



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Geo. M. Sheppard  
Comptroller of Public Accounts  
Austin, Texas

Dear Mr. Sheppard:

Opinion No. O-5686

Re: Is the Board of Insurance Commissioners authorized to hire and pay additional employees, under the provisions of the rider attached to the Appropriation Bill, for the biennium beginning September 1, 1943.

We have given careful consideration to your letter of August 30, 1943, which reads as follows:

'The General Appropriation bill for the biennium ending August 31, 1943 has the following Rider attached to the appropriation for The Board of Insurance Commissioners. 'For the purpose of paying the foregoing examination expense and such additional or supplemental expense as is necessary incident to the examination work, and for the payment of the salaries and expenses of any additional examiners, stenographers, clerks and such help as is necessary in the administration of the examining division (provided any additional employees performing similar work to the position designated hereinabove shall not receive a greater sum of compensation than that herein provided), and for defraying all other expenses necessary for the administration of the provisions of Chapter 152 of the General Laws of the Regular Session of the Forty-second Legislature. . . .' (underscoring provided).

"The Appropriation Bill for the ensuing biennium for the Insurance Commission carries the following Rider; 'For the purpose of paying the foregoing examination expense and such additional or supplemental expense as is necessary incident to examination of insurance companies domiciled outside of Texas, and for defraying all other expenses necessary for the administration of the provisions of Chapter 152 of the General Laws of the Regular Session of the Forty-second Legislature. . . .'

"You will note that the Rider for the ensuing biennium does not carry specifically the authorization for hiring additional help, either for examination of insurance companies domiciled outside Texas or those domiciled in the State.

"I shall thank you to advise this Department whether or not the Insurance Commission is authorized to hire additional employees and pay the salaries and expenses of same out of the fees collected under the provisions of the Rider."

While the rider attached to the Appropriation Bill for the years 1941 and 1942 are worded differently from the one attached to the Appropriation Bill for 1943-1944, each of said riders has the same legal effect.

In the rider attached to the present Appropriation Bill, beginning September 1, 1943, it is specifically provided that:

"For the purpose of paying the foregoing examination expenses and such additional or supplemental expenses as is necessary incident to examination of insurance companies \* \* \* there is hereby appropriated all fees and assessments collected under authority of said examining law."

While the Legislature made specific appropriation for some thirty-eight different and specific purposes to be paid out of the fees and assessments collected under author-

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ity of the examining law, the rider in effect authorizes the Board to employ such additional and supplemental help, and incur such additional expense as the Board deemed necessary, and pay same out of said examination fees. You are therefore advised that in our opinion the Board may employ such additional help, and incur such additional expense as is necessarily incident for the administration of the examining law, and pay same out of the fees collected for said purposes, under the provisions of said rider. Your question is answered in the affirmative.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Geo W. Barcus*

Geo. W. Barcus  
Assistant

GVB-hR

APPROVED SEP 11, 1943  
*Gerald E. Mann*

ATTORNEY GENERAL OF TEXAS

