



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

November 15, 1957

Honorable S. Perry Brown
Chairman
Texas Employment Commission
Austin, Texas

Opinion No. WW-321

Re: Whether or not it is necessary for the Texas Employment Commission to have the approval of the Board of Control of the plans, designs and specifications for the construction of a local office building in Midland, Texas.

Dear Mr. Brown:

You have requested the opinion of this office on whether or not it is necessary for the Texas Employment Commission to have the approval of the Board of Control of the plans, designs and specifications for the construction of a local office building in Midland, Texas.

Article 681, Vernon's Civil Statutes, reads as follows:

"The State Board of Control, through its chief of such division, shall design all public buildings erected at the expense of the state where designing is not otherwise provided by law or by its appropriation bill; but in no instance shall plans or designs be adopted by the head of any department, board, institution, or school, other than the state educational institutions of higher learning and the Texas Prison System, and the Texas State Board for Hospitals and Special Schools, unless such design and plans have been approved by the Board."

From the foregoing statute, and especially from the latter part thereof, the Legislature has expressed its clear intent that no plans or designs shall be adopted by the head of any department, board, institution or school, unless such design and plans have been approved by the Board of Control. The Texas Employment Commission is clearly not excluded from the operation of this statute under the exceptions therein, and is therefore included in the operation of said statute.

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It is our opinion that the Texas Employment Commission must have the approval of the Board of Control of the plans, designs, and specifications for the construction of a local office building at Midland, Texas. All Attorney General's Opinions in conflict herewith are overruled to the extent of such conflict.

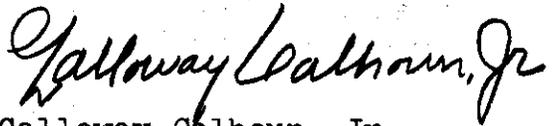
SUMMARY

It is necessary for the Texas Employment Commission to have the approval of the Board of Control of the plans, designs and specifications for the construction of a local office building in Midland, Texas.

Yours very truly,

WILL WILSON
Attorney General of Texas

By


Galloway Calhoun, Jr.
Assistant

GC:pf:jl

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

W. V. Geppert

C. K. Richards

John H. Minton, Jr.

REVIEWED FOR THE ATTORNEY GENERAL
BY:

James N. Ludlum