



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GROVER SELLERS
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ATTORNEY GENERAL

Honorable W. E. Lowry, Executive Officer
State Board for Vocational Education
Austin 11, Texas

Dear Mr. Lowry:

Opinion No. O-6933

Re: Whether or not the State
Treasurer of Texas may re-
ceive funds donated to the
Vocational Rehabilitation
Division under the same pro-
visions and considerations
as moneys appropriated by
the Legislature.

We beg to acknowledge receipt of your request for an opinion,
as follows:

"* * *. We hereby request an opinion from the Attorney
General of the State of Texas on the following subject: Can
the State Treasurer of the State of Texas receive any donated
funds which have been donated to the Vocational Rehabilita-
tion Division under the same provisions and considerations
as any monies appropriated by the Legislature?"

In our oral conversation this forenoon you advised that you
were specially concerned only with the handling of donations from
private personal or group donations, and not the handling of Federal
funds appropriated by the Congress.

You say in your letter that "The State of Texas has prepared
and submitted to the Federal Security Agency a State Plan and the
following is an extract from page ninety-three of the State Plan which
was accepted and approved by the Federal Security Agency:

"SECTION VIII -- FISCAL PROVISIONS

Source of Funds

There are three sources from which rehabilitation funds
are made available. They are

1. State funds from regular State appropriation.
2. Federal funds allotted to the State for rehabilita-
tion purposes.

3. Funds paid out by the Texas School for the Deaf for a Placement Agent who is assigned to the Rehabilitation Division.

Custody of Funds

The State Treasurer shall be the custodian of all funds received from the Federal Government for the joint operation of this program as provided in the Federal Act, and is also the custodian of all State Funds and 'Donated Funds' set aside for the use of the Rehabilitation Service.

It is not necessary that Federal Funds allocated to the State for rehabilitation purposes be reappropriated by the State Legislature under the Texas laws and regulations.

There are no special conditions to the use of State funds. Allotment of such funds for specific rehabilitation purposes is left to the discretion of the Director and the State Board.'

"As indicated on page ninety-three of the State Plan, any monies which are donated to the Rehabilitation Division shall be placed in the state treasury."

Article 2675-1, (Vernon's Codification of the Revised Civil Statutes) is as follows:

"Sec. 1. The Legislature of Texas does hereby accept the provisions and benefits of an Act of Congress passed June 2, 1920, amended June 5, 1924, entitled: 'AN ACT to provide for the promotion of Vocational Rehabilitation of persons disabled in industry or otherwise, and their return to civil employment.'

"Sec. 2. The Treasurer of Texas be, and he is hereby authorized and empowered to receive the funds appropriated under said Act of Congress, and is authorized to make disbursements therefrom upon the order of the State Board for Vocational Education. The State Board of Vocational Education is empowered and instructed to co-operate with the terms and conditions expressed in the Act of Congress aforesaid.

"Sec. 2-a. The Vocational Rehabilitation Division, through the Supervisor of Rehabilitation, is authorized to receive gifts and donations for rehabilitation work, said gifts and donations to be deposited by the Supervisor of Rehabilitation in the State Treasury, subject to the matching of same with Federal Funds up to such amount as the Federal Government may allocate per biennium to the State for said

work, and which has not already been met with state appropriations for said biennium.

"Sec. 2-b. Provided no person shall ever receive any commission in whole or in part for solicitation of any funds as provided in this Act."

Section 2-a, we think, controls the answer to your inquiry. It specifically authorizes the Vocational Rehabilitation Division "to receive gifts and donations for rehabilitation work, said gifts and donations to be deposited by the Supervisor of Rehabilitation in the State Treasury, subject to the matching of same with Federal Funds up to such amount as the Federal Government may allocate per biennium to the State for said work, and which has not already been met with state appropriations for said biennium."

The authority to receive funds appropriated by Congress is dealt with in Section 2 of the Article, and Section 2-a, therefore, necessarily contemplates other gifts and donations from any donor capable of making a gift or donation.

We therefore answer your question in the affirmative -- that is, that the State Treasurer is authorized to receive such gifts and donations and deposit such funds in the State treasury for the purposes and in the manner specified in Section 2-a.

Trusting that what we have said sufficiently answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Ocie Speer
Ocie Speer

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APPROVED DEC. 12, 1945
s/Grover Sellers
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee By BWB Chairman