



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

January 7, 1975

The Honorable Bob Armstrong
Commissioner
General Land Office
Austin, Texas 78701

Opinion No. H- 488

Re: Whether expenditures for an airplane and automobiles may be made out of General Land Office appropriation for travel expenditures.

Dear Commissioner Armstrong:

In article 3 of the current Appropriations Bill the General Land Office and Veterans Land Board are authorized to maintain and operate one airplane and two automobiles. Acts 1973, 63rd Leg., ch. 659, p. 1992. However, the Act does not designate the item from which the expenditures are to be made. The Act provides:

Funds appropriated above may be used to maintain and operate one airplane.

None of the funds appropriated to the General Land Office and Veterans' Land Board may be expended for maintenance, operation or storage of more than two motor vehicles.

You have therefore requested our opinion considering whether such expenditures may be made out of the General Land Office appropriation for travel expenditures.

It is well established that funds appropriated for one purpose may not be used for another. Attorney General Opinions V-565 (1948); V-918 (1949); V-1015 (1950). Accordingly, article 5, section 10 of the Appropriations Act, Acts 1973, 63rd Leg., ch. 659, p. 2202, limits expenditures for consumable supplies and materials, current and recurring operating expense, and capital outlay to those items listed within the Comptroller's Manual of Accounts, Expenditure Classification. While no such precise

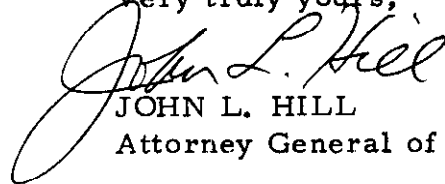
limitations are placed on travel expenditures, any expenditures made from that item must in fact be made for the purpose of travel. To the extent that the vehicles to be operated and maintained are to be used for travel of department members, this criterion is satisfied. Travel has been defined as "the making of trips from one locality to another." Attorney General Opinion O-2700 (1940).

There is some indication that the Appropriations Act itself contemplates the operation and maintenance of departmental vehicles to be within the travel item by dealing with such operations and maintenance in article 5, section 17, Travel Regulations. Acts 1973, 63rd Leg., ch. 659, p. 2207. Having found no contrary indication elsewhere, it is our opinion that expenditures for the operation and maintenance of General Land Office vehicles may be made from the travel item where the Legislature has not designated a particular item from which such expenditures are to be made and where the vehicles are actually used for that purpose.

S U M M A R Y

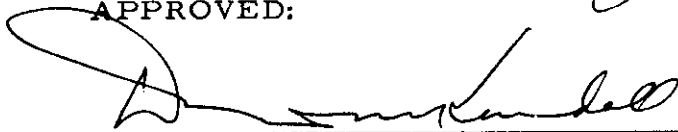
The General Land Office may pay for the operation and maintenance of its airplane and two automobiles from the travel item of the Appropriations Act.

Very truly yours,


JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee