



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

August 22, 1968

Honorable Jesse James
State Treasurer
Capitol Station
Austin, Texas 78711

Opinion No. M-271

Re: Whether Eximbank Investment Portfolio Participation Certificates issued by the Export-Import Bank of the United States may be accepted as collateral for State deposits.

Dear Mr. James:

In your recent request for an official opinion of this Department, you ask whether Export-Import Bank of the United States Eximbank Investment Portfolio Participation Certificates may be accepted as collateral for State deposits. Securities which are eligible to secure State deposits are listed in Article 2529, Revised Civil Statutes, which provides, in part:

"...The Treasurer shall require each bank so designated to qualify as a State Depository on or before the 25th day of November next, by ...; or (b) by pledging with the Treasurer any securities of the following kinds: bonds and certificates and other evidences of indebtedness of the United States; and all other bonds which are guaranteed as to both principal and interest by the United States,..." (Emphasis added.)

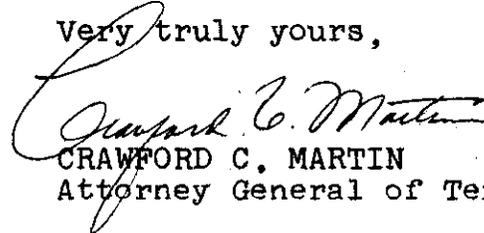
Enclosed with your opinion request was a prospectus which is to be used in the sale of the securities in question. This prospectus states on its face that the Attorney General of the United States has ruled, on September 30, 1966, that the Eximbank Investment Portfolio Participation Certificates constitute general obligations of the United States. You have not included the opinion of the Attorney General of the United States so holding. However, assuming that the securities in question have been held to be general obligations of the United States, then we are of the opinion that they may be accepted as collateral for State deposits.

Honorable Jesse James, page 2 (M-271)

S U M M A R Y

Under the facts submitted Eximbank Investment Portfolio Participation Certificates may be accepted as collateral for State deposits.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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APPROVED:
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