



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Charles E. Baughman, Chief Clerk  
Department of Agriculture  
Austin, Texas

Dear Sir:

Opinion No. 0-3585  
Re: Duration of appropriation made  
in House Bill 345, 47th Legis-  
lature.

Your letter of May 20, 1941, submits for the opinion of this department the question of the duration of the emergency appropriation made by House Bill 345, 47th Legislature

Specifically, you ask whether your department is authorized under the terms of the Act to continue employment of inspectors, under the Act referred to, for a period of five months from and after May 12, 1941, the effective date of the Act.

The caption of House Bill 345 provides in part as follows:

"An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941. . . ."

The body of the Act appropriates the sum of Six Thousand Nine Hundred Dollars (\$6,900.00), allocated as follows:

"Salaries for three (3) read station quarantine inspectors, 5 months @ \$150 per month each	\$ 2,250.00
"Salaries for two (2) quarantine inspectors for grove inspection work, 5 months @ \$150 per month each	1,500.00
"Salaries for eleven (11) certificate agents to issue releases on citrus fruit moving out of the regulated area so as to make such citrus shipments eligible for interstate and intrastate trade, 2 months @ \$75 per month each	1,650.00

"Salaries for two (2) floral inspectors  
for 5 months @ \$150 per month each      \$ 1,500.00"

The body of the Act, it will be observed, is silent upon the question of whether the appropriations made therein are to be available for expenditure after the expiration of the fiscal year ending August 31, 1941.

The Act was passed as an emergency measure, effective on May 12, 1941. It appears from the certificate appended by the Chief Clerk of the House that the Act was passed by the House on March 20, 1941; and it appears from the certificate of the Secretary of the Senate that the Act was passed by the Senate on April 30, 1941.

Obviously, at the time the Act was introduced, it was thought that the same would be passed and in effect before April 1, 1941, leaving five full months before the expiration of the fiscal year. Evidently no change was made in the body of the Act to adjust the appropriations made therein to the period of time remaining in the fiscal year after the Act was finally passed and made effective.

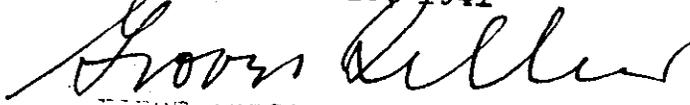
Regardless of the foregoing, however, since the title of the Act gives notice specifically that the appropriation is to be made for the remaining portion of the fiscal year ending August 31, 1941, the Act can not be given a construction which will render the appropriations made therein available for expenditure after August 31, 1941, without rendering the entire Act unconstitutional as violative of Article III, Section 35, of the Texas Constitution.

Construing the body of the Act in connection with the title thereof, you are advised that we are of the opinion that the appropriations made in House Bill 345 will not be available for expenditure after August 31, 1941--in other words, that under the provisions of this Act your department will not be authorized to continue employment of inspectors, on the basis of the appropriations made in House Bill 345, beyond August 31, 1941.

Yours very truly

APPROVED JUN 10, 1941

ATTORNEY GENERAL OF TEXAS



FIRST ASSISTANT  
ATTORNEY GENERAL

By



Richard W. Fairchild  
Assistant

RWF:mp

