



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

July 15, 1959

Honorable Robert S. Calvert
Comptroller of Public Accounts
Capitol Station
Austin 11, Texas

Opinion No. WW-667

Re: Authority of the Comptroller to set aside in a separate account, \$5,000 of moneys appropriated by H.B.No.1, Acts 56th Legislature, Regular Session, 1959.

Dear Mr. Calvert:

You have requested our opinion on the following question:

"Please advise if sufficient authority exists in H.S.R. No. 152 for me to set aside in a separate account \$5,000.00 of the money appropriated in House Bill No.1, 56th Legislature, to be used only for the purpose set out in the Resolution?"

"The validity of the resolution, both as to its purpose or the expenditure of State Funds to carry out its provisions, is not in question."

House Simple Resolution No. 152, referred to in your request, provides in part as follows:

"RESOLVED, That the sum of Five Thousand Dollars (\$5,000) is hereby set aside out of the Legislative Expense Fund of the Fifty-sixth Legislature to defray the expenses of the Committee."

The Legislative Expense Fund of the 56th Legislature was created by the provisions of House Bill No. 1, Acts 56th Legislature, Regular Session, 1959, Chapter 1, page 1, and was appropriated for the purposes of paying legislative expenses. House Bill No. 1 authorizes each House to spend the moneys appropriated therein independently of the other House, and specifically provides that the House and Senate shall each publish an itemized account of expenses in its own Journal.

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Therefore, it is our opinion that the House of Representatives is authorized to set aside certain sums of money of the Legislative Expense Fund for specific purposes without the necessity of the Senate concurring. Since the House of Representatives, when acting as a body, does so by House Simple Resolution, it is our opinion that the above quoted provisions of House Simple Resolution No. 152 constitute sufficient authority for the Comptroller to set aside in a separate account \$5,000.00 of the moneys appropriated in House Bill No. 1, Acts 56th Legislature, Regular Session, 1959, Chapter 1, page 1, to be used only for the purposes set out in House Simple Resolution No. 152.

S U M M A R Y

The provisions of House Simple Resolution No. 152 constitute sufficient authority for the Comptroller to set aside in a separate account \$5,000.00 of the moneys appropriated in House Bill No. 1, Acts 56th Legislature, Regular Session, 1959, Chapter 1, page 1, to be used only for the purposes set out in House Simple Resolution No. 152.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:zt

APPROVED:
OPINION COMMITTEE
Geo. P. Blackburn, Chairman

Houghton Brownlee, Jr.
Marietta Payne
Charles D. Cabaniss
C. Dean Davis

REVIEWED FOR THE ATTORNEY GENERAL
BY: W. V. Geppert