



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

January 4, 1968

Honorable Thomas C. Green  
Secretary, Texas State Board  
of Registration for Pro-  
fessional Engineers  
Austin, Texas

Opinion No. M-179

Re: Whether the Texas State  
Board of Registration  
for Professional Engi-  
neers has authority to  
hire an investigator to  
assist the Board in its  
enforcement of the pro-  
visions of Article 3271a,  
Vernon's Civil Statutes,  
and related questions.

Dear Col. Green:

You request the opinion of this office as to whether:

" . . . the Board has authority to hire an investigator to assist the Board in its enforcement of the provisions of Article 3271a, Vernon's Civil Statutes, and to fix and pay the salary of such investigator from the funds appropriated by Senate Bill 15, Acts of the 60th Legislature, 1967, Regular Session, the General Appropriations Bill, to the Texas State Board of Registration for Professional Engineers in line item number 7."

Section 9 of Article 3271a, Vernon's Civil Statutes, provides, in part, that:

" . . . The Board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act. . . ."

The foregoing statutory provision is sufficient authorization for the Texas State Board of Registration for Professional

Engineers to employ and compensate an investigator whose duties would be to assist the Board in the enforcement of the provisions of Article 3271a. However, such authorization to employ and compensate an investigator is contingent upon the Legislature making a proper appropriation.

Line item number 7 of the departmental appropriation to the Texas State Board of Registration for Professional Engineers in Senate Bill 15, Acts of the 60th Legislature, 1967, Regular Session, Ch. 784, p. 2175, the General Appropriations Bill, provides:

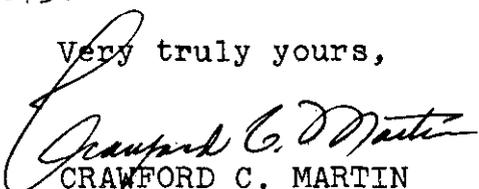
"7. Investigation Program: Expenses of witness fees, court transcripts, documentary evidence, processing complaints, court costs, and other necessary expenses in gathering evidence for the enforcement of S.B. No. 74, 59th Legislature (Vernon's Annotated Civil Statutes, Article 3271a) ..... \$19,240."  
(Emphasis added.)

We observe that the use of an investigator may well be the only manner in which certain evidence may be obtained in the enforcement of the Engineering Practice Act. In view of the foregoing provision in the departmental appropriation to the Texas State Board of Registration for Professional Engineers, we are of the opinion that the compensation of an investigator for the gathering of evidence for the enforcement of the provisions of Article 3271a would be an authorized expenditure from the funds appropriated to the Texas State Board of Registration for Professional Engineers in line item number 7.

S U M M A R Y

The Texas State Board of Registration for Professional Engineers has authority to employ an investigator to assist the Board in the enforcement of Article 3271a, Vernon's Civil Statutes, and such investigator may be compensated from the departmental appropriation to the Texas State Board of Registration for Professional Engineers in line item number 7 of Senate Bill 15, Acts 60th Legislature, 1967, Regular Session, Ch. 784, p. 2175.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

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APPROVED:  
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