



**THE ATTORNEY GENERAL
OF TEXAS**

October 25, 1988

**JIM MATTOX
ATTORNEY GENERAL**

Mr. Will Reece
Executive Director
Texas Council on Vocational
Education
P. O. Box 1886
Austin, Texas 78767

LO-88-123

Dear Mr. Reece,

You ask whether state law permits the Texas Council on Technical-Vocational Education to utilize a portion of its appropriation to purchase plaques to recognize council officers and committee chairs for their service in a lay citizen role to the State of Texas.

In Attorney General Opinion H-1119 (1978), this office determined that the council is a state agency. As such, the council has only that authority expressly granted by the constitution and statutes, or implied therefrom. City of Sherman v. PUC, 643 S.W.2d 681 (Tex 1983). The council consists of 13 members appointed by the governor for a specified term. Educ Code §§ 31.12, 31.13. The members "serve without pay, but shall be reimbursed for their actual expenses while attending meetings or for such work of the council as is approved by the chairman of the council."¹ Educ. Code § 31.16. The committee chairs to which you refer are appointed from among the council membership by the council chairman. Educ. Code § 31.17.

You suggest that the authority to purchase the commemorative plaques may be found in article V, section 11, of the current General Appropriations Act. That section provides:

As compensation in addition to that otherwise provided by this Act, departments and agencies

1. See Attorney General Opinions JM-888 and JM-954 (1988) to determine whether the provision for reimbursement for actual expenses has been superseded.

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covered by this Act in Articles I through VI, are authorized to purchase and present to their respective employees . . . awards for such special professional achievement and other outstanding service. Such awards will be limited to lapel pins, tie clasps, plaques, loving cups . . . or other awards of a similar nature (Emphasis added.)

In our opinion, this provision of the appropriations act does not authorize the purchase of plaques as compensation for the persons about whom you inquire, because the members of the council are officers, not employees. See generally Attorney General Opinion JM-499 (1986) (distinguishing "officers" from "employees"). See also Educ. Code § 31.21 (referring to council members or employees).

Very truly yours,



Karen C. Gladney
Assistant Attorney General
Opinion Committee

APPROVED: Sarah Woelk, Chief
Letter Opinion Section

KCG/er

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