



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

September 27, 1957

Honorable Raymond W. Vowell
Acting Executive Director
Board for Texas State Hos-
pitals and Special Schools
Box S, Capitol Station
Austin, Texas

Opinion No. WW-208

Re: Validity of appropri-
ations for the payment
of salary to the Busi-
ness Manager of the
Legion Tuberculosis
Hospital.

Dear Mr. Vowell:

You have requested an opinion on the validity of appropriations for the payment of salary to the Business Manager of the Legion Tuberculosis Hospital.

Senate Bill 11, Acts of the 53rd Legislature, Regular Session, 1953, ch. 29, p. 36, created the Harlingen State Tuberculosis Hospital and the San Antonio State Tuberculosis Hospital. House Bill 68, Acts of the 53rd Legislature, Regular Session, 1953, ch. 30, p. 38, authorized the Board for Texas State Hospitals and Special Schools to transfer tuberculosis patients from the Weaver Baker Sanatorium to the San Antonio State Tuberculosis Hospital and the Legion Sanatorium.

House Bill 409, Acts of the 54th Legislature, Regular Session, 1955, ch. 429, p. 1142, provides:

"Section 1. The name of 'Legion State Sanatorium', created by House Bill No. 68, Chapter 30, Acts of the Fifty-third Legislature, Regular Session, 1953, is hereby changed to Legion Branch of the San Antonio State Tuberculosis Hospital.

"Sec. 2. All laws heretofore or hereafter enacted by the Legislature applicable or relating to 'Legion State Sanatorium' shall hereafter be applicable and relate to Legion Branch of the San Antonio State Tuberculosis Hospital.

"Sec. 3. All appropriations heretofore made and now effective or appropriations hereafter made by the Legislature for the use and benefit of 'Legion State Sanatorium' shall be available for the use and benefit of Legion Branch of the San Antonio State Tuberculosis Hospital.

"Sec. 4. All contracts heretofore entered into in behalf of 'Legion State Sanatorium' are hereby ratified, confirmed, and validated for and in behalf of Legion Branch of the San Antonio State Tuberculosis Hospital.

"Sec. 5. The fact that the present name of this institution does not properly designate and describe such institution creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Subsequent to the enactment of House Bill 409, Acts of the 54th Legislature, the Legislature, in appropriating money for the maintenance and operation of the Legion Tuberculosis Hospital, has treated it as a branch of the San Antonio State Tuberculosis Hospital rather than an independent institution. The Legion Branch of the San Antonio State Tuberculosis Hospital does not have a Superintendent nor is there any money appropriated to pay such a salary. However, the Legislature has provided the Legion Branch with a business manager and has continuously appropriated money for the payment of his salary.

The Board for Texas State Hospitals and Special Schools is authorized to employ such personnel as is necessary to carry out the operations of the Texas State Hospitals and Special Schools. Attorney General's Opinion WW-252 (1957). In this opinion it was stated:

"From the foregoing it is evident that the legislation which made the Austin State School Farm Colony an institution in that group of institutions which comprise the Texas State Hospitals and Special Schools, has been uniformly construed by the Legislature which enacted it and by each Legislature which has convened since that time as authorizing the employment and payment of a superintendent and a business manager for said Austin State School Farm Colony."

The same reasoning is equally applicable to the appropriation for the payment of salary to the business manager of the Legion Branch of the San Antonio State Tuberculosis Hospital and you are advised that the salary of a business manager

Honorable Raymond W. Vowell, page 3. (WW-208)

for the Legion Branch may be legally paid from the funds appropriated for that purpose by the provisions of House Bill 133, Acts 55th Legislature, Regular Session, 1957, Chapter 385, page 898.

SUMMARY

The salary of a business manager for the Legion Branch of the San Antonio State Tuberculosis Hospital may legally be paid from the funds appropriated by House Bill 133, Acts 55th Legislature, Regular Session, 1957, Chapter 385, page 898.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:zt

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman
J. C. Davis, Jr.
W. V. Geppert
E. M. DeGeurin

REVIEWED FOR THE ATTORNEY GENERAL
BY:

James N. Ludlum