



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 24, 1955

Hon. John C. White, Commissioner
Texas Department of Agriculture
Austin, Texas

Opinion No. MS-218

Re: Travel expense
of the Department
of Agriculture em-
ployees paid from
the Texas Seed Act
Fund.

Dear Mr. White:

You have requested the advice of this office concerning the validity of the expenditure of money for travel expense of employees whose salaries are paid out of the Texas Seed Act Fund to be defrayed from the general appropriation for the Department of Agriculture.

Section 10 of Article 93b, Vernon's Civil Statutes, establishes the Texas Seed Act Fund. Said Section is as follows:

"All money received by the Commissioner of Agriculture through the administration of this act shall be paid by him to the State Treasurer who shall deposit said money to the account of the Texas Seed Act to be known as the Texas Seed Act Fund which said account shall be a continuing fund and shall be used in the administration of the Texas Seed Act. The entire amount of said Texas Seed Act Fund, or so much thereof as may be necessary is hereby appropriated to the State Department of Agriculture to be expended for the purposes specified in this act, including the enforcement of the act and the cost of collecting the fee. This appropriation shall not affect any other appropriations heretofore or hereafter made to the State Department of Agriculture but shall be in addition thereto for the biennium ending August 31, 1955. . . ." (Emphasis added.)

The General Appropriations Act for the current biennium being Chapter 81, Acts of the 53rd Legislature, Regular Session, 1953, contains an appropriation for travel expense in the amount of \$85,000.00 for each fiscal year for the expenses

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incurred by the various divisions of the Department of Agriculture including the Division of Seeds.

Therefore, it is our opinion that the regular travel expense appropriation for your department may be utilized to defray the travel expenses of the employees of the Seed Division, and by the specific language of Section 10 quoted above from the Texas Seed Law, this section has no effect on the availability of the regular expense appropriation for this purpose.

If a balance remains in the general travel expense appropriation, then travel expense incurred by employees of the Division of Seeds can be defrayed from the departmental travel expense appropriation.

APPROVED:

J. Fred Jones
State Affairs Division

Mary K. Wall
Reviewer


John Reeves
Reviewer

Robert S. Trotti
First Assistant

JFJ:wb

Yours very truly,

JOHN BEN SHEPPERD
Attorney General of Texas

By 
J. Fred Jones
Assistant