



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 16, 1993

Terry Beals, D.V.M.  
Executive Director  
Texas Animal Health Commission  
P.O. Box 12966  
Austin, Texas 78711-2966

Letter Opinion No. 93-9

Re: Whether the General Appropriations Act authorizes the Texas Animal Health Commission to purchase pickup trucks and related question (ID# 18585)

Dear Dr. Beals:

You ask whether article V, section 19(2) of the General Appropriations Act, Acts 1991, 72d Leg., 1st C.S., ch. 19, authorizes the Texas Animal Health Commission (the "commission") to purchase pickup trucks to convey equipment. You explain that commission employees "are required to carry supplies and equipment to test and inspect herds, markets, slaughter plants, and feedlots." Such equipment may include portable chutes and panels, portable pesticide sprayers, propane, and pesticides. Currently, commission employees haul such equipment in their private vehicles and are reimbursed at the state mileage rate. "However, some passenger vehicles are not capable of holding and/or hauling the necessary supplies. Moreover, employees must load and unload equipment and supplies when private vehicles are used."

Article V, section 19(1) of the General Appropriations Act authorizes only certain agencies to use appropriated funds to purchase passenger cars. *Id.* art. V, § 19(1), at 1019. The commission is not among them.<sup>1</sup> *Id.* Section 19(2) provides, however, that certain types of vehicles are not passenger cars and therefore may be purchased by an agency with appropriated funds. *Id.* § 19(2), at 1019-20. These vehicles include "panel, pickup and delivery trucks and trucks required for the conveyance of special equipment." *Id.* We conclude that this provision authorizes the commission to purchase pickup trucks or trucks for the conveyance of special equipment. You also ask whether pickup trucks may be used to transport employees even if the equipment they transport is not needed at every work site. Nothing in section 19(2) prohibits the commission from using pickup trucks to transport employees. Of course, the commission is not authorized to expend funds on a vehicle for an official or an employee's personal use or for commuting, absent special circumstances. *See id.* § 19(4), at 1020.

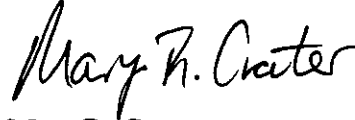
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<sup>1</sup>Article I of the General Appropriations Act authorizes the commission to purchase one passenger vehicle. *Id.* art. I, para. 7, at 392.

**S U M M A R Y**

Article V, section 19(2) of the General Appropriations Act, Acts 1991, 72d Leg., 1st C.S., ch. 19, authorizes the commission to purchase pickup trucks and trucks for the conveyance of special equipment. The commission is not prohibited from using pickup trucks to transport employees.

Yours very truly,

A handwritten signature in cursive script that reads "Mary R. Crouter".

Mary R. Crouter  
Assistant Attorney General  
Opinion Committee