



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable J. S. Murchison
Executive Director
State Department of Public Welfare
Austin, Texas

Dear Sir:

Opinion No. 0-4812
Re: Construction of Article III,
Section 51d of Constitution
relating to assistance to
destitute children as to
administrative expenses.

By your letter of August 26th, you request our
opinion on the following question:

"Does the limitation on the amount to be
expended per year for assistance for aid to
Dependent Children as provided in Art. 3, Sec. 51d
of the Constitution include administrative expense?"

Article III, Section 51d of the Texas Constitution
reads as follows:

"Subject to the limitations and restrictions
herein contained, and such other limitations, restric-
tions, and regulations as may be provided by law, the
Legislature shall have the power to provide for
assistance to destitute children under the age of
fourteen (14) years; such assistance shall not exceed
Eight Dollars (\$8) per month for one child nor more
than Twelve Dollars (\$12) per month for such children
of any one family; provided that the amount to be
expended for such assistance out of state funds
shall never exceed the sum of One Million, Five
Hundred Thousand Dollars (\$1,500,000) per year.
The Legislature may impose residential restrictions
and such other restrictions, limitations, and regula-
tions as to it may seem expedient. (Emphasis ours)

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"The Legislature shall have the authority to accept from the Government of the United States such financial assistance to destitute children as that Government may offer not inconsistent with the restrictions herein above provided."

The phrase "such assistance" as first used in the above constitutional provision refers specifically to the cash payments to recipients of eight and twelve dollars, not including any administrative expense which might have been incurred in making such payments. It seems reasonable to suppose that the same phrase, "such assistance" should be given the same meaning when used for the second time in the same sentence, with reference to the \$1,500,000 annual limitation.

It is not without significance, we think, that in the cognate constitutional amendments, Section 51b authorizing old age assistance payments and Section 51c, authorizing aid to the needy blind, there was provided a similar limitation upon the amount of assistance which might be paid to each recipient, but no limitation upon the administrative expenditures which might be made in order effectively to distribute the assistance authorized. Section 51d is more restrictive than the preceding two amendments in that it places a limitation upon the total annual benefit payments to destitute children.

It is our opinion that the \$1,500,000 annual limitation upon the amount that may be spent for assistance to destitute children, as contained in Article III, Section 51d of the Texas Constitution applies only to actual benefit payments, and that the Legislature is authorized to appropriate in addition to \$1,500,000 annually for benefit payments to destitute children, such further sums as it may deem to be necessary for the efficient administration of the program.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Walter R. Koch*
Walter R. Koch
Assistant

WRK:JP

APPROVED SEP 12, 1942

George C. Mann
ATTORNEY GENERAL OF TEXAS



o.k.