



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

January 17, 1952

Hon. R. O'Hara Lanier, President
Texas Southern University
Houston 4, Texas Opinion No. V-1388

Re: Length of time a citizen
of Spain may be employed
as an instructor in Span-
ish, construing the ap-
propriation bill rider
respecting employment of
aliens.

Dear Sir:

We refer to your request for an opinion of
this office on the following question:

Are we correct in interpreting the
phrase "for other than instructional ser-
vice" appearing in Section 44, Article V
of House Bill 426, to mean that a time
limit does not obtain in reference to our
employing here at Texas Southern University,
an instructor in Spanish, an alien exchange
student at the University of Houston from
Spain?

Section 44, Art. V of H.B. 426, Acts 52nd
Leg., R.S. 1951, ch. 499, p. 1446, at p. 1476, applic-
able to State institutions of higher learning, provides
as follows:

"Employment of Aliens. No money shall
be paid out of any appropriation made herein
for other than instructional services for a
longer period than ninety (90) days, to any
person who is not a citizen of the United
States unless naturalization proceedings have
been instituted; provided that this limita-
tion shall not prevent the employment for a
longer period than ninety (90) days of regular
students, who are not citizens, as student
assistants or minor employees in the educa-
tional institutions of this State.

The alien employment or services referred to in Section 44, supra, are services "other than instructional services". There is here no ambiguity necessitating statutory construction. Generally, Section 44 prohibits the expenditure of moneys appropriated in Article V of House Bill 426, supra, as compensation to an alien employee for services in excess of ninety days, "other than instructional services", where naturalization proceedings have not been instituted in behalf of the alien.

You state that Texas Southern University has employed an alien as an "instructor" in Spanish; that he is an exchange student at the University of Houston from Spain. We agree that Section 44, supra, does not preclude the use of the appropriations of the University in payment for his services for a period of time which may exceed ninety days.

SUMMARY

Section 44, Article V of H.B. 426, Acts 52nd Leg., R.S. 1951, ch. 499, p. 1446, which places limitations on the use of appropriations of State institutions of higher learning in their employment of aliens in services "other than instructional services", expressly excepts from its application alien employments involving instructional services.

Yours very truly,

APPROVED:

J. C. Davis, Jr.
County Affairs Division

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