



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GROVER SELLERS  
~~WILL WILSON~~  
ATTORNEY GENERAL

Honorable C. H. Gilmer  
Speaker of the House  
House of Representatives  
Forty-ninth Legislature  
Austin, Texas

Dear Mr. Gilmer:

Opinion No. 0-6703  
Re: Whether a member of the Joint  
Legislative Committee created by  
Ch. 373, 48th Legislature ceases  
to be a member when he is no long-  
er a member of the Legislature,  
and another incidental question.

We beg to acknowledge receipt of your letter request-  
ing an opinion upon the above subject matter, as follows:

"The following question is directed with refer-  
ence to Section 1 of Article 12 of Chapter 373, Acts  
of the Regular Session of the 48th Texas Legislature.

"This section provides for a Joint Legislative  
Committee composed of five members of the Senate, ap-  
pointed by the President of the Senate, and five mem-  
bers of the House of Representatives, appointed by  
the Speaker of the House of Representatives, a major-  
ity of which shall constitute a quorum.

"Representatives Fitzgerald, Manning, McCann,  
Proffer and Callaway were appointed by Speaker Dan-  
iel from the House as the Committee under the bill  
for the current biennium. The first three Repre-  
sentatives were not returned to the 49th Legislature  
and therefore ceased to represent their districts  
upon the qualifications of their successors.

"The question is whether or not, when these  
parties ceased to be members of the House of Repre-  
sentatives, they ceased to belong to the Committee  
in question, so as to require the present Speaker of  
the 49th Legislature to fill such vacancies?"

Section 1 of Article 12 of House Bill No. 176, Chapter  
373, of the 48th Legislature, Regular Session, is as follows:

"There is hereby created a Joint Legislative Committee composed of five (5) members of the Senate, appointed by the President of the Senate, and five (5) members of the House of Representatives appointed by the Speaker of the House of Representatives, a majority of which shall constitute a quorum for the purpose of discharging any duty imposed upon said Committee. Said Committee shall promptly organize and elect from its membership a chairman, a vice-chairman and a secretary, shall vote as a unit on all propositions coming before it for consideration and shall keep a permanent record of its proceedings. The members of said Committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member."

The subsequent sections of the Article --2 to 7 -- define the duties of the Committee, the chief ones being the appointment of a legislative accountant, (Sec. 2) and after the close of each fiscal year to consider the report required of the legislative accountant, and to make recommendations based thereon to the next regular session of the Legislature thereafter; and, further, to study the school laws in order that they may be recodified, and to make recommendations thereon to the next Legislature. (Sec. 5)

Your questions involve a construction of Section 1 hereinabove quoted.

It is clear, we think, that the Legislature in creating the Joint Legislative Committee intended that the same should be composed of members of the Senate and of the House at all times. It is provided that "the members of said Committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member." This accentuates the thought that the Legislature was imposing upon its members additional, interim duties in line with their constitutional duties, and the further requirements contained in Section 5 that the "Committee is also directed to study the school laws in order that said laws may be recodified, and make recommendations thereon to the next Legislature", likewise emphasize this conclusion.

From what we have said it follows that when a member of this Committee ceases to be a member of the branch of the Legislature from which he was appointed he automatically ceases

to be a member of the Committee, whether such situation be the result of death, resignation, or expiration of his term.

It also follows that when such a vacancy occurs in the Committee, it is the duty of the Speaker of the House, or the President of the Senate, as the case may be, to make the proper appointment to fill the vacancy or vacancies.

Trusting that what we have said sufficiently answered your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Ocie Speer  
Ocie Speer  
Assistant

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APPROVED JUL 19, 1945  
s/Grover Sellers  
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee by s/BWB Chairman