



THE ATTORNEY GENERAL
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April 3, 1972

Honorable Wm. J. Jackson
County Attorney
Hemphill County
Box 487
Canadian, Texas 79014

Opinion No. M-1113

Re: Whether Hemphill County may
pay a portion of the salary of
the manager of a historical
museum under the facts sub-
mitted?

Dear Mr. Jackson:

You have requested an opinion of this office as to whether Hemphill County may pay a portion of the salary of the manager of a historical museum under the following facts:

"The museum is maintained on the highway at the corner of 2nd and Main Streets in the City of Canadian in an old building formerly housing the Moody Hotel, the use of which premises is donated by the owners. The museum has a large sign stating 'Pioneer Museum.' The museum contains exhibits of pioneer goods and products, some of which have been donated to the museum, some of which are owned by the manager, and some of which are on loan to the museum, having been given to the museum with the understanding and agreement that they will revert to the original owner if the museum is closed.

"The salary of the manager is paid jointly by Hemphill County, the City of Canadian, Texas, and the Chamber of Commerce, with the County paying \$200 of the salary, the City paying \$150, and the Chamber of Commerce paying \$100 per month. As stated above, the premises are donated and utilities and other expenses are paid from voluntary donations by visitors to the museum.

"The museum is open to the public daily and admission is without charge.

"The manager of the museum does maintain a small gift shop on the premises, selling souvenir items, the profits of which are used for expenses of maintaining the museum, together with donations, as above indicated."

Article 2372d, V. C. S., provides, in part, that:

"Section 1. All counties in the State . . . may also establish and maintain museums . . .

"Section 2. The Commissioners' Court . . . may . . . participate with local interests in providing for . . . the expenses incident thereto."

In addition, Article 6081e, V. C. S., also authorizes the county and city, or either, to acquire and operate museums. Section 1 of this Article reads, in part, as follows:

". . . Any county or any incorporated city of the State, either independently or in cooperation with each other, . . . may acquire by gift, devise or purchase . . . lands and buildings to be used for . . . historical museums . . ."

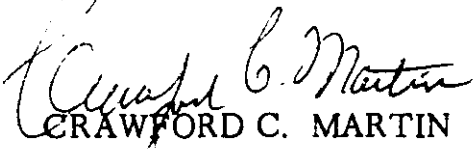
"Acquire", as defined by Section 2, Subsection (6) of Article 1528b, V. C. S., "means and includes construct, acquire by purchase, lease, devise, gift, or other mode of acquisition."

In view of these statutes, it is our opinion the Commissioners' Court may expend monies to pay a portion of the salary for the manager of the museum, as a joint participant with the City of Canadian and the local Chamber of Commerce. The statutes do not require that the county own the property before it can become a joint participant and expend its monies in this connection.

SUMMARY

Under the provisions of Article 2372d, V. C. S. , and Article 6081e, V. C. S. , the Commissioners' Court may expend monies to pay part of the salary of the manager of a museum under the facts presented.

Very truly yours,


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Prepared by James Hackney
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APPROVED:
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