



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

December 13, 1957

Honorable James A. Turman
Acting Executive Director
Texas Youth Council
213 West 14th Street
Austin, Texas

Opinion No. WW-310

Re: Are the receipts of reimbursements for materials and supplies used in providing barber and cosmetology service to employees under the provisions of Section 9a of Article II, House Bill 133, Acts 55th Legislature, Regular Session, 1957, Chapter 385, page 927, reappropriated, and are these receipts to be deposited to the appropriation account from which such materials and supplies are purchased?

Dear Dr. Turman:

You have requested an opinion of this office in which you pose the following questions relative to the provisions of Section 9a of Article II of House Bill 133 of the 55th Legislature:

"1. Are receipts from materials or supplies used in providing barber and cosmetology service for employees reappropriated?

"2. If the answer to the above question is in the affirmative, are these receipts to be deposited to the appropriation account from which such materials or supplies are purchased?

Section 9a of Article II, House Bill 133, 55th Legislature, reads as follows:

"a. Barbers and cosmetologists paid from appropriations made in this Article may perform services for the employees of the institutions and charge for them, provided the work is done after their assigned working hours and the State is reimbursed for the materials or supplies used. Rates of charges shall be approved by the governing boards. Receipts collected under this subsection are to be deposited in the appropriation account from which such materials or supplies are

Honorable James A. Turman, page 2 (WW-310)

purchased, and are hereby reappropriated for expenditure." (Emphasis ours)

Section 35 of Article III of the Constitution of Texas provides in part:

"Sec. 35. No bill, (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title.

. . . "

It is our opinion that the underscored portion of Section 9a of Article II of House Bill 133 does not detail, limit or restrict the use of funds appropriated in House Bill 133 but provides the authority for the expansion of services which are not now authorized. We believe that Section 9a is a proper "subject" of general legislation, and therefore, falls within the requirements of Section 35 of Article III of the Constitution of Texas.

This being so, we believe that Attorney General's Opinions No. WW-96 (1957) and No. WW-265 (1957) and the authorities cited therein, require us to hold that Section 9a of Article II of House Bill 133 is invalid and that, therefore, the procedure authorized by this Section may not be legally made operative.

For this reason, it becomes unnecessary for us to answer either of the two questions posed relative to the remaining provisions of Section 9a of Article II, House Bill 133.

SUMMARY

Section 9a of Article II of House Bill 133, Acts 55th Legislature, Regular Session, 1957, Chapter 385, page 927, is a proper "subject" of general legislation and is, therefore, invalid under the provisions of Section 35 of Article III of the Constitution of Texas.

Yours very truly,

WILL WILSON
Attorney General of Texas

By

Wayland C. Rivers Jr.
Wayland C. Rivers, Jr.
Assistant

WCR:pf:jl:wb

Honorable James A. Turman, page 3 (WW-310)

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman
John Minton
B. H. Timmins, Jr.
Fred Werkenthin

REVIEWED FOR THE ATTORNEY GENERAL

BY: James N. Ludlum