



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**PRICE DANIEL**  
ATTORNEY GENERAL

March 31, 1952

Hon. Paul H. Brown  
Fire Insurance Commissioner  
Board of Insurance Commissioners  
Austin, Texas

Opinion No. V-1429.

Re: Legality of the Board of Insurance Commissioners' carrying on its payroll at one time more than twenty full-time employees whose salaries are to be paid from an appropriation providing for twenty employees, only.

Dear Sir:

Your request for an opinion relates to the legality of the Board of Insurance Commissioners' carrying on its payroll at any one time more than twenty full-time raters whose salaries are to be paid from Item 31 of the appropriations to its Fire Insurance Division contained in the general departmental appropriation bill for the current biennium beginning September 1, 1951, and ending August 31, 1953. (H.B. 426, Art. III, Acts 52nd Leg., R.S. 1951, ch. 499, p. 1228, at p. 1372.

Item 31, supra, contains an appropriation of \$64,800.00 for each fiscal year of the current biennium to pay the salaries of "Raters, 20, none to exceed \$3,720 per year."

Subsection (a) of Section 16 of Article III, House Bill 426 (p. 1439) provides:

"(a) All annual salaries shall be paid in twelve (12) equal monthly installments, provided, however, that the head of any Department of State Government, or any Board or Commission of State Government, may use part-time employees to fill any position provided for in this Act at a salary not to exceed more than the prorata amount appropriated for such position."

It appears from your letter that only full-time raters are employed for the Fire Insurance Division and their monthly salaries range from \$190.00 to \$310.00. Therefore, we are not concerned here with the number of part-time raters who may be employed at any one time.

It is our opinion that the Legislature has by the provisions of Item 31, in substance, said to the Board: "The appropriation of \$64,800 herein made to your Fire Insurance Division for each fiscal year of the biennium beginning September 1, 1951, and ending August 31, 1953, may be expended by you for the employment of raters for that Division, but no more than twenty raters who work full-time may be employed at one time, none of whom shall be paid from this appropriation more than \$3,720 in any one year, or more than \$310 in any one month."

If it had been the legislative intent to permit the Board to carry on its payroll at any one time an indefinite number of raters to be paid from Item 31, it would not have limited the number of raters to be employed to "20" or to any other specific number.

SUMMARY

The Board of Insurance Commissioners may not carry on its payroll at one time more than twenty full-time raters whose salaries are to be paid from the appropriation provided for by "Item 31" of the current appropriation bill (H.B. 426, Acts 52nd Leg., R.S. 1951, ch. 499, p. 1228, at p. 1372.).

APPROVED:

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Yours very truly,

PRICE DANIEL  
Attorney General

  
By  
Bruce W. Bryant  
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