



**OFFICE OF**  
**THE ATTORNEY GENERAL**  
**AUSTIN, TEXAS**

PRICE DANIEL  
 ATTORNEY GENERAL

October 7, 1947

FAGAN DICKSON  
 FIRST ASSISTANT

State Board of Barber Examiners  
 202 Brueggerhoff Building  
 Austin, Texas

Opinion No. V-401

Re: Whether salaries can  
 be paid out of Item 7  
 in Appropriation Bill  
 for the State Board  
 of Barber Examiners

Attention: Mr. L. H. Holder, Secretary

Gentlemen:

You request our opinion as to whether salaries may be paid out of Item 7 of your Departmental Appropriation for the biennium of 1947-1948. This item, which appears under the heading of "Maintenance and Miscellaneous", reads as follows:

"7. Inspectors and other employees travel expense, shop rent, office rent, office expense (stamps, utilities, stationery, telephone, telegraph, equipment, etc.), court costs, contingent, services, bond premiums, and consumable supplies..\$ 23,000.00 \$ 23,000.00"  
 Vol. 6, Vernon's Texas Session Laws, 50th Legislature, 1947, p. 821. (Emphasis added)

Immediately following this itemization is the statement that:

"Subject to the limitations set forth in the provisions appearing at the end of this Act, the foregoing amounts for the State Board of Barber Examiners are hereby appropriated ...."

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Paragraph (14)f, of Section 2, appearing at the end of the Act provides:

"f. Contingent Expenses. None of the funds hereinabove appropriated for 'contingent expenses' or 'maintenance and miscellaneous' shall be used for the payment of any salaries unless specifically authorized to be paid in the itemization under the contingent, maintenance and miscellaneous items hereinabove set out and designated therein as 'salaries,' 'extra help,' or 'seasonal labor.' " (p. 938)

It is our opinion that item 7 of your Appropriation Bill is limited by paragraph (14)f, of Section 2, and that salaries cannot be paid therefrom. There is nothing in the itemization of Item No. 7 to take it out of the category of "maintenance and miscellaneous". Item 7, itself, contains the word "contingent". The word "services" following the word contingent must be held to mean services other than the payment of salaries, in order to harmonize Item 7 with paragraph (14)f, of Section 2.

SUMMARY

Item 7 of the current appropriation for the State Board of Barber Examiners cannot be used to pay salaries in view of paragraph (14)f of Section 2 of the Rider to the Departmental Appropriation Bill. Ch.400, Acts 50th Leg., R. S. 1947, pp. 821, 938.

Yours very truly,

APPROVED

*Price Daniel*  
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By *Fagan Dickson*  
Fagan Dickson  
First Assistant

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