



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 10, 1939

Honorable W. Lee O'Daniel
Governor of Texas
Austin, Texas

Dear Governor O'Daniel:

Opinion No. 0-788

Re: Authority of the Governor to sign State of Texas Treasury Certificates and interest coupons attached thereto as provided by resolution of the Texas Old Age Assistance Commission pursuant to House Bill No. 179, Forty-sixth Legislature.

We are pleased to reply to your letter of May 8, which reads as follows:

"I have been informed that the Texas Old Age Assistance Commission has authorized the issuance of the obligations of the State of Texas designated "State of Texas Treasury Certificates" in the principal sum of \$2,230,838.50; that said certificates shall be numbered from one to two hundred and twenty-four, and that each of said certificates shall have three interest coupons. I have been informed by the Texas Old Age Assistance Commission that my signature should be affixed to each of the interest coupons of every certificate.

"Will you please inform me whether I have the authority as Governor of Texas to affix my signature to the above described instruments, and whether it is necessary and proper for me to do so."

The issuance of the "State of Texas Treasury Certificates" to which you refer was expressly authorized by the Texas Old Age Assistance Commission under the authority of House Bill No. 179, which was passed by the current session of the Forty-Sixth Legislature and approved by you.

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Section 7 (1) of said Act directs the Old Age Assistance Commission to issue these Treasury Certificates "in such form and denominations as shall be determined by such Commission."

Pursuant to the authority and direction of House Bill No. 179, the Texas Old Age Assistance Commission at a special meeting held on April 28, 1939, at which the writer was present, duly adopted a resolution for the issuance of these Treasury Certificates. Paragraphs 7 and 8 of said resolution provide as follows:

"7. Each of said Certificates shall be signed by the Chairman of the Old Age Assistance Commission, attested by the Secretary of said Commission, signed by the Governor of the State of Texas, and attested by the Secretary of State of the State of Texas, and shall be registered by the Treasurer of the State of Texas, and the great seal of the State of Texas shall be impressed on each of said Certificates.

"8. That the fac-simile signatures of the Governor and of the Treasurer of the State may be printed, lithographed or engraved on said interest coupons and such fac-simile signatures shall have the same force and effect as if they had been manually affixed on said coupons."

We believe the foregoing quotations from House Bill No. 179 and the resolution of the Old Age Assistance Commission give you proper authority to sign said Treasury Certificates as requested by the Commission.

Section 7 (5) of House Bill No. 179 provides:

"The Governor, State Treasurer, Attorney General, Texas Old Age Assistance Commission, Comptroller of Public Accounts, and the Secretary of State are hereby directed to do any and all things necessary to accomplish the purpose of this Section."

This is an express legislative mandate to the designated State officers to perform all administrative acts contemplated as being necessary to carry out the purpose of the Act. We therefore respectfully advise that it is both necessary and proper for you to sign the Treasury Certificates and authorize

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~~the lithographing of your signature to the interest coupons attached thereto, as provided in the resolution of the Old Age Assistance Commission of April 28, 1939.~~

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (signed)
Walter R. Koch
Assistant

WRK:FG

APPROVED:

Gerald C. Mann (signed)
ATTORNEY GENERAL OF TEXAS