



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**PRICE DANIEL**  
ATTORNEY GENERAL

August 17, 1951

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

Opinion No. V-1241

Re: Validity of appropriation  
in S.B. 322, Acts 52nd  
Leg., R.S., 1951, to make  
a contribution or payment  
to the National Conference  
of Commissioners on Uni-  
form State Laws.

Dear Sir:

Your request for an opinion relates to the validity of the appropriation in Senate Bill 322, Acts of the Fifty-second Legislature, Regular Session, 1951, of a sum not to exceed Eleven Hundred Twenty-five Dollars (\$1125.00) a year to be expended as a payment or contribution to the National Conference of Commissioners on Uniform State Laws.

After quoting the provision making the appropriation in question, you ask:

"Does the language above quoted make an appropriation out of the General Revenue to the Commission on Uniform State Laws?"

Senate Bill 322 creates a Commission on Uniform State Laws, provides for appointment of the Commissioners by the Governor, provides for the organization of the Commission, prescribes its duties, and makes appropriations to carry out the purposes of the Act.

Section 5 of the Act reads in part:

"There is hereby appropriated out of State funds not otherwise appropriated a sum sufficient to make a contribution on behalf of this State to the National Conference of Commissioners on Uniform State Laws in the sum not to exceed One Thousand, One Hundred

Twenty-five (\$1,125.00) Dollars per annum. There is also hereby appropriated out of State funds not otherwise appropriated a sum sufficient to defray the cost of printing the Commission's reports, and to reimburse members of Commission on Uniform State Laws for their necessary expenses in performing the duties of their office, provided that these expenses shall not exceed Two Thousand (\$2,000.00) Dollars per annum, and provided further that the Commissioners shall receive no compensation for their services as Commissioners. . . ."

We think the appropriation is clearly one to the Texas Commission on Uniform State Laws created by the Act. Section 4 of the Act requires the Commissioners to "attend the meeting of the National Conference of Commissioners on Uniform State Laws" and further provides that each commissioner "both in and out of such National Conference shall do all in his power to promote uniformity of state laws, upon all subjects where uniformity may be deemed desirable and practicable."

We are not unmindful of the constitutional restrictions applicable to appropriation of public money by the Legislature. Section 44 of Article III states that the Legislature shall not "grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law." Section 6 of Article VIII provides that "No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years." See also Art. III, Sec. 51.

We think it was the intention of the Legislature to hold the National Conference of Commissioners on Uniform State Laws in the same light as the Council of State Governments with which we understand it is affiliated or has a co-operative agreement.

Attorney General's Opinion O-6395 (1945) held constitutional an appropriation to carry out the provisions of Senate Bill 187, Acts of the Forty-seventh Legislature, Regular Session, 1941, creating the Texas Commission on Interstate Co-operation. The Commission was authorized to act with other states co-

operating in the Council of State Governments. The Council was declared to be a "joint governmental agency of this State and of the other States which co-operate with it." The holding in that opinion has application to the question you present. The Texas Commission on Uniform State Laws is similar in character to the Texas Commission on Interstate Co-operation. Both will act with other states co-operating with the Council of State Governments.

The Legislature, no doubt, considered that certain direct public benefits would flow to the State from acting with other states co-operating in the Council of State Governments and in the National Conference, and we therefore think the appropriation in question is for a public purpose for which the Act itself is pre-existing law.

We have been favored with an able memorandum brief on the question presented by the Honorable Ben H. Powell, Chairman of the Texas Board of Commissioners to the National Conference of Commissioners on Uniform State Laws, in which it is pointed out that the first meeting of the National Conference was held in 1892. In the nearly sixty years of its existence the Conference has drafted and approved one hundred seven uniform acts. Texas has adopted some fifteen of these acts.

Moreover, Senate Bill 322 creating a State Commission on Uniform State Laws and carrying the appropriation which is the subject of your inquiry is one of seven of these uniform acts adopted by the Fifty-second Legislature. Thus, it is clear that the Legislature deemed the appropriation to be for a public purpose and that it will produce public benefits. Texas for many years has participated in the conference through its commissioners, serving by appointment of the Governor, without compensation or reimbursement for necessary expenses. We understand that Texas has not heretofore paid any of the expense of the Conference. It appears that the Legislature decided that the State, having benefited from the Conference for years, should pay part of the expense of the Conference for the next two years.

We think the appropriation in question is authorized as one for a public purpose. Of course, the appropriation will not be valid for a longer term than two years.

SUMMARY

The appropriation is S.B. 322, Acts 52nd Leg., R.S., 1951, of an amount not to exceed \$1125.00 per annum for the purpose of making a contribution or payment to the National Conference of Commissioners on Uniform State Laws, is an appropriation to the Texas Commission on Uniform State Laws to be expended for a public purpose and is valid.

Yours very truly,

APPROVED:

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By   
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