

Thereafter, the matter was presented to the Legislature and in the Supplemental Appropriations bill of this year (Senate No. 249—Chapter 101) the following item was inserted:

“DEPARTMENT OF LAW AND PUBLIC SAFETY,

DIVISION OF LAW

“Amount to cover fees of former Senator James Davis, of Burlington, John A. Mathews, of Essex County, and Milton B. Conford, of Union County, representing costs in the litigation of the recent Burlington Bridge matter \$22,500.00

The Supplemental Appropriations bill is an adequate and comprehensive piece of legislation in itself. It makes appropriations not only for the support of the State government, but for several public purposes, of which in the judgment of the Legislature the recited item is one. No additional legislation is necessary to authorize payment of the appropriated item, and I am of the opinion that the amount should be paid to the named individuals in accordance with the mandate of the appropriation law.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH LANIGAN,
Deputy Attorney General.

JL:rk
Encl: Voucher

MAY 5, 1953.

HON. J. LINDSAY DEVALIERE, *Director,*
Division of Budget and Accounting,
Department of the Treasury
State House, Trenton, N. J.

FORMAL OPINION—1953. No. 15.

DEAR MR. DEVALIERE:

Receipt is acknowledged of your request for my opinion relative to certain claims for contingent and incidental expenses, presented to you by the Honorable G. Clifford Thomas, Chairman of the House Committee on Incidental Expenses. You ask to be advised as to the power of the House of Assembly, the committees and members thereof, to incur these expenses and is there legislative authority therefor.

By Chapter 43 of the Laws of 1952 (the General Appropriations Bill) it is provided:

"GENERAL STATE PURPOSES

A 10. LEGISLATURE

* * *

"Services Other Than Personal:

Indexing Journal and Minutes and other incidental and contingent expenses \$100,000.00"

By Chapter 7 of the Laws of 1952 (the Incidental Appropriations Bill) at page 34 thereof it is provided:

A 10. LEGISLATURE

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"Services Other Than Personal:

Indexing journal and minutes and other incidental expenses \$148,000.00"

Incidental and contingent expenses are those charges, which in the judgment of the respective Houses of the Legislature, are incurred in the performance of duties and in the functioning of the legislative machinery. So long as they are within the limits of authorized appropriations they are controlled by the judgment of each House, pursuant to the constitutional power to conduct its own proceedings.

"The adjective 'incidental,' as used in appropriation bills to qualify the word 'expenses,' has a technical and well-understood meaning. It is usual for Congress to enumerate the principal classes of expenditure which they authorize, such as clerk hire, fuel, light, postage, telegrams, etc., and then to make a small appropriation for the minor disbursements incidental to any great business, which cannot well be foreseen, and which it would be useless to specify more accurately. For such disbursements a round sum is appropriated under the head of 'incidental expenses'." *Dunwoody vs. United States*, 22 Ct. Cl. 269, 280.

The State Constitution by Article IV, Section IV, paragraph 3, among other things, provides: Each House shall choose its own officers and determine the rules of its proceedings. Pursuant to this constitutional provision the House of Assembly by Rule 34 has created a number of standing committees, one of which is a Committee on Incidental Expenses. The Legislature functions through its various committees and the accepted practice for a period of more than 60 years has been to refer all incidental claims of the officers and members of the House of Assembly to this Incidental Committee. The committee, and the committee alone, is vested with the power to approve or disapprove these incidental claims subject only to the overriding vote of a majority of the members of the House.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH LANIGAN.
Deputy Attorney General.

JL:rk
Encl: Voucher