



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN, TEXAS 78711

WAGGONER CARR  
ATTORNEY GENERAL

April 11, 1966

Admiral H. R. Nieman, Jr.  
Executive Director  
State Building Commission  
Austin, Texas

Opinion No. C-656

Re: Construction of the term  
"museum building", as used  
in Item "14" of the appro-  
priation in House Bill 12  
of the 59th Legislature  
to the Building Commission.

Dear Admiral Nieman:

You have requested an opinion of this office on the following question:

"Does the term 'a museum building' limit the expenditure of funds appropriated in this act to the construction of a single structure museum and preclude the expenditure of appropriated funds for the construction of a museum consisting of more than one structure?"

House Bill 12 of the 59th Legislature, (The General Appropriation Bill) Regular Session, under the heading "BUILDING COMMISSION" appropriated for the year ending August 31, 1967 the sum of \$500,000 as follows:

"14. For the construction of a museum building at Washington State Park, including architectural fees, site development, and necessary equipment.

"None of the funds appropriated above for construction of a museum building at Washington State Park may be expended until \$200,000 is received from private or local sources for the same purpose. Compliance with this paragraph shall be evidenced by filing with the State Comptroller an affidavit showing the receipt of such private or local contributions for that purpose prior to the award of any contract for such construction. It is further provided that the Building Commission, prior to letting contracts for the construction of this building, shall seek the advice of the Legislative Budget Board." (Emphasis added.)

Your letter further suggests that this question has arisen because there has been some concern expressed among

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individuals interested in Washington State Park who desire to treat the entire park as a museum, rather than the construction of a single structure for this purpose, so as to allow the rehabilitation, restoration and/or repair of buildings presently in existence in the park.

We are of the opinion from the reading of the above provisions of the General Appropriation Bill, that the language used is plain and unambiguous in its meaning, and in such case the law will be applied and enforced as it reads, regardless of policy, fairness or justice of its effects. Gilmore v. Waples, 108 Tex. 167, 188 S.W. 1037 (1916); Vaughn v. Southwestern Surety Insurance Co., 109 Tex. 298, 206 S.W. 920 (1918); Simmons v. Arnin, 110 Tex. 309, 220 S.W. 66 (1920); Gateley v. Humphrey, 151 Tex. 588, 254 S.W.2d 98 (1952).

Each of the three words "a museum building" clearly carry a single meaning, and when coupled with the condition that donations in the sum of \$200,000 must be raised before the appropriation may be expended "for construction of a museum building" further buttress this conclusion.

"A 'museum' is 'a repository or a collection of natural, scientific, or literary curiosities or objects of interest, or of works of art.' Webster." Easterbrook v. Hebrew Ladies' Orphan Society, 85 Conn. 289, 82 A. 561 (1912).

Taken together, these three words "a museum building" have the plain and unambiguous meaning of a single structure for the repository or collection of natural, scientific, or literary curiosities or objects of interest, or of works of art.

You are therefore advised that we are of the opinion that the phrase "a museum building" means a single structure or a closely connected complex for museum purposes, and that none of the funds appropriated may be utilized for the purpose of rehabilitating, restoring or repairing any of the historic buildings and/or facilities now located at Washington State Park.

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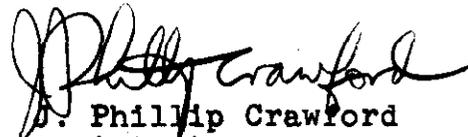
SUMMARY

The phrase "a museum building" means a single structure or a closely connected complex for museum purposes, and none of the funds appropriated may be utilized for the purpose of rehabilitating, restoring or repairing any of the historic buildings and/or facility now located at Washington State Park.

Very truly yours,

WAGGONER CARR  
Attorney General

By:

  
J. Phillip Crawford  
Assistant

JPC:mls

APPROVED:  
OPINION COMMITTEE

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John Reeves  
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APPROVED FOR THE ATTORNEY GENERAL  
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