



THE ATTORNEY GENERAL  
OF TEXAS

GERALD C. MANN

AUSTIN 11, TEXAS

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL.

Honorable Bill S. Watkins  
County Attorney  
Llano County  
Llano, Texas

Dear Sir:

Opinion No. 0-2538  
Re: County Library - General Fund -  
Article 1679, R.C.S.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Article 1679, R.C.S. of Texas provides:  
'After a county free library has been established the commissioner's court shall annually set aside from the general tax fund of the county, a sum sufficient for the maintenance of said library, but not to exceed five cents on the hundred dollars valuation of all property in such county....'

"Article 8, Section 9 of the Constitution of Texas provides for the taxes that the county may levy and the amounts thereof as follows:  
'....and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25th, 1883; and for the erection of public buildings, streets, sewers, water works and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation, in any one year, and except as is in this constitution otherwise provided....'

"Llano County is now levying the maximum of twenty-five cents allowed for the general third class fund; and it is the opinion of the writer, if the county should levy five cents for a county library, this amount of five cents would come from

the twenty-five cents allowed for the general fund, leaving only twenty cents for that fund.

"The County Judge construes Art. 1697 as meaning the County can levy a tax of five cents for a county library in addition to the twenty-five cents now being levied for the general fund."

Article 1679, Vernon's Annotated Texas Civil Statutes authorizes the commissioners' court to annually set aside from the general tax fund of the county a sum sufficient for the maintenance of a county free library but not to exceed five cents on the one hundred dollar valuation, etc.

Article 8, Section 9 of the Texas Constitution, provides that the levy for county purposes (the general fund of the county) shall not exceed twenty-five cents on the one hundred dollar valuation, etc.

You are respectfully advised that it is the opinion of this department that you have answered this question correctly and it is the opinion of this department that if Llano County should levy five cents for a county library said amount of five cents would come from the twenty-five cent levy allowed for the general fund and thus would leave twenty cents on the one hundred dollar valuation for the general fund.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Wm. J. Fanning  
Wm. J. Fanning  
Assistant

WJF:AW:wc

APPROVED JULY 20, 1940  
s/Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman