



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

December 22, 1954

Honorable John H. Winters, Executive Director  
State Department of Public Welfare  
Austin, Texas.

Opinion No. MS-167

Re: Necessity of Performance  
Bonds for Business Managers  
of Gainesville State School  
for Girls, Gatesville State  
School for Boys, and Crockett  
State School for Colored  
Girls, and related ques-  
tions.

Dear Mr. Winters:

You have requested an opinion on the above subject matter in which you have asked questions which are summarized as follows:

1. Whether Business Managers for the Gainesville State School for Girls, the Gatesville State School for Boys, and the Crockett State School for Colored Girls are required to give bonds for the faithful performance of their duties by the provisions of Section 10 of Article 3174b, Vernon's Civil Statutes.
2. If these Business Managers are not required by statute to give bond, may the State Youth Development Council require such bonds?
3. If the bonds are not required by statute, may the State Youth Development Council include such positions in the blanket or position scheduled bond for the employees of the department?
4. Where are such bonds to be filed?

Section 10 of Article 3174b requires the Business Managers of any institution named therein to give bond payable to the State of Texas conditioned upon the faithful performance of his duties. Section 3 thereof excepts from its provisions,

however, the "Gatesville State School for Boys, Gatesville, Texas, Gainesville State School for Girls, Gainesville, Texas, and Brady State School for Negro Girls, Brady, Texas, (later the Crockett State School for Negro Girls)." Furthermore, Section 8 of Article 5143c, Vernon's Civil Statutes, places the above named schools under the control of the State Youth Development Council. Therefore, it is our opinion that Section 10 of Article 3174b is not applicable to the Business Managers of the named institutions.

Since the Business Managers for the three institutions under the administration of the Youth Development Council perform the same type of duties that are performed by the Business Managers of the institutions under the administration of the Texas State Board for Hospitals and Special Schools, the State Youth Development Council in the past has required the Business Managers to make bond and have set the bond at a figure it deems reasonable for the protection of the State of Texas. It is our opinion that this is a reasonable exercise of the State Youth Development Council's discretion and it is therefore authorized.

You now desire to know whether you could in the future include these positions in the blanket or position scheduled bond for the employees of the State Youth Development Council. Since this bond is also a bond required by the State Youth Development Council and it is not prescribed by statutory provisions, it is our opinion that the State Youth Development Council could be authorized to include the Business Managers in this bond, if in the opinion of the Council the interest of the State could be best served.

Article 5999, Vernon's Civil Statutes, requires that the bond of each officer who is required by law to give bond payable to the Governor or to the State shall be deposited with the Comptroller of Public Accounts. Since the bonds in question are not statutory bonds, Article 5999 does not apply to such bonds and may therefore be kept in your office.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By

John Reeves  
Assistant

JR:cs:zt