



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

May 9, 1958

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

Opinion No. WW-429

Re: Is the State Department of
Public Welfare authorized
to make the necessary re-
pairs and renovations to
office space allocated to
the Department rent-free
by a municipality or county
and to expend appropriated
funds therefor?

Dear Mr. Winters:

Your request for an opinion reads as follows:

"We request your opinion as to whether this Department is authorized to make necessary repairs and renovations to office space allocated to the Department rent-free by a municipality or county and to expend appropriated funds therefor. Such space or building being owned by such municipality or county.

"The Department is of the opinion that it is authorized to make such necessary repairs and renovations pursuant to the authority contained in Subsection (7), Section 4 of Article 695c of Vernon's Texas Civil Statutes, Section 39 of Article 695c, Vernon's Civil Statutes, Items 58 and 87 of the appropriation to the Department contained in House Bill 133, Acts of the 55th Legislature.

"Pursuant to Article 695c, this Department has entered into various agreements whereby space is allocated to the Department rent-free and the Department makes certain necessary repairs and renovations. Such repairs to include but not limited to painting walls, repairing floors, furnishing removable partitions and fixtures, etc. Whenever it is necessary to use non-expendable items (such as partitions and fixtures) in making the repairs and renovations, such items remain the property of the State and is carried on the inventory of the Department."

Honorable John H. Winters, Page 2 (WW-429).

Subdivisions 5 and 7 of Section 4 of Article 695c, Vernon's Civil Statutes provide in part:

"(5) Assist other departments, agencies and institutions of the local State and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act;

"(7) Establish and provide such method of local administration as is deemed advisable, and provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; . . . "

Section 39 of Article 695c, Vernon's Civil Statutes, provides:

"Sec. 39. No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department, and if so administered, shall be devoted exclusively to the services in the county or municipality making such appropriation."

Pursuant to the above quoted provisions, it is the duty of the Department of Public Welfare to cooperate with the municipalities and counties of this State in carrying out the program provided for in Title 20A of the Revised Civil Statutes of Texas, 1925.

Items 58 and 87 of the appropriation to the Department of Public Welfare contained in House Bill 133, Acts of the 55th Legislature, Chapter 385, provide:

"For the Years Ending	
August 31,	August 31,
1958	1959

"58. Rent, bond premiums, postage, telephone and telegraph, freight, express, drayage, stationery,

printed forms, office supplies, equipment, repairs, examining fees, medical services, maintenance and miscellaneous and contingent expenses (includes Merit System \$ 188,895 \$ 188,895"

"87. Provided that in addition to the appropriated state funds for Child Welfare Services, assistance payments and administrative expenses for the biennium, the State Department of Public Welfare is authorized to accept from the Federal Government any funds that may be allocated by said Government to the State Department of Public Welfare for Child Welfare Services, assistance and administration; and said Department can use such Federal Funds allocated for Child Welfare Services, assistance payments and administrative expenses in addition to funds appropriated for those purposes out of State Funds, estimated to be \$93,353,121 \$93,353,121"

In view of the provisions of Article 695c, the State Department of Public Welfare is authorized to enter into agreements with municipalities and counties for the purposes of carrying out the Welfare Program. It is, therefore, our opinion that the Department of Public Welfare is authorized to make necessary repairs or renovation to office space allocated to the Department by a municipality or county as outlined in the request, and to expend appropriated moneys for such purposes.

SUMMARY

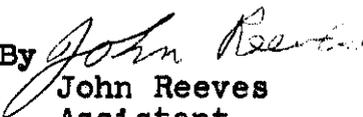
The State Department of Public Welfare is authorized to make necessary repairs or renovation to office space allocated to

Honorable John H. Winters, Page 4 (WW-429).

the Department rent-free by a municipality
or county, and to expend appropriated
funds therefor.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John Reeves
Assistant

JR:mg:jl

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

J. Mark McLaughlin

J. Arthur Sandlin

Jack Goodman

REVIEWED FOR THE ATTORNEY GENERAL
BY:

W. V. Geppert