



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GERALD C. MANN

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ATTORNEY GENERAL**

Honorable Houghton Brownlee, Chairman,
Committee on Contingent Expenses
The Senate
Austin, Texas

Dear Senator Brownlee:

Opinion No. 0-5111

Re: Authority to pay additional compensation
to the Journal Clerk and his assistant,
under facts stated.

Your request for an opinion from this department is as follows:

"A resolution adopted by the Senate at the close of the regular session of the 47th Legislature contains the following paragraph:

"Resolved, that there shall be printed seven hundred fifty volumes of the Senate Journals The printing, of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense. . . . When the accounts have been certified to by the Chairman of the Committee on contingent expenses, said accounts shall be paid out of the contingent expense fund, etc."

"Assuming that the proper printing of the Journals involves a large amount of correcting and editing of copy and of proofreading and indexing, did the foregoing paragraph authorize the Chairman of the Committee on Contingent Expenses to incur any expense for this work in addition to the salaries of the Journal Clerk and his assistant for 90 days?

"The resolution provided that these clerks be retained 90 days each, presumably for the purpose of doing said editing, proofreading, indexing, etc.

"At the expiration of this period, these clerks reported to the Chairman of the Committee on Contingent Expenses that they had labored diligently but had not completed the work and that they wished to return the Journal manuscript and other materials into his custody.

"After some discussion, the Chairman of the Committee on Contingent Expense (under authority of the above quoted paragraph) employed the same two clerks to continue their work long enough to make possible the publication of the Journals. And the question is: Can they legally be paid for these services?"

Your question should be answered in the negative. Our reasons for this answer are fully stated by a similar ruling in our Opinion No. 0-5044, addressed to the Hon. Geo. H. Sheppard, Comptroller of Public Accounts, a copy of which we hand you herewith.

The Legislature having most specifically authorized the extra service of these clerks for ninety days each, we can not enlarge the employment beyond that time. Without such enlargement, there is no preexisting law for payment.

Very truly yours

ATTORNEY GENERAL OF TEXAS

s/ Ocie Speer

By

Ocie Speer
Assistant

OS:mr/ ldw

Enclosure

APPROVED FEB. 19, 1943

s/Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE

BY B. W. B.
CHAIRMAN