



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

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February 25, 1963

Honorable W. S. Heatly, Chairman
Committee on Appropriations
House of Representatives
Austin, Texas

Opinion No. C-21

Re: Construction of proposed rider
to the General Appropriations
Bill.

Dear Representative Heatly:

Your request for an opinion on the above subject matter reads as follows:

"The Legislative Budget Board-recommended draft of the general appropriations bill for the 1964-65 biennium, now before this Committee as House Bill No. 86, contains, at Page III-49, the following specific provision relating to the appropriations to the Game and Fish Commission:

"The Game and Fish Commission, through the Executive Secretary is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible Federal agency, all Federal moneys that are made available (including grants, allotments and reimbursements) to the State of Texas for such purposes, and such other activities as come under the authority of the Game and Fish Commission, and such moneys are appropriated to the specific purpose or purposes for which they are granted, provided, however, that the receipt and use of such Federal funds shall not serve to increase the expenditure level of the Game and Fish Commission beyond the amounts provided in items 1 through 8 above. (Emphasis added).

"It is understood that the underscored language above was added by the Budget Board to existing language in the current, 1962-63, general biennial appropriations Act (Senate Bill No. 1, Chapter 62, Acts of the Fifty-seventh Legislature, First Called Session, 1961) for the purpose of

Hon. W. S. Heatley, page 2, (Opinion No. C-21)

limiting the total expenditure each year (from all fund sources) of the Game and Fish Commission to the sum of the amounts listed for each year as items 1 through 8 on page III-46 of said House Bill No. 86.

"You are respectfully requested to express an opinion as to whether or not the language in question will actually limit such expenditures as apparently the Legislative Budget Board intended.

"Your attention to this matter will be greatly appreciated by the Committee."

Line items in an appropriation bill limit the expenditure of the money appropriated by the line item to the purposes set out in the line item and limit the amount of money that may be expended for such purposes to the amount contained in the line item. Attorney General's Opinions V-666 (1948), WW-99 (1957), WW-349 (1958), WW-466 (1958), WW-578 (1959), WW-1366 (1962) and WW-1470 (1962). Therefore, if any additional money is appropriated for the purposes set out in the line items, such appropriation will have to be contained in a rider which appropriates money.

The rider set out in your request appropriates monies made available to the State of Texas by Federal agencies. It is specifically provided, however:

". . . provided, however, that the receipt and use of such Federal funds shall not serve to increase the expenditure level of the Game and Fish Commission beyond the amounts provided in items 1 through 8 above."

By virtue of the above quoted language, the Game and Fish Commission is expressly prohibited from expending any money in excess of the amounts stated in Items 1 through 8 of its appropriation for purposes provided in such items.

You are, therefore, advised that if the above quoted rider is contained in the General Appropriation Act, monies received from "such Federal funds" will not increase the amount of money that may be expended by the Game and Fish Commission for the purposes set out in Items 1 through 8 in the Appropriation to the Game and Fish Commission. Such language limits the amount of money that may be expended by the Game and Fish Commission for the purposes expressed in Items 1 through 8. It does not limit

Hon. W. S. Heatley, page 3, (Opinion No. C-21)

the amount of money that may be expended by the Game and Fish Commission for purposes not included in Items 1 through 8, such as purposes contained in grants and such other activities as come under the authority of the Game and Fish Commission, not included in Items 1 through 8.

SUMMARY

A proviso contained in a rider reading "provided, however, that the receipt and use of such Federal funds shall not serve to increase the expenditure level of the Game and Fish Commission beyond the amounts provided in Items 1 through 8 above" limits the expenditure for purposes provided in Items 1 through 8, but does not limit expenditure for purposes not included in Items 1 through 8.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By 
John Reeves
Assistant

JR:ms:wb

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Frank Booth
Mary K. Wall
Howard Fender
Dudley McCalla

APPROVED FOR THE ATTORNEY GENERAL

BY: Stanton Stone