



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

April 15, 1947

Hon. George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Opinion No. V-145

Re: The authority of the
Chairman of the Live-
stock Sanitary Commis-
sion to approve claims
incurred by the Commis-
sion.

Dear Sir:

You have requested the opinion of this department as to the authority of the Chairman of the Livestock Sanitary Commission to approve claims incurred in the enforcement of the provisions of House Bill 19, Chapter 3, Acts of the 50th Legislature, 1947, which authorizes the Livestock Sanitary Commission to establish quarantines to prevent an outbreak of Hoof and Mouth disease.

Chapter 8, Title 1212, Revised Civil Statutes of Texas, provided for the appointment of a Livestock Sanitary Commission of Texas and enumerated its duties.

Article 7009, Revised Civil Statutes of Texas, 1925, authorizes the appointment of the members of the Sanitary Commission but does not specifically prescribe or enumerate the duties and powers of the Commissioners. This article was amended by Acts 1937, Forty-fifth Legislature, Chapter 1, Section 1, by changing the terms of office of the Commissioners from two (2) to six (6) years, but made no other changes.

The remaining articles of Chapter 8, Title 121, Revised Civil Statutes 1925 were Articles 7010 to 7040, inclusive, which were repealed by Chapter 53, Section 38, Acts of the Forty-first Legislature, First Called Session.

However, Chapter 53, Section 1, Acts of the Forty-first Legislature, First Called Session, provides as follows:

"It shall be the duty of the Livestock Sanitary Commission, provided in Article 7009,

Revised Civil Statutes of 1925, to eradicate the fever-carrying tick (Margaropus Anniatus) in the State of Texas and to protect all lands, territory, premises, cattle, horses, mules, jacks and jennets in the State of Texas from said tick and exposure thereto, under the provisions of this Act. Said Commission shall adopt necessary rules and regulations, to be proclaimed by the Governor of the State of Texas, for carrying out the provisions of this Act. One of the members of said Commission shall be Chairman thereof, and he is hereby authorized to perform any and all acts which may be performed by said Commission.* (Emphasis added)

When the 45th Legislature amended Article 7009 in 1937, it must be presumed to have known of the existence of that part of Section 1, Chapter 53, Acts of the Forty-first Legislature, which authorized the selection of one of the Commissioners as Chairman and authorized such Chairman to perform any and all acts which may be performed by the Commission and thereby ratified the delegation of such authority by a former Legislature.

The Fiftieth Legislature in the enactment of House Bill 19, Chapter 3, specifically recognized the delegation of authority under Section 1, Chapter 53, Acts of the Forty-first Legislature in that it refers to the duties of the Chairman of the Livestock Sanitary Commission in Section 4, requiring him to make monthly reports under oath to the State Auditor accounting for all moneys expended and authorized to be expended out of the moneys appropriated by the Act. The Chairman of the Livestock Sanitary Commission has the authority to approve any and all claims incurred in the enforcement of the Act.

SUMMARY

The Chairman of the Livestock Sanitary Commission has full authority to approve any and all claims incurred by

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the Livestock Sanitary Commission in the enforcement of the provisions of House Bill 19, Chapter 3, Acts of the Regular Session of the Fiftieth Legislature.

Very truly yours

ATTORNEY GENERAL OF TEXAS

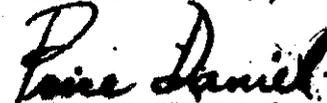


By

C. K. Richards
Assistant

CKR:lh:mme

APPROVED APR 15, 1947



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