



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

February 20 , 1970

Hon. O. N. Humphreys, Jr.  
Administrator  
Texas Alcoholic Beverage  
Commission  
Capitol Station  
Austin, Texas 78711

Opinion No. M-583

Re: Whether the Texas Alco-  
holic Beverage Commission  
may utilize part of the  
funds specified in Item 19  
of its appropriations for  
construction of a revenue  
station at Eagle Pass.

Dear Mr. Humphreys:

You have requested the opinion of this office regarding the above question. In this connection, we note that the General Appropriation Bill for the 1970-71 Biennium, in Item 19 of its appropriations for the Alcoholic Beverage Commission, provides as follows:

"19. For the construction of revenue stations along the international boundary, \$28,000."

A rider found in the appropriation bill on page III-16 reads, in part, as follows:

"It is the intent of the Legislature that the funds appropriated above in Item 19 shall be expended for the construction, maintenance, and operation of revenue stations along the international boundary at Los Ebanos, Rio Grande City, Amistad Dam, Fabens, and Presidio, provided that in addition to the regular operating week, ..."  
(Emphasis supplied.)

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In your opinion request you advised that careful investigation and evaluation by your staff had established that a serious need for a revenue station existed at Eagle Pass, and that the need for such a station at Amistad Dam was comparatively small. You also advised that there is no convenient source of liquor supply at present on the Mexican side of Amistad Dam and that the traffic was relatively light.

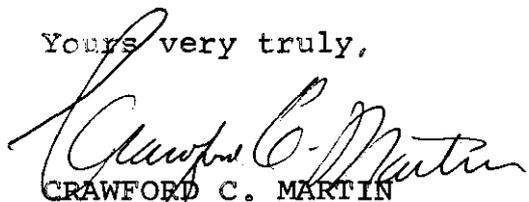
Notwithstanding the foregoing, the above quoted appropriation rider expressly limits the purposes for which Item 19 funds may be expended. This limitation is within the power of the Legislature. Your agency would have the authority to determine that a revenue station at Amistad Dam should not be constructed out of the funds presently allocated, but the agency would have no authority to transfer the funds to a use other than that specifically directed by the Legislature. Attorney General's Opinions C-21 (1963) and O-5545 (1943).

You are accordingly advised that it is the opinion of this office that the Alcoholic Beverage Commission does not have the authority to construct a revenue station at Eagle Pass, Texas from the funds appropriated in Item 19 of the agency's appropriation.

S U M M A R Y

In constructing new revenue stations along the international border with Mexico, the Texas Alcoholic Beverage Commission is limited to construction of those stations expressly enumerated by the Legislature in the Appropriation Bill.

Yours very truly,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Malcolm L. Quick  
Assistant Attorney General

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APPROVED:  
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