



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

August 12, 1953

Mr. Charles L. Morris
Executive Director
Veterans Affairs Commission
Drawer 11, Capitol Station
Austin, Texas

Letter Opinion No. MS-81

Re: Responsibility of the
Veterans Affairs Commis-
sion for administrative
control of the State Ap-
proval Agency for Veterans'
Education after House Bill
111, Chapter 6, Acts 53rd
Legislature, 1953 (The Bi-
ennial Appropriations Bill)
becomes effective.

Dear Mr. Morris:

Your request for the opinion of this office
dated July 8, 1953, reads, in part as follows:

"Will you advise, in view of the provisions
of House Bill No. 111, Acts of the Fifty-third
Legislature (The Biennial Appropriations Bill),
whether such action transferring money to the
Central Education Agency for their use under Pub-
lic Law 346, relieves the Veterans Affairs Com-
mission of all authority of administrative con-
trol of the State Approval Agency for Veterans
Education and whether such action completely
severs our connections with the State Approval
Agency for Veterans Education relative to the
provisions of Article 5798a-4, Section 8, Ver-
non's Civil Statutes.

"We would also like your opinion as to
whether the property included on the inventory
of the Veterans Affairs Commission, which is in
the custody of the State Approval Agency for
Veterans Education, should revert to the Veterans
Affairs Commission or be transferred to the Cen-
tral Education Agency on September 1, 1953."

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Article 5798a-4, Section 8, Vernon's Civil Statutes, attached the State Approval Agency for Veterans' Education to the Veterans Affairs Commission for administration only. This article has not been amended or repealed.

House Bill 111, which is Chapter 81, Acts of the 53rd Legislature, 1953, and is the Biennial Appropriations Bill, reappropriates to the Central Education Agency, for the biennium beginning September 1, 1953, "the unexpended balance of that certain appropriation made by provisions of House Bill 329, Acts of the Fiftieth Legislature, Chapter 207, Page 365, and reappropriated by provisions of Senate Bill 503, Acts of the Fifty-first Legislature, Chapter 562, Page 1100, which said appropriation included an initial \$55,000 to initiate the program of the State Approval Agency for Veterans' Education," and also reappropriates "all funds or moneys as may be received and deposited in the State Treasury from the Veterans Administration for the use and benefit of the Central Education Agency" (page 195, Vernon's Session Laws of the 53rd Legislature).

Subsequent to the enactment of this appropriation bill, Governor Allan Shivers, in a letter to the Veterans Administration dated June 26, 1953, wrote as follows:

"Pursuant to the legislative intent expressed in House Bill 111 of the 53rd Legislature, I hereby designate the Texas Education Agency as the State Approval Agency for the approval of proprietary schools, non-profit institutions, establishments for on-the-job training programs, and the institutional on-farm training programs in connection with providing education for veterans under Public Law 16, 550, and 346, as amended.

"This designation includes transfer of the functions of the present State Approval Agency to the Texas Education Agency effective September 1, 1953." (Emphasis supplied.)

Following this letter the Governor entered into a contract with the Veterans Administration therein designating the Texas Education Agency as the state approving agency for the purposes shown in the above quoted letter. This contract supersedes, and is in lieu of, a

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former contract between the Governor of Texas and the Veterans Administration in which the State Approval Agency for Veterans Education was designated as the state approving agency for Texas.

Section 1, Article 2654-1, V.C.S., provides for the establishment of the "Central Education Agency," which is commonly known and designated as the Texas Education Agency.

Assuming, without deciding, the validity of the appropriation and the Governor's transference of all functions, we advise you that in our opinion the State Approval Agency for Veterans' Education will cease to function effective September 1, 1953, for lack of an appropriation. This being established, the administrative control and supervision heretofore exercised over said agency by the Veterans Affairs Commission will have nothing to which it can attach.

In view of Article 666-1V.C.S., we further advise you that the physical properties of the State Approval Agency for Veterans' Education, presently included on the inventory of the Veterans Affairs Commission, and which are no longer needed by the State Approval Agency, should be transferred to the State Board of Control for the Board's further disposition.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By /s/ Mert Starnes

Mert Starnes
Assistant

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