



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

December 9, 1965

Mr. F. R. Booth
Executive Director
Texas Water Rights Commission
Box 12396
Austin, Texas 78711

Opinion No. C-563

Re: Whether Section 11 of Article 7477, Vernon's Civil Statutes, includes, by implication, authorization for the Comptroller of Public Accounts to establish special accounts for the receipt and disbursement of funds received by the Commission by bequests and gifts.

Dear Mr. Booth:

Your letter of October 26, 1965, requesting an opinion of this office reads, in part, as follows:

"The Texas Water Rights Commission has occasion to receive grants or donations of money from various people and political subdivisions of the State that are interested in water development and management. Section 11 of Article 7477, V.A.C.S. enacted by the 59th Legislature provides that this Agency may engage in such cooperative work. It is as follows:

"The (Texas Water Rights) Commission, in performing the duties prescribed by this Chapter, may cooperate with agencies of the United States, with other agencies of this state or of any other state, with political subdivisions and municipal corporations of the state and with persons and corporations."

"The Comptroller of Public Accounts advises us that H.B. 12, setting forth the appropriation for the Texas Water Rights Commission, did not establish special accounts

for funds received for contracted uses. He concludes that his office is without authority to approve dispersal of these funds. We believe that the statutory authority to receive donated funds includes, by necessary implication, the authority for the Comptroller to establish special accounts for donated funds and to pay the same for services performed in accomplishing the purposes for which the funds are donated.

"Since we will be unable to act under Section 11 until this conflict has been resolved, we request your opinion whether Section 11 of Article 7477 includes by necessary implication the authority and duty of the Comptroller of Public Accounts to establish special accounts for receipt and dispersal of funds received by the Commission."

Senate Bill 145, Acts 59th Leg., R.S., 1965, Ch. 296, p. 583, amending Article 7477, Vernon's Civil Statutes, and entitled the Water Rights Commission Act, provides in part:

"Section 11. The Commission, in performing the duties prescribed by this Chapter, may cooperate with agencies of the United States, with other agencies of this state or of any other state, with political subdivisions and municipal corporations of the state and with persons and corporations."

Section 11 of Senate Bill 145 clearly provides that the Water Rights Commission may cooperate with individuals, corporations, and governmental agencies in performing the duties prescribed by the Water Rights Commission Act.

Section 26 of Article V, House Bill 12, General Appropriations, Acts 59th Leg., R.S., 1965, provides:

"Sec. 26. ACCEPTANCE OF GIFTS OF MONEY. All bequests and gifts of money to State agencies named in this Act are hereby appropriated to the agency designated by the grantor and for such purposes as the grantor may specify; provided, however, that all such bequests and gifts of monies, except those to the Department of Mental Health and Mental Retardation and

institutions under its jurisdiction received from private sources, and to agencies and institutions named in Article IV of this Act, shall be deposited in the State Treasury and shall be expended in accordance with the provisions of this Act."

Appropriations for the Water Rights Commission are set forth in Article III of House Bill 12, General Appropriations, Acts 59th Leg., R.S. 1965, thereby including the Water Rights Commission as a State agency named in the Appropriation Act.

It is our opinion that the Texas Water Rights Commission may receive bequests and gifts of money for such purposes as the grantor may specify. Gifts of money granted to the Water Rights Commission are appropriated to that agency and may be expended for the purposes specified by the grantor as provided by Section 26, Article V of House Bill 12.

It is our opinion that the statutory appropriation of gifts and bequests to the Water Rights Commission provides authority for the Comptroller to establish special accounts for gifts and bequests. All such bequests and gifts of monies are required to be deposited in the State Treasury and expended in accordance with the provisions of the General Appropriations Act. The Comptroller may pay from the special accounts established with gifts and bequests to the Water Rights Commission for services performed in accomplishing the purposes specified by the grantor.

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The statutory appropriation of gifts and bequests to the Water Rights Commission provides authority for the Comptroller to establish special accounts for gifts and bequests. All such bequests and gifts of monies are required to be deposited in the State Treasury and expended in accordance with the provisions of the General Appropriations Act. The Comptroller may pay from the special accounts established with gifts and bequests to the Water Rights Commission for services performed in accomplishing the purposes specified by the grantor.

Mr. F. R. Booth, page 4 (C- 563)

Very truly yours,

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APPROVED:
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