon's Civil Statutes, provides in part that:

". . .The Board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act. . . ." (Emphasis added).

House Bill 12, Acts 59th Legislature, 1965, the General Appropriation Act, at page III-62, in the departmental appropriation to the Texas State Board of Registration for Professional Engineers, provides in line item 7 an appropriation for:

"Consumable supplies and materials, current and recurring operating expense (excluding travel expense) and capital outlay." (Emphasis added).

The Texas State Board of Registration for Professional Engineers is given the responsibility of administering the provisions of Article 3271a, and in addition is given the authority to make expenditures, from the funds appropriated to it by the Legislature, for any purpose which, in the opinion of the Board, is reasonably necessary for the performance of its duties. In carrying out its responsibilities, it is necessary for the Board to maintain and operate office facilities, and this in turn requires expenditures by the Board for furnishings for these office facilities. Many items which the Board may feel are necessary for the maintaining and operation of their office facilities, such as ash trays, extra chairs, coat racks, and the like, would face difficulty in passing the test required by Attorney General's Opinion No. 0-4350 (1942), as they would also contribute in little or no degree to the administering of the engineering laws.

However, we are of the opinion that the authorization to the Texas State Board of Registration for Professional

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Engineers, as well as to other state agencies and departments, to maintain and operate office facilities carries with it the further authorization to furnish these office facilities which such equipment, furnishings and decor as it sees fit, within the limits of its appropriations. In this connection, we hereby overrule Attorney General's Opinion No. 0-4350 (1942).

In view of the foregoing, and the provisions of Section 9 of Article 3271a and the present General Appropriations Act, we are of the opinion that the Texas State Board of Registration for Professional Engineers may expend, from the funds appropriated to it for the operation and maintenance of the Board, such funds as it determines are necessary for the purchase of picture frames and lettering of Board members' pictures within, if course, the limit of available funds; and provided further that such framed and lettered pictures become a part of the decor and furnishings of the office facilities of the Texas State Board of Registration for Professional Engineers.

S U M M A R Y

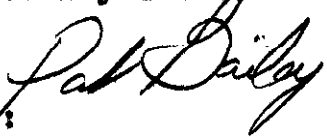
The Texas State Board of Registration for Professional Engineers may expend, from the funds appropriated to it for the operation and maintenance of the Board, such funds as it determines necessary for the purchase of picture frames and lettering of Board members' pictures, provided that such framed and lettered pictures become a part of the decor and furnishings of the office facilities of the Texas State Board of Registration for Professional Engineers.

Attorney General's Opinion No. 0-4350 (1942) is hereby overruled.

Very truly yours,

WAGGONER CARR
Attorney General

By:


Pat Bailey
Assistant

PB:mkh

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APPROVED:
OPINION COMMITTEE

W. V. Geppert, Chairman
John Reeves
Sam Kelley
H. Grady Chandler
Linward Shivers

APPROVED FOR THE ATTORNEY GENERAL
BY: T. B. Wright