



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 17, 1962

Representative Don Kennard
4032 Eldridge
Ft. Worth, Texas

Opinion No. WW- 1312

Re: Authority of the Interim
Committee on Migrant
Labor to expend State
funds for the employment
of Legal Counsel, research
staff or clerical help.

Dear Mr. Kennard:

Your request on the above subject matter asks the following questions:

"1. Under the provisions of H. S. R. No. 164, is it legal to expend state funds for the employment of Legal Counsel, research staff, or clerical help?

"2. In addition, is it legal for state funds to be expended for travel or other expenses for Legal Counsel, research staff, or clerical help?"

H. S. R. No. 164 attached with your request creates a special Interim Committee on Migrant Labor and the resolving clauses read as follows:

"RESOLVED by the House of Representatives of the State of Texas, That there is hereby created a special Interim Committee on Migrant Labor with membership as follows: Five (5) Members of the House of Representatives, to be appointed by the Speaker; and, be it further

"RESOLVED, That the Committee shall hold public hearings in Austin, Texas, shall study and consider both interstate and intrastate aspects of the problems of migratory labor, the co-ordination of agencies' services in the State and between states, and the co-operation between local, state, and national governments; and, be it further

"RESOLVED, That the Committee shall give special attention to the basic educational needs,

work skills and/or lack of such skills and the retraining and vocational education of adult workers; and, be it further

"RESOLVED, That the Committee shall present its report resulting from the study, together with findings and recommendations, to the Legislature at its next Regular Session; and, be it further

"RESOLVED, That no State funds from any source will be expended on the expense of House Members." (Emphasis added)

Section 7 of House Bill 289, Acts of the 57th Legislature, Regular Session, Chapter 303, page 654, known as the Legislative Reorganization Act of 1961 and codified in Vernon's as Article 5429f, Vernon's Civil Statutes, reads as follows:

"Each House of the Legislature acting individually, or the two Houses acting jointly shall have full power and authority to provide for the creation of special committees to perform such functions and to exercise such powers and responsibilities as shall be determined in the Resolution creating such committee. During the life of a special committee it shall have and exercise the same powers and authority as are herein granted to standing committees, subject to such limitations as may be imposed in the Resolution creating such special committee, and shall have such other and additional powers and authority as may be delegated to it by the Resolution creating the committee, subject to the limitations of law."

It is our opinion that the committee created by H. S. R. No. 164 constitutes a special committee within the meaning of Section 7 of House Bill 289, Acts of the 57th Legislature, Regular Session, 1961, Chapter 303, page 654 quoted above with full authority to perform such functions and exercise such powers and responsibilities as set out in the Resolution.

Subdivision 6 of Section 8 of House Bill 289, supra, provides:

"The Committee shall have authority to employ and compensate assistants to assist in any investigation, to assist in any audits, and to assist in any legal matters where, for any reason, it is necessary to obtain such services in addition to the services of the State Auditor, the Texas Legislative Council and Attorney General's Department, and the Department of Public Safety; and it may employ and compensate clerks, stenographers and other employees in order to conduct its investigations and hearings and to make proper records thereof. However, it is expressly provided that no employment or compensation shall be authorized until it has been first submitted to the Speaker of the House or the President of the Senate, as the case may be, and he has authorized it in writing."

It is noted from the foregoing that subdivision 6 of Section 8 of Article 5429f authorizes the committee to employ assistants and other help provided that such employment is first authorized by the Speaker of the House in writing. On the other hand H. S. R. No. 164 states that "no State funds from any source will be expended on the expense of House members."

A similar question was passed on by this office in Attorney General Opinion WW-1223 (1961), concerning the traveling expenses of the special House Committee on Escheat Laws. H. S. R. No. 16 (involved in Opinion WW-1223) was amended by striking out the portion of the Resolution specifically authorizing the reimbursement of the committee's actual and necessary expenses. In Opinion WW-1223, it was pointed out that Section 20 of Article 5429f, Vernon's Civil Statutes, authorized the payment of the expenses of the committee and held that the committee could be reimbursed for the actual and necessary expenses incurred while engaged in the work of the committee under the provisions of Section 20 of Article 5429f, Vernon's Civil Statutes specifically pointing out:

"It might be contended that since a portion of House Simple Resolution specifically provides for the payment of traveling expenses was deleted from House Simple Resolution No. 16 prior to passage shows a legislative intent that such expenses should not be paid. Since House Simple Resolution No. 16 could not have the effect of amending Section 20 of House Bill 289, Acts of the 57th Legislature, Regular

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Session, 1961, the deletion from House Simple Resolution No. 16, above noted, cannot affect the payment of traveling expenses to the committee."

It is our opinion that the same construction is applicable to the provisions of subdivision 6 of Section 8 of House Bill 289, Acts of the 57th Legislature, Regular Session, 1961, Chapter 303, page 634, codified in Vernon's as Article 5429f, Vernon's Civil Statutes. You are therefore advised that your committee has the authority to employ Legal Counsel, research staff, clerical help and to pay the expenses for such Legal Counsel, research staff and clerical help provided, of course, that no employment or compensation is authorized until it has been first submitted to the Speaker of the House of Representatives and the Speaker has authorized such employment or compensation in writing as provided in Article 5429f, Vernon's Civil Statutes.

S U M M A R Y

The special Interim Committee on Migrant Labor has the authority to employ Legal Counsel, research staff and clerical help and pay for travel and other expenses for the Legal Counsel, research staff and clerical help provided the Committee first submits such employment to the Speaker of the House of Representatives and the Speaker has authorized it in writing as provided in subdivision 6 of Section 8 of Article 5429f, Vernon's Civil Statutes.

Very truly yours,

WILL WILSON
Attorney General of Texas


By: John Reeves
Assistant

JR:mkh

APPROVED:
OPINION COMMITTEE

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REVIEWED FOR THE ATTORNEY GENERAL
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