



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable George W. Cox
State Health Officer
Austin, Texas

Dear Sir:

Opinion No. 0-4196
Re: Money received from Federal
Works Administration may be
deposited in State Treasury
under assigned docket number
and disbursed by warrant
drawn upon requisition.

Your request for an opinion reads:

"Reference is here made to former correspondence in regard to the above numbered docket. A Federal allotment of \$135,105.00 has been made and accepted. Plans, Specifications and contract documents have been prepared and approved by the Federal Works Administration; advertisement for bids have been made in accordance with law; a contract has been entered into, and all other things required to be done by law and by the rules and regulations of the Federal Works Administration have been complied with.

"A Requisition has been filed with the Federal Works Agency for an advancement of the grant in the amount of \$33,750.00. We are expecting to receive a Federal warrant for this money within a short time.

"Sub-Section 10 of Section 2, General Provisions, Senate Bill No. 423, the Departmental Appropriation Bill, 47th Legislature, 1941, reads as follows:

"United States Funds and Aid. The proper officer or officers of any State Departments, bureaus, or divisions of State agencies are hereby authorized to make application for and accept any gifts, grants,

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or allotments or funds from the United States Government to be used on State cooperative and other Federal projects and programs in Texas, including construction of public buildings, repairs, and improvements. Any of such Federal funds as may be deposited in the State Treasury are hereby appropriated to the specific purpose authorized by the Federal Government, and subject to the limitation placed on this Act.'

"The rules and regulations of the Federal Works Administration require Federal funds to be kept in a separate account marked 'Construction Fund for Docket Texas 41-257'. We have already conferred with the officials of the Austin National Bank, Austin, Texas, and have secured a statement from the Vice-President that he will receive and disburse these Federal funds in accordance with the requirements.

"A portion of the funds for the above numbered docket were appropriated by the 47th Legislature, and of course, these funds are in the State Treasury, and we would prefer to deposit the Federal funds in the State Treasury in order to have all funds in one place.

"We shall ask you to advise us whether Federal funds placed in the State Treasury can be designated in accordance with the rules and regulations of the Federal Works Administration, and whether they can be drawn out on checks or warrants signed by a representative of the Owner (the State of Texas) on proper presentation of estimates, vouchers and requisitions.

". . . ."

It is our opinion that the State Treasurer is authorized to accept and you to deposit the funds granted by the Federal Works Administration and that the same may be carried by the Treasurer under the docket number assigned

by the Federal Works Administration and that the same can be drawn out from time to time by warrant upon proper requisition.

Yours very truly

APPROVED MAR 28, 1942

ATTORNEY GENERAL OF TEXAS

George Sullivan
FIRST ASSISTANT
ATTORNEY GENERAL

By *Lloyd Armstrong*
Lloyd Armstrong
Assistant

LA:mp

