



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

May 6, 1965

Hon. W. S. Heatly, Chairman
Appropriations Committee
House of Representatives
Austin, Texas

Opinion No. C-431

Re: Constitutionality of
House Bill 16, relating
to appropriation for
construction of a build-
ing at "HemisFair 1968"
in the City of San
Antonio.

Dear Representative Heatly:

Your request for an opinion reads as follows:

"Attached hereto is a copy of H.B. 16
by the Honorable Glenn Kothmann of San Antonio.
There has been some question as to the consti-
tutionality of this bill under Article 16, Sec-
tion 60 of the Constitution of the State of Texas.

"I would appreciate it if you would give
me an opinion as to the constitutionality of
this proposed legislation.

"Your early attention to this matter will
be appreciated."

Section 4 of House Bill 16 of the 59th Legislature,
provides as follows:

"From funds hereby appropriated, and with
the approval of the State Building Commission, a
structure shall be planned and constructed for
housing appropriate Texas State Exhibits for
HemisFair and due consideration also be given to
its utility for State Government purposes after
the Fair. The structure is to be placed on an
appropriate site, of approximately 3 1/2 acres,
within the total site planned for HemisFair 1968,
and on land to be deeded, without cost, to the

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State of Texas, title to which shall have the prior approval of the Attorney General."

The other provisions of House Bill 16 relate to duties of various State departments and agencies in connection with the structure provided for in Section 4.

Section 60 of Article XVI of the Constitution of Texas provides:

"That the Constitution of the State of Texas be so amended as to authorize a Texas Centennial, commemorating the heroic period of early Texas history, and celebrating a century of our independence and progress, to be held at such times, places and in such manner as may be designated by the Legislature of Texas.

"That the Legislature of Texas be authorized to make appropriation for the support and maintenance thereof; provided, that this authorization shall not be construed to make appropriations for any other future exposition or celebration of any kind or character."

It is noted that the provisions of Section 60 are only applicable to expenditure of State monies in connection with the Texas Centennial and are not therefore applicable to the construction of a building at the HemisFair in San Antonio.

However, Section 56 of Article XVI of the Constitution of Texas provides in part as follows:

"The Legislature of the State of Texas shall have the power to appropriate money and establish the procedure necessary to expend such money for the purposes of developing information about the historical, natural, agricultural, industrial, educational, marketing, recreational and living resources of Texas, . . ."

Subdivision (c) of Section 51-b of Article III of the Constitution of Texas, authorizes the State Building Commission to:

"Under such terms and conditions as are now or may be hereafter provided by law, the Commission may acquire necessary real and personal property, salvage and dispose of property

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unsuitable for State purposes, modernize, remodel, build and equip buildings for State purposes, and negotiate and make contracts necessary to carry out and effectuate the purposes herein mentioned."

Under the terms of House Bill 16, the structure to be built will be on a site deeded to the State of Texas and will be used for housing appropriate Texas State Exhibits for HemisFair and thereafter to be used for State governmental purposes, after the Fair.

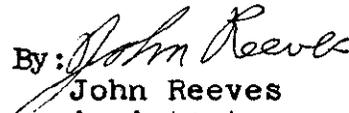
Thus, House Bill 16 constitutes an appropriation bill, pursuant to authority granted the Legislature by the provisions of Section 56 of Article XVI and Section 51-b of Article III of the Constitution of Texas. You are therefore advised that House Bill 16 of the 59th Legislature is constitutional.

S U M M A R Y

House Bill 16 of the 59th Legislature, appropriating money for the construction of a structure for housing appropriate Texas State Exhibits for HemisFair and for use for State governmental purposes after the Fair, is constitutional. Sections 56 of Article XVI and 51-b of Article III, Constitution of Texas.

Yours very truly,

WAGGONER CARR
Attorney General

By: 
John Reeves
Assistant

JR:ms:sj:mkh

APPROVED:
OPINION COMMITTEE

W. V. Geppert, Chairman
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APPROVED FOR THE ATTORNEY GENERAL
BY: Stanton Stone