



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WALDONER CARR
ATTORNEY GENERAL**

October 11, 1965

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

Opinion No. C-523

Re: If the University of Houston were to invite a United States employee to give a commencement address, would it be possible to issue a state warrant to this individual as an honorarium for the talk given?

Dear Mr. Calvert:

You have requested the opinion of this office on the question of:

"If the University of Houston were to invite a United States government employee to give a commencement address, would it be possible to issue a state warrant to this individual as an honorarium for the talk given?"

Webster's New International Dictionary, Second Edition, defines an "honorarium" as:

"An honorary payment or reward, usually in recognition of gratuitous or professional services on which custom or propriety forbids any fixed business price to be set, or for which no payment can be enforced at law. . . ."

Black's Law Dictionary, Fourth Edition, defines an "honorarium" as:

". . . An honorary or free gift; a gratuitous payment, as distinguished from hire or compensation for service. . . ." (Emphasis added).

Section 51 of Article III of the Constitution of Texas provides in part that:

"The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual. . . ."

As the foregoing definitions of an "honorarium" establish such a payment to an individual to be in the nature of a gift or a gratuity, we are of the opinion that the issuance of a state warrant for the payment of an "honorarium" would be in violation of Section 51 of Article III of the Constitution of Texas, which specifically prohibits the making of grants, gifts or donations of public money to individuals.

S U M M A R Y

The issuance of a state warrant for the payment of an "honorarium" to an individual making a commencement address at the University of Houston would be in violation of Section 51 of Article III of the Constitution of Texas.

Very truly yours,

WAGGONER CARR
Attorney General

By: 
Pat Bailey
Assistant

PB:mkh

APPROVED:
OPINION COMMITTEE

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Mario Obledo
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