



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

February 4, 1957

Hon. Max C. Smith, Chairman
House Appropriations Committee
Capitol Station
Austin, Texas

Opinion No. WW-17

Re: Is there any prohibition
against locating the office
of the Comptroller and the
office of the Treasurer in
the proposed new State
Office Building.

Dear Mr. Smith:

Your letter requesting our opinion in reference to the captioned matter reads as follows:

"Is there any provision in the Constitution or any Statute regarding the physical location of the offices of the State Treasurer and State Comptroller, or any parts thereof, other than the requirement (in Section 23 of Article IV of the Constitution) that the Comptroller and Treasurer shall . . . reside at the Capitol of the State during . . . continuance in office . . . ?"

"Would there be any prohibition against locating the office of the Comptroller and/or the office of the Treasurer in the proposed new State Office Building?"

You are advised that there are neither constitutional nor statutory provisions that require either the office of the Comptroller of Public Accounts or the State Treasurer to be located in the Capitol Building. Section 23 of Article IV of the Constitution only provides that the persons who hold those offices reside in Austin, the capital of the State. The word "capitol" refers to a building, while the word "capital", which is used in Section 23, refers to a city where the seat of government is located. Furthermore, a person does not necessarily reside at a place where his office is located.

You are therefore advised that there is no prohibition against locating the offices of the Comptroller of Public Accounts and the State Treasurer in the proposed new State Office Building.

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SUMMARY

There is no prohibition against locating the offices of the Comptroller of Public Accounts and the State Treasurer in the proposed new State Office Building.

Yours very truly,

WILL WILSON
Attorney General of Texas

By


W. V. Geppert
Assistant

APPROVED:

OPINION COMMITTEE
H. Grady Chandler, Chairman

WVG:cs