



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

**PRICE DANIEL
ATTORNEY GENERAL**

May 12, 1948

Hon. Geo. W. Cox, M. D.
State Health Officer
Austin 2, Texas

Opinion No. V-571

Re: Payment of salaries
and travel expense
from Item 142 of
Department of Health
Appropriation.

Dear Dr. Cox:

Your request of March 30, 1948, for an opinion concerns the legality of payment of salaries and traveling expenses from Item 142 of the current appropriation for the Department of Health contained in S. B. 391, 50th Legislature. The question has arisen in view of paragraph (14) f, Section 2, of this Act, which reads as follows:

"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'."

Item 142 of the appropriation for the State Board and Department of Health appears in S. B. 391 as follows:

"		For the years ending	
		August 31,	August 31,
		1948	1949
"Maintenance and Miscellaneous			
" . . .			
"142. Local Health Unit			
Assistance	\$200,000.00	\$200,000.00	"

It is our understanding that the appropriation

contained in Item 142 is the first of its kind ever made by the Legislature, and that local health unit assistance involves monetary assistance by the State to county or city health units engaged in local health improvement projects. The State's contribution, which is matched by local funds, is a grant-in-aid to such local health projects.

We are informed that members of the appropriations committee in both the House and Senate were apprised by the Department of Health that the funds covered by Item 142 included the payment of salaries and necessary travel expense incidental to carrying out the local health assistance program. Cf. Opinion V-368, dated September 3, 1947.

Item 122 of your departmental appropriation for traveling expenses apparently applies to travel expenses of the members of your department and not to those engaged in projects contemplated in Item 142.

Item 142, although listed under "Maintenance and Miscellaneous", is not actually an appropriation for either "contingent expense" or "Maintenance and Miscellaneous." This item is for the very definite project of aid to local health units over the State. The Legislature's intent in appropriating \$200,000.00 for this monetary aid to local organizations was to give approval to the same which would, of course, involve the payment of salaries and travel expenses necessary to carrying out the objects and purposes of local health units.

We are, therefore, of the opinion that whenever the State Department of Health makes a grant-in-aid or contribution from Item 142 to a local health unit, it may authorize the expenditure from Item 142 of the necessary salaries and traveling expenses incidental to the carrying out of the object and purpose of such contribution.

SUMMARY

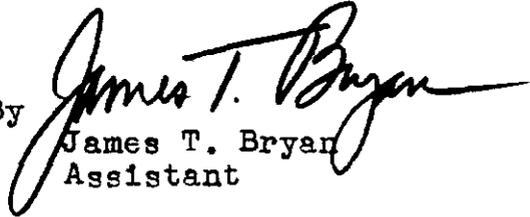
When the State Department of Health makes a grant or contribution from Item 142 of its current appropriation to a local health unit, it may authorize the payment from such item of the salaries and

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travel expenses necessary to the accomplishment of the object and purpose of the grant.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By 
James T. Bryan
Assistant

JTB:mw

APPROVED:


Rice Daniel
ATTORNEY GENERAL