



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

April 5, 1971

Honorable Lauro Cruz
Chairman, Public Lands and
Buildings Committee
Capitol Building
Austin, Texas 78711

Opinion No. M- 826

Re: Whether H.B. No. 22, 62nd
Leg., R.S., 1971, is in
substance covered by
Article 6145-9, Vernon's
Civil Statutes.

Dear Representative Cruz:

Your recent letter inquires whether the substance of H.B. No. 22, 62nd Leg., R.S., 1971, is already covered by Article 6145-9, Vernon's Civil Statutes.

We are of the opinion that Article 6145-9 does not expressly or specifically make provision for those things apparently sought to be accomplished by H.B. No. 22.

H.B. No. 22 reads as follows:

"Section 1. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended by adding a Section 9c to read as follows:

'Section 9c. (a) No county may alter, damage, destroy, sell, or lease the courthouse of the county without first giving six months' notice to the Texas State Historical Survey Committee.

'(b) If, after notice, the Committee determines that a courthouse has historical significance worthy of preservation, the Committee shall notify the commissioners court of the county within 30 days after receiving notice from the county. A county may not alter, damage, destroy, sell, or lease its courthouse for 180 days after receiving notice from the

Committee. The Committee shall cooperate with interested persons during the 180-day period to preserve the historical heritage of the courthouse.

'(c) A county may carry out ordinary maintenance and repairs of its courthouse without notice to the Committee.'

Section 6 of Article 6145-9 provides that certain buildings of "historical, archeological, scientific, or educational interest" are State Archeological Landmarks and the property of the State of Texas, but the statute does not in terms provide that a county courthouse is a building of "historical, archeological, scientific, or educational interest".

We answer your inquiry in the negative.

S U M M A R Y

The requirement of H.B. 22, 62nd Leg., R.S., 1971, that "No county may alter, damage, destroy, sell, or lease the courthouse of the county without first giving six months' notice to the Texas State Historical Survey Committee" is not comprehended within the Antiquities Code of Texas (Art. 6145-9, V.C.S.).

Very truly yours,

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By 
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**APPROVED:
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