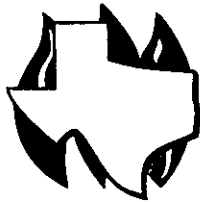


Texas
Commission



on
Fire Protection

P.O. Box 2286 Austin, TX 78768-2286 (512) 918-7100 FAX (512) 918-7107

FILE # ML-40659-99

I.D. # 40659

February 5, 1999

The Honorable John Cornyn
Attorney General
State of Texas
P. O. Box 12548
Austin, Texas 78711-2548
Attn: Opinion Committee

RECEIVED

FEB 09 1999

Opinion Committee

RQ-0018-JC

RE: Attorney General Opinion Request

Dear General Cornyn:

On behalf of the Texas Commission on Fire Protection (the "commission," hereafter) I would like to request an opinion as to whether Proposed Rider A submitted by the commission in its Legislative Appropriation Request violates the state constitutional prohibition against amending general law through the appropriations process. The requested rider states:

"It is the intent of the Legislature that out of the funds appropriated above for Strategy 01-02-01, Administer Loan and Grant Program, the Commission on Fire Protection may use no more than \$38,508.00 for personnel costs to administer the program and no more than \$4,000.00 for travel expenses for the funds allocation advisory committee in the fiscal year 2000 and the same amounts for fiscal year 2001. The balance of the money appropriated for Strategy 01-02-01 is for scholarships, grants, loans, and other financial assistance, and may not be used for other administrative expenses of the commission or the funds allocation advisory committee."

During the last legislative session, Senate Bill 371, authored by Senator Ken Armbrister, amended the Government Code, Section 419.063, by adding the following language:

"(c) The commission may not use money appropriated for scholarships, grants, loans, and other financial assistance to be awarded under this subchapter for the administrative expenses of the commission or of the funds allocation advisory committee."

It is the commission's position that the requested rider does not unconstitutionally attempt to amend the referenced portion of Government Code, Section 419.063. The rider distinguishes between money appropriated for the administration of the program, and money specifically appropriated for scholarships, grants, loans, and other financial assistance. The requested rider maintains the limitation on the use of funds appropriated for scholarships, grants, loans, and other financial assistance in Government Code, Section 419.063, by expressly identifying the funds to which it applies. The appropriation of a separately designated amount of funds to *administer* the program, therefore, does not conflict with the limitation of Government Code, Section 419.063.

*David Abernathy, Pittsburg, Presiding Officer ★ Juan J. Adame, Corpus Christi, Assistant Presiding Officer
Kelley Stalder, Parker, Secretary ★ Pat Barrett, TEEX ★ Marvin Dawson, Brownfield
Gilbert D. Jalomo, Jr., Fort Bend County ★ Al Lopez, Jr., Kingsville ★ Robert H. Price, Grapevine ★ Gilbert Robinson, Galveston
Ricardo Saldaña, Mission ★ Peggy Trahan, South Padre Island ★ Carl Wren, Manchaca
Gary L. Warren Sr., Executive Director*

If you need additional information to consider this matter, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. R. Thompson', written in a cursive style.

Thomas R. Thompson
General Counsel

Cc: Senator Bill Ratliff, Chairman Senate Finance Committee
Senator Ken Armbrister, Chairman Senate Criminal Justice Committee
David Abernathy, Presiding Officer, Texas Commission on Fire Protection
Deloss Edwards, Presiding Officer, Funds Allocation Advisory Committee