



**THE ATTORNEY GENERAL  
OF TEXAS**

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**AUSTIN 11, TEXAS**

**PRICE DANIEL  
ATTORNEY GENERAL**

July 3, 1952

Hon. Robert S. Calvert  
Comptroller of Public Accounts  
Austin, Texas

Opinion No. V-1473

Re: Applicability of H.B.  
753, 52nd Legislature,  
1951, relating to ac-  
countability for State  
property, to the State  
Board of Public Account-  
ancy, the State Board of  
Nurse Examiners, and the  
State Optometry Board.

Dear Sir:

Your request for an opinion is in part as follows:

"I will thank you to advise this department whether the following state agencies are governed by House Bill No. 753, passed by the Fifty-second Legislature, and whether these agencies are required to account and report to the State Comptroller the property each has in its possession as required by House Bill No. 753: State Board of Public Accountancy; State Optometry Board; Board of Nurse Examiners."

House Bill 753, Acts 52nd Leg., R.S. 1951, ch. 356, p. 602 (Art. 6252-6, V.C.S.) defines "agency" as follows:

"'Agency' shall include any State department, agency, board or other instrumentality, whether it is financed in whole or in part by funds appropriated by the Legislature or not; but shall not include local political subdivisions of the State, such as counties, cities, towns, school districts, flood control districts, irrigations districts, and the like."

This office held in Attorney General's Opinion V-1443 (1952) that the definition of "agency" included such instrumentalities as the Daughters of the Republic, the Daughters of the Confederacy, the San Jacinto Museum of History Association, the Battleship Texas Commission of Texas, and the State Board of Control.

The Texas State Board of Public Accountancy was created originally in 1915 by the Legislature for the purpose of regulating public accountants. S.B. 222, Acts 34th Leg., R.S. 1915, ch. 122, p. 184, superseded by S.B. 176, Acts 49th Leg., R.S. 1945, Ch. 315, p. 517 (now Art. 41a, V.C.S.).

The State Board of Optometry was created by the Legislature in 1921 for the purpose of regulating the practice of optometry. S.B. 50, Acts 37th Leg., 1st C.S. 1931, ch. 51, p. 159 (now Arts. 4552-4566-1, V.C.S.).

The Board of Nurse Examiners for the State of Texas was created by the Legislature in 1923 for the purpose of regulating the practice of professional nursing. S.B. 40, Acts 38th Leg., R.S. 1923, ch. 183, p. 415 (now Arts. 4513-4528b, V.C.S.).

The Legislature has prescribed the qualifications, powers, and duties and provided a method of compensation for the members of the respective boards. The definition of "agency" is stated in clear and unambiguous language and includes every instrumentality of the State with certain specific exceptions not applicable to your request. It is therefore our opinion that House Bill 753 is applicable to these state agencies, and they are required to account and report to the State Comptroller the property each has in its possession, as required by House Bill 753. Att'y. Gen. Op. V-1443 (1951).

#### SUMMARY

House Bill 753, Acts 52nd Leg., R.S. 1951, ch. 356, p. 602 (Art. 6252-6, V.C.S.) establishing an accounting system for State property, is applicable to the Texas State Board of Public Accountancy, the Texas State Board of Optometry, and the Board of Nurse

Examiners for the State of Texas. They are required to account and report to the State Comptroller of Public Accounts the property each has in its possession as required by the act. Att'y. Gen. Op. V-1443 (1951).

Yours very truly,

APPROVED:

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JR:am