



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

September 9, 1959

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

Opinion No. WW-699

Re: Authority of the State Building Commission to purchase an original and a copy of a statement of facts used in connection with the acquisition of real estate for the State Archives and Library Building.

Dear Mr. Wolf:

We are in receipt of your recent letter in which you have requested the opinion of this office as to whether the State Building Commission has authority to purchase an original and a copy of a statement of facts used in connection with the acquisition of real estate for the State Archives and Library Building and to which appropriation it may be charged.

This office has held in Opinion No. WW-633 that the State Building Commission has authority to engage attorneys to represent the Commission in the trial of civil cases, as an incident to the land acquisition program, where the funds and appropriations for such services permit. Certainly, if the Commission has the authority to engage an attorney to participate in litigation for acquisition of the real estate in question, it also has the authority to pay court costs in connection therewith. A statement of facts being an item of court costs, the Commission is authorized to purchase such when it is deemed necessary or expedient.

The Commission, having authority to purchase the original of a statement of facts, also has authority to purchase a copy of a statement of facts, in accordance

with Opinion No. WW-692, when the Commission deems it necessary or expedient in the proper prosecution or defense of law suits in connection with the land acquisition program.

As to which appropriation or appropriations such an expenditure is properly chargeable, it is the opinion of this office, in accordance with Opinion No. WW-633, that this expenditure may properly be charged to the line appropriation "for other salaries or professional services by contract or part time employment."

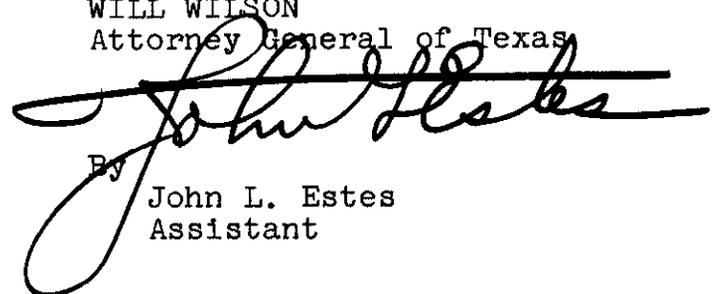
In Opinion No. WW-472 this office held that the payment of court costs was a necessary incident to "establishing, planning, constructing, and maintaining a system of highways" and that such costs were properly chargeable to the appropriations "for establishing, planning, constructing, and maintaining a system of highways." In accord with that opinion it is the opinion of this office that the expenditures under consideration may also properly be charged to the appropriation "for the purpose of purchasing land, preparing the site, planning, constructing, and initially equipping a State Library and Archives Building to house the State Library, General Land Office, State Archives and museum."

#### SUMMARY

The State Building Commission has authority to purchase an original and a copy of a statement of facts to be used in connection with the acquisition of real estate for the State Archives and Library Building and that such expenditures are properly chargeable to the appropriation for "other salaries or professional services" or to the appropriation for the "purchasing of land, preparation of site, . . ." of the State Archives and Library Building.

Yours very truly,

WILL WILSON  
Attorney General of Texas



By  
John L. Estes  
Assistant

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APPROVED:

OPINION COMMITTEE

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REVIEWED FOR THE ATTORNEY GENERAL

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