



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

January 27, 1959

Honorable William H. Farmer
Administrator
Texas Employment Commission
Austin, Texas

Opinion No. WW-549

Re: Whether it is necessary
for the Texas Employment
Commission to have the
approval of the Board of
Control for repairs to a
building in Corpus Chris-
ti owned by the State for
the use of the Texas Em-
ployment Commission.

Dear Mr. Farmer:

We quote in part from your recent letter requesting an opinion from this office clarifying an apparent conflict between two prior Attorney General's Opinions:

"We do not consider these two opinions to be conflicting since they deal with different subjects. However, we are in receipt of a letter from the State Comptroller reading in part as follows:

"I am returning the enclosed account in the amount of \$3,209.00 for the reason it is my opinion that Attorney General Opinion No. WW-321 dated November 15, 1957 applies not only to Article 681, V. C. S., but over-rules in its entirety Opinion No. WW-259 dated September 18, 1957."

"The account rendered is for repairs to a building which we built in Corpus Christi, Texas, and which is owned by the State of Texas for the use of the Texas Employment Commission."

In Attorney General's Opinion No. WW-259 dated September 18, 1957, this office held that Articles 665, 670, 673, and 681, Vernon's Civil Statutes, do not apply to the Texas Employment Commission in its expenditure of funds for repair and improvement of an air conditioning unit in a commission owned building, and for preliminary studies as to the needs, cost, and size of a Texas Employment Commission office building, such studies not intended to be the plans of the specifications finally adopted

for the construction of the building.

The holding of this opinion was in accord with prior Attorney General's Opinions: O-3737 (1941), O-5524 (1943), V-427 (1947), and V-504 (1948), and was based upon the same reasoning as was used in those prior opinions: "To require the approval of the Board of Control in such matters would be to invite conflict inasmuch as both Federal and State laws indicate that the funds received from the Federal Government shall be expended in accordance with the rules and regulations prescribed by the Federal Agency."

In Attorney General's Opinion No. WW-321 dated November 15, 1957, this office held, under Articles 681, Vernon's Civil Statutes, that 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.

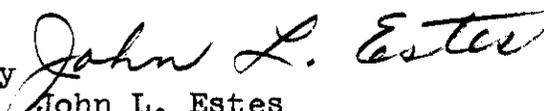
It is the opinion of this office that Opinion WW-321 contemplates the approval of the Board of Control plans, designs, and specifications only in a situation where new construction is contemplated, but that in the event of repairs to an existing building or structure, it is the opinion of this office that Opinion No. WW-259 and the opinions cited therein would control.

SUMMARY

It is not necessary for the Texas Employment Commission to have the approval of the Board of Control for repairs to a building in Corpus Christi owned by the State for the use of the Texas Employment Commission.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John L. Estes
Assistant

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APPROVED

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

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Mrs. Marietta Payne

REVIEWED FOR THE ATTORNEY GENERAL

BY: W. V. Geppert