

Texas Senate
Committee on Nominations

ID# 14204
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October 24, 1991

RECEIVED

The Honorable Dan Morales
Attorney General of Texas
Supreme Court Building
Austin, Texas 78701

NOV 14 91
Nominations Committee

RQ-250

Re: Request for Attorney General's Opinion regarding the
authority to name state buildings.

Dear General Morales:

I would like a formal opinion regarding the authority and
procedures used to name state buildings under the control of
the State General Services Commission (formerly State
Purchasing and General Services Commission).

Article 601b (V.T.C.S.) was amended by House Bill 39, 72nd
Legislature, Second Called Session. That act provided, for
what appears to be the first time, a statutory process for
naming and renaming state buildings. Section 2.45 allows
the General Services Commission to submit a proposal to name
or rename a building after a deceased individual who made
significant contributions to Texas history. The proposal
must be adopted by a concurrent resolution of the
legislature and be signed by the governor.

Prior to adoption of H.B. 39, Article 601b contained no
specific authority granted to the State Purchasing and
General Services Commission to name a building. The
Commission, in Article 4 of Article 601b, is given "charge
and control of all public buildings....of the state..." and
is given several specific mandates and authorizations under
that article. Naming buildings, however, is not among them.

In reviewing the statutes governing state buildings,
including that creating the Superintendent of Public
Buildings, the State Board of Control, and the State
Building Commission there appears to be no reference to, or
delegation of, authority to name buildings. However, in the
statutes creating the State Building Commission, several
buildings are authorized and named by the Legislature.
These include the Capitol Building, the State Archives and
Library Building, the Supreme Court Building, and the State
Office Building. There is also reference in the old Board
of Control Statutes to the purchase of the Tribune Building,

the name of which was changed to the Ernest O. Thompson Building by the 59th Legislature through passage of H.C.R. 1 in the Regular Session. Following the death of President Lyndon B. Johnson, the State Finance Building was renamed in his honor through H.B. 492, 63rd Legislature, Regular Session. That same Legislature, through H.B. 1644 named the State Library and Archives Building for Lorenzo de Zavala. The state office building in San Antonio was named the G.J. Sutton State Office Building by H.B. 742, 67th Legislature, Regular Session.

Despite the absence of any clear statutory authority to name state buildings, the State Purchasing and General Services Commission has recently renamed office buildings acquired by the state. The most recent examples are the William P. Hobby, Jr. Building, the William P. Clements, Jr. Building, and the Price Daniel, Sr. Building.

The specific questions I would like addressed in your opinion are as follows:

- 1) Did the State Purchasing and General Services Commission have the legal authority to name or rename state office buildings prior to the effective date of H.B. 39, 72nd Legislature, Second Called Session?
- 2) If the answer to the above question is yes, did its authority derive from specific delegation of that authority or did it derive from the general delegation to "have charge and control of all public buildings" found in Sec. 4.01.(a) of Art. 601b (V.T.C.S.)?
- 3) If you find that the authority to name buildings existed and derived from the general delegation, does that mean that other organizations which have been granted charge and control of state buildings also have the authority to change the names of buildings they control? For example, the Daughters of the Republic of Texas have been delegated charge and control of the French Legation and the Alamo. Do they have the authority to change the names of those facilities?
- 4) If the answer to the first question is no, does the new General Services Commission need to follow the procedure established in H.B. 39, 72nd Legislature, Second Called Session, and submit recommendations to the Legislature for names of buildings named without Legislative approval?

It is my understanding that the General Services Commission has directed staff to purchase permanent plaques naming the three buildings mentioned earlier. As a result, I ask that you give this request as prompt a response as possible in order to avoid either unnecessary expense or delay. I appreciate your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Gonzalo Barrientos". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Gonzalo Barrientos
Chairman