



THE ATTORNEY GENERAL  
OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON  
ATTORNEY GENERAL

September 22, 1958

Honorable Bill Allcorn  
Commissioner  
General Land Office  
Austin, Texas

Opinion No. WW- 505

Re: Whether the General Land Office can pay registration fees for the Chief Appraiser, the Executive Secretary of the Veterans' Land Board and an attorney, to attend the Southwest Appraisal Conference to be held in Austin.

Dear Mr. Allcorn:

You have requested our opinion on whether the General Land Office can pay registration fees for the Chief Appraiser, the Executive Secretary of the Veterans' Land Board and an attorney, all employees of the General Land Office, to attend the Southwest Appraisal Conference to be held in Austin. You state that the General Land Office has had numerous and varied problems arising out of condemnation proceedings, both from the legal standpoint and from the standpoint of placing an appraised value on land being condemned. Your appraisers appraise State-owned free public school land and the land presently owned by the Veterans' Land Board in connection with condemnation proceedings.

Section 51 of Article III of the Constitution of Texas reads in part as follows:

"The Legislature shall have no power to make any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; . . . "

Numerous opinions have been written by this office on whether comparable expenses may be paid for State employees to attend meetings, conferences and schools. Attorney General's Opinion WW-433 (1958), after citing the above constitutional provision, sums the applicable law as follows:

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"It is apparent that the above Article prohibits the Legislature from granting or appropriating public money to any individual, association of individuals, municipal or other corporations. However, the Texas courts have interpreted Section 51, Article III, as not preventing the Legislature from appropriating State funds to an individual, association of individuals, municipal or other corporations if the use and purpose of the appropriation is for the furtherance of the governmental duties of the State. If the appropriation is for a use not related to State governmental duties and functions, such appropriation is a gratuity and invalid. Bexar County v. Linden, 110 Tex. 339, 220 S.W. 760 (1920); Road District No. 4, Shelby Co. v. Allred, 68 S.W.2d 164 (Comm. App., 1934), opinion adopted by the Supreme Court; City of Aransas Pass v. Keeling, 247 S.W. 818, 112 Tex. 339 (1923); Jones v. Alexander, 59 S.W.2d 1083 (Comm. App., 1933), opinion adopted by the Supreme Court; Texas Pharmaceutical Association v. Dooley, 90 S.W.2d 328 (Tex. Civ. App., 1936); Jefferson Co. v. Board of Co. & Dist. Road Indebtedness, 182 S.W.2d 908 (1944).

Attorney General's Opinion WW-83 (1957) discusses prior Attorney General's Opinion on this question and concludes:

"It is to be noted that in determining whether travel is included pursuant to the general appropriation bill is for 'state business' the question to be decided is whether the result is the accomplishment of a governmental function and that the means and methods adopted is reasonably necessary. Since the training described in your letter will be directly and substantially used to facilitate the operation of the IBM equipment to be used by the Board of Insurance Commissioners, it is our opinion that the proposed travel is for 'state business' since such trip will result in the accomplishment of governmental functions entrusted to the employees and will be of a substantial and direct benefit to the Board of Insurance Commissioners. You are, therefore, advised that the proposed travel expense as outlined in your request is authorized."

Applying these principles to the instant case, in our opinion the Chief Appraiser of the General Land Office has official duties devolved upon him in relation to free public school land and land owned by the Veterans' Land Board of such a character that a high degree of professional competence in appraising land values would be necessary to the performance of a governmental function entrusted to him and would be of substantial and direct benefit to the General Land Office. The training and information received at such conference would have, therefore, a sufficient relationship to the performance of a governmental function as to allow such registration fee to be paid by the State.

The Executive Secretary of the Veterans' Land Board, having supervisory responsibility over the operations of the Veterans' Land Board, has a primary concern for the proper and adequate appraisal of lands involved in the Board's activities sufficient to establish that his attendance at such conference would be for the primary benefit of the State. The General Land Office may pay his registration fee. Also, since the operations of the General Land Office and the Veterans' Land Board, including appraisals, are conducted in a context of specific legal requirements, we feel the General Land Office may also pay the registration fee for this attorney to attend the conference.

#### SUMMARY

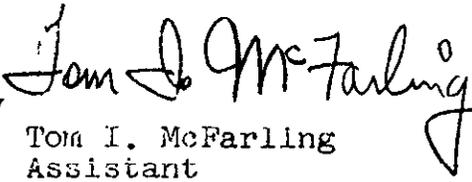
The General Land Office may pay the registration fees for the Chief Appraiser to attend the Southwest Appraisal Conference, such training received being reasonably, substantially and directly related to his duties, and the registration fees for the Executive Secretary of the Veterans' Land Board and an attorney

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for the General Land Office  
may also be paid.

Sincerely,

WILL WILSON  
Attorney General of Texas

By   
Tom I. McFarling  
Assistant

TIM:ci:jl

APPROVED:

OPINION COMMITTEE:

Geo. P. Blackburn, Chairman

Jack Goodman

L. P. Lollar

J. Milton Richardson

REVIEWED FOR THE ATTORNEY GENERAL  
BY:

W. V. Geppert