



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. E. G. Garvey
County Auditor
Bexar County
San Antonio, Texas

Dear Sir:

Opinion No. 0-7539

Re: May the Commissioners' Court of Bexar County establish a county law library under the provisions of Articles 1697-1702, inclusive, without taking into account the provisions of Article 1702a-1? And related questions.

Your letter of recent date requesting an opinion of this department is in part as follows:

"1. May the Commissioners' Court of Bexar County establish a county law library under the provisions of Articles 1697-1702 inclusive, without taking into account the provisions of Art. 1702 a-1?

"2. If so, from what source are the funds appropriated to be provided?

"3. Is the method set forth in Art. 1702 a-1 the exclusive method under the law whereby the Commissioners' Court of Bexar County may establish and maintain a county law library?"

Article 1697 provides:

"A county law library may be established at the county seat by the commissioners court of any county containing a city of over 160,000 population according to the preceding Federal census."

Article 1698 provides:

"The commissioners court of any such county may establish and provide for the maintenance of such law library on its own initiative and appropriate therefor the sum of \$20,000.00 or such part thereof as it deems

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necessary, and shall appropriate each (year) such sum as may be necessary to properly maintain and operate such library."

Section 2 of Article 1702a-1 provides:

"The Provisions of this Act may be adopted by any county in this state having five (5) or more District Courts, by the passage of a Resolution to that effect by the Commissioners Court of such county at a regular session thereof with all members of such Court present."

According to the 1940 Federal census, San Antonio had a population of 253,854 inhabitants. Therefore, Articles 1697-1702, inclusive, are applicable to Bexar county.

Since Bexar County has five District Courts, to-wit: 37th, 45th, 57th, 73rd and Bexar County Criminal District Court, the Commissioners' Court may adopt the provisions of Article 1702a-1 as provided by Section 2 of said Act.

Therefore, in answer to your first and third questions, it is the opinion of this department that the Commissioners' Court of Bexar County may establish a county law library under the provisions of Articles 1697-1702, inclusive. Article 1702a-1 is not an exclusive method to establish a county law library for Bexar County, but may only be used upon a proper order of the Commissioners' Court adopting the provisions of said Act. In answer to your second question, you are advised that the establishment and maintenance of the county law library must be paid out of monies appropriated by the Commissioners' Court out of the general fund as provided by Article 1698.

Very truly yours

ATTORNEY GENERAL OF TEXAS

DEC 21, 1946

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