



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

April 23, 1957

Honorable Ralph R. Wolf
Executive Director
Texas State Building Commission
Austin, Texas

Opinion No. WW-108

Re: Whether or not the
State Building
Commission legally
may obligate the State
Building Fund to the
extent and for the pur-
poses set forth in Con-
current Resolution
No. 55.

Dear Mr. Wolf:

You have requested our opinion on the following
question:

"Whether the State Building Com-
mission legally may obligate the State
Building Fund to the extent and for the
purposes set forth in Concurrent Reso-
lution No. 55."

House Concurrent Resolution No. 55 is a resolu-
tion adopted by the House of Representatives with the
Senate concurring, directing the Building Commission to
proceed immediately to completion of the air-conditioning
of the House of Representatives with air-cooled, electric-
al, self-contained package air-conditioning units, and to
install immediately the necessary electrical wiring to
complete the air-conditioning of the House of Representa-
tives, the Chief Clerk's office, the Appropriation Room,
and other committee and stenographic rooms adjacent to the
House of Representatives and located on the first and
third floors.

The purposes for which the expenditure of the
State Building Fund may be expended is governed by the pro-
visions of subdivision c of Section 51-b of Article III of
the Constitution of Texas which provides:

"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 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."

Pursuant to the provisions of Section 51-b of Article III of the Constitution of Texas the Legislature enacted Article 678m, Vernon's Civil Statutes. Section 9a of Article 678m provides:

"The first major modernizing and remodeling program to be undertaken under the provisions of this Act shall be the air conditioning of the halls, offices and committee rooms of the House of Representatives and the Senate in the Capitol Building; and to carry out this program of remodeling and modernization the sum of Five Hundred Thousand (\$500,000.00) Dollars or so much thereof as may be necessary is hereby appropriated out of the State Building Fund. It is the intention of the Legislature that this air conditioning program for the House and Senate shall be the first undertaken and completed, so that such facilities may be ready for legislative use at the opening of the 55th Regular Session, beginning in January, 1957."

Since the Legislature has appropriated Five Hundred Thousand (\$500,000.00) Dollars for the air conditioning of the halls, offices and committee rooms of the House of Representatives and the Senate in the Capitol Building and since this appropriation is within the purposes for which the State Building Fund may be expended pursuant to the provisions of Section 51-b of Article III of the Constitution of Texas, you are advised that the State Building Commission may legally obligate State Building Fund for the purposes set forth in Concurrent Resolution No. 55 of the 55th Legislature.

SUMMARY

The State Building Commission may legally obligate the State Building Fund to air condition the House of Representatives with air-cooled, electrical, self-contained package air conditioning units, and to install immediately the necessary electrical wiring to complete the air conditioning of the House of Representatives, the Chief Clerk's office, the Appropriation Room, and other committee and stenographic rooms adjacent to the House of Representatives and located on the first and third floors.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:am:zt

APPROVED:

OPINION COMMITTEE:

H. Grady Chandler, Chairman

J. C. Davis, Jr.

John Ross Lennan

William E. Allen

REVIEWED FOR THE ATTORNEY GENERAL

BY:

Geo. P. Blackburn