



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

September 27, 1955

Honorable Fred Williamson, Chairman
State Board of Registration for
Public Surveyors
P. O. Box 2293, Capitol Station
Austin, Texas

Letter Opinion No. MS-240

Re: Necessity of certification
by State Comptroller of
House Bill 142 of the 54th
Legislature (Chapter 328)
containing an appropriation
to the State Board of Reg-
istration for Public Sur-
veyors.

Dear Mr. Williamson:

You have stated that the Comptroller of Public Accounts has notified your Board that no appropriation exists for the operation of the Board during the current biennium because House Bill 142, Chapter 328, Acts of the 54th Legislature, 1955, which creates the Board and which purports to appropriate certain funds for its operation up to August 31, 1957, was not certified by the Comptroller in accordance with Section 49a of Article III of the Texas Constitution.

You have requested our opinion as to whether this bill requires certification by the Comptroller in order for the appropriation to be valid.

Section 9 of Chapter 328 reads in part as follows:

"All sums of money paid to the Board under the provisions of the Act shall be deposited in the Treasury of the State of Texas and placed in a special fund to be known as the 'Registered Public Surveyors' Fund,' and such fund is hereby appropriated and made available to the Board created herein for expenditure in accordance with the provisions of the Act, up to August 31, 1957.
..."

This office has heretofore held that an appropriation of all the money coming into a specific fund, without stating any

Hon. Fred Williamson, page 2 (MS-240)

specific amount, did not have to be certified. Att'y Gen. Ops. 0-6626 (1945), S-64 (1953), and MS-234 (1955). You are therefore advised that certification of House Bill 142 by the Comptroller was not necessary.

APPROVED:

Elbert M. Morrow
Reviewer

J. A. Amis, Jr.
Reviewer

Will D. Davis
Special Reviewer

Davis Grant
Special Reviewer

Robert S. Trotti
First Assistant

John Ben Shepperd
Attorney General

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By *Mary K. Wall*
Mary K. Wall
Assistant