



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable W. B. Chambers, Chairman  
Revenue and Taxation Committee  
House of Representatives  
Austin, Texas

Dear Mr. Chambers:

Opinion No. O-6395

Re: Constitutionality of an appropriation to carry out the provisions of Section 9, Chapter 569, p. 1109, of the General and Special Laws of the 47th Legislature.

Your request for an opinion upon the above subject matter is as follows:

"As Chairman of the Revenue and Taxation Committee of the House, I would appreciate an opinion on the constitutionality of an appropriation to carry out the provisions of Section 9, Chapter 569, page 1109, of the General and Special Laws of the Texas 47th Legislature, 1941."

Senate Bill 187, Chapter 569, passed at the Regular Session of the 47th Legislature, creates the Texas Commission on Interstate Cooperation, with authority to act with other states cooperating in the Council of State Governments, which Council is declared to be a "joint governmental agency of this State and of the other states which cooperate with it." (Sec.8)

The functions of this Commission are set forth in Section 4 of the Act, and comprise wholesome governmental objectives.

The Act itself carried no appropriation, and so far as we are advised, there has never been any appropriation made to carry out its purposes.

There are, of course, certain constitutional inhibitions governing the appropriation of public money by the Legis-

lature. First of these in importance is found in Section 44 of Article III, forbidding any "grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law."

Next, of course, there is the familiar Section 6 of Article VIII declaring: "No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, \* \* \*." Now, Senate Bill No. 187 is a statutory enactment entirely sufficient within itself to constitute pre-existing law for an appropriation to carry out the purposes therein outlined.

Since a copy of the proposed appropriation bill did not accompany the request for opinion, this Department is not attempting to pass on any question of the sufficiency of the bill itself.

Of course, any appropriation made in this connection would have to comply with the requirement of specificness of purpose, but there is nothing different in this respect from other ordinary appropriation bills.

Trusting that what we have said will answer the inquiry in your mind, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Ocie Speer*  
Ocie Speer  
Assistant

OS-MR

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