



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**WAGGONER CARR
ATTORNEY GENERAL**

February 18, 1966

Mr. William J. Burke
Executive Director
State Board of Control
Austin, Texas

Opinion No. C- 618

Re: Since passage of H. B. 102, Acts 59th Legislature, 1965, Regular Session, Ch. 225, page 441, whether the Board of Control still has a responsibility for any type of supervisory duties relative to the Battleship Texas and the Battleship Texas Commission, and related questions.

Dear Mr. Burke:

You have requested our opinion on the above stated subject. More specifically, you have raised, in substance, the following question:

"Your interpretation of the meaning, application and intent of H. B. 102, 59th Legislature, Regular Session, as it applies to the relation that should now exist between the Battleship Texas Commission and the Board of Control is respectfully requested."

The relevant sections of House Bill 102, Acts 59th Legislature, 1965, Regular Session, Chapter 225, page 441, are:

Section 1:

"Control and custody of the Historical State Battlegrounds, San Jacinto Battleground, and Fannin State Battleground, are hereby transferred from the State Board of Control to the Parks and Wildlife Commission."

Section 8:

"The provisions of this act do not in any way alter the organization nor reduce the powers or functions of the Battleship Texas Commission."
(Emphasis added).

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In examining the relevant sections of H. B. 102, we find that the Legislature clearly transferred the custody and control of the San Jacinto Battleground and the Fannin Battleground to the Parks and Wildlife Department, but by Sections 1 and 8 of H. B. 102 did not alter the organization or reduce the powers or functions of the Battleship Texas Commission.

In determining the organization, powers and functions of the Battleship Texas Commission, we find under Article 6145-2, Vernon's Civil Statutes, Acts of 1947, 50th Legislature, which established the Battleship Texas Commission, that the State Board of Control was authorized and directed to aid the Commission in carrying out its duties, by use of the Board's offices and employees. The last sentence of paragraph 1 of Section 6 specifically states:

"The Board of Control is hereby authorized and directed to cooperate with the Commission in the use of the Board's Offices and Employees in aiding the Commission to carry out its duties."

Also, the Board of Control was given the authority to audit the books and records of the Commission at any time. Section 7 specifically states:

"The Commission shall maintain books of account and records concerning all revenue derived from the sale of admissions to the public and all expenses incurred in maintaining and operating the Battleship as a public memorial; such records and books shall be available for audit at any time by the Board of Control of the State of Texas."

And all expenditures and contracts of the Commission shall be made, let and supervised by the Board of Control. Section 10 specifically states:

"All expenditures and contracts authorized by the Commission or Operating Board shall be made, let, supervised and expended by the Board of Control of the State of Texas according to all legal requirements as to the expenditures of funds and the letting of contracts by the said Board of Control."

Therefore, since the Battleship Texas Commission is statutorily charged with the responsibility of supervising and exhibiting, etc., the Battleship Texas, and the Board of Control

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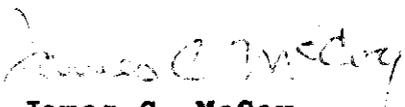
to a certain extent must aid in its functioning, we must conclude that the Legislature expressly did not intend to alter the past relationship.

S U M M A R Y

H. B. 102, Acts 59th Legislature, 1965, Regular Session, Chapter 225, Page 441, did not change the State Board of Control's responsibility and supervision of the Battleship Texas Commission as it now exists under Article 6145-2, Vernon's Civil Statutes, Acts, 1947, 50th Legislature.

Very truly yours,

WAGGONER CARR
Attorney General

By: 
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APPROVED:
OPINION COMMITTEE

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