



THE ATTORNEY GENERAL OF TEXAS

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ATTORNEY GENERAL

December 17, 1974

The Honorable Alton O. Bowen
Chairman
Governor's Committee on Aging
P. O. Box 12786, Capitol Station
Austin, Texas 78711

Opinion No. H- 477

Re: Whether Governor's
Committee on Aging may
delegate to its Executive
Director the final responsi-
bility for proposals and
subcontracts.

Dear Mr. Bowen:

The Governor's Committee on Aging was first created in 1965 (Acts 1965, 59th Leg., ch. 320, p. 669). The statute is now codified as Article 695k, Vernon's Texas Civil Statutes. The committee consists of 9 members appointed by the Governor who are directed to hold at least two meetings annually. V. T. C. S., art. 695k, sec. 1.

The Governor is also directed to appoint a Coordinator of Aging who is to be the "Executive and Administrative Officer of the Committee." V. T. C. S., art. 695k, sec. 3(b).

Sections 5, 5a, 6 and 7 of the Act then set out the functions and responsibilities of the Committee.

Section 1 (d) provides:

The Governor's Committee on Aging shall be responsible for the adoption of all policies, rules, and regulations governing the functions of the Committee provided that nothing herein shall prohibit the Committee from delegating the rights, powers, or duties imposed or conferred upon the Committee to the Coordinator of the Aged hereafter provided for in accordance with the appropriate rule, regulations, or order of said Committee.

Your request for an opinion was prompted by the Committee's consideration of a State Plan for Programs on Aging for the State of Texas which, referring to the use of certain funds, provides at page 2:

Each proposal or sub-contract will be subject to final approval by the Executive Director of the Governor's Committee on Aging.

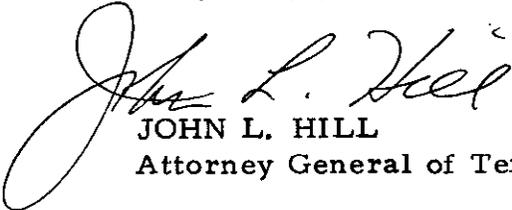
One member of the Committee believes that this is a responsibility of the Committee and cannot be delegated to the Executive Director. You have asked our opinion concerning that provision. We assume that the Executive Director to which the plan and your letters refer is the person referred to in the statute as the Coordinator of Aging. There is statutory authority for the latter position but not for the former.

We believe that the language of section 1 (d) quoted above is sufficiently broad to authorize delegation by the Committee of the decision about which you have inquired to the Coordinator of Aging. Thus, if the Committee approves the State Plan, including the language subjecting each proposal or subcontract to final approval by the Executive Director, we would construe that as a delegation of these duties by the Committee to the Coordinator.

SUMMARY

The Governor's Committee on Aging is authorized to delegate to the Coordinator of Aging the power to approve contracts and sub-contracts.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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