

OPINION NO. 89-070**Syllabus:**

Pursuant to R.C. 3375.54, the board of trustees of a county law library association may expend funds received under R.C. 3375.50-.53 for the purchase of lawbooks for a branch of the county law library to be located in a community college library at no additional public expense to the law library association, provided that such books will be accessible free of charge to all public officials who are entitled to free use of the county law library.

To: Steven C. LaTourette, Lake County Prosecuting Attorney, Painesville, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, September 6, 1989

I have before me your request for my opinion regarding the establishment of a branch office of a county law library. From your letter and additional information provided by a member of your staff, I understand that the law library association wishes to establish a branch by purchasing and placing law books in the community college library. This arrangement would enable the association to utilize the physical facility and staffing of the college library at no cost to the association; the only expense would be the purchase of books. These law books in the branch would be available to students of the community college, members of the local bar association, and all public officials entitled to use of the county law library. Establishment of the branch would provide users of the county law library with a second, more centrally located facility and expanded hours of access. The law library association would continue to maintain the main county law library in the county courthouse. You wish to know whether the law library has authority to establish a branch in the fashion you have described.

I note initially that a county law library association is a private organization, which may be organized either as a private association or a non-profit corporation under R.C. 1713.28. See 1986 Op. Att'y Gen. No. 86-102 at 2-565. The statutory scheme created by R.C. 3375.48 through R.C. 3375.56 provides public funds for specific purposes to those law libraries which grant free access to designated public officials. See R.C. 3375.48 (county treasury to pay librarian's and assistants' salaries in counties where free access is given to members of general assembly, county officers, judges of the several courts in the county); R.C. 3375.49 (county to provide rooms, bookcases, heat and light in county courthouse for use of the law library); R.C. 3375.55 (judges of the county court, officers of townships and municipalities in the county to have free access to library receiving moneys under R.C. 3375.50-.53). See generally *State ex rel. Akron Law Library Ass'n v. Weil*, 16 Ohio App. 2d 151, 154, 242 N.E.2d 664, 666 (Summit County 1968) ("Ohio, by legislation, provided a means of supporting county law libraries for the free use of such facilities by the judges and other public officials"). Thus, when a county law library association receives public funds, the use of the public funds and the access of public officials to the library is governed by statute.

Access of other individuals, e.g. community college students or members of the local bar, and use of any private funds of the association are governed solely by the purposes and procedures specified in the association's charter, by-laws, rules, or regulations. See *Van Wert County Law Library Ass'n v. Stuckey*, 42 Ohio Op. 1, 8, 94 N.E.2d 32, 45 (C.P. Van Wert County 1949) ("[i]f the law library association receives private donations, in respect to such monies it is like any other private association and may use such private funds for any proper purpose of the association"); accord Op. No. 86-102. For purposes of this opinion, I assume that establishment of a branch library as described above is consistent with the provisions of the association's charter, by-laws, rules or regulations. I will, therefore, limit my analysis to the following question: May a county law library association expend public funds to purchase law books for a branch of the county law library, when the branch is to be located in a community college library at no additional public expense to the association¹ and when the books will be accessible free of charge to all public officials who are entitled to free use of the county law library?

The only public funds over which the county law library association exercises any direct control are the funds received pursuant to R.C. 3375.50-.53. These statutes allocate funds to the association from monies collected by the various courts in the county. See R.C. 3375.50 (municipal courts); R.C. 3375.51 (county courts); R.C. 3375.52 (common pleas and probate courts); R.C. 3375.53 (fines and penalties for violations of state liquor and traffic laws in any court). These funds may be spent only as provided in R.C. 3375.54, which states:

The money that is paid to the board of trustees of a law library association under sections 3375.50 to 3375.53 of the Revised Code shall be expended in the support and operation of the law library association and in the *purchase, lease, or rental of lawbooks*, a computer communications console that is a means of access to a system of computerized legal research, microform materials and equipment, videotape materials and equipment, audio or visual materials and equipment, and other services, materials, and equipment that provide legal information or facilitate legal research. (Emphasis added.)

R.C. 3375.54 clearly authorizes the purchase of lawbooks. So long as the judges and public officials have free access to such lawbooks in accord with the legislative intent expressed in R.C. 3375.55, I see no impediment to the use of public funds received under R.C. 3375.50-.53 for the purchase of lawbooks for a branch of the county law library as well as for the main library facility provided by the county.

It is, therefore, my opinion and you are hereby advised, that pursuant to R.C. 3375.54, the board of trustees of a county law library association may expend funds received under R.C. 3375.50-.53 for the purchase of lawbooks for a branch of the county law library to be located in a community college library at no additional public expense to the law library association, provided that such books will be accessible free of charge to all public officials who are entitled to free use of the county law library.

¹ You have not asked, and I need not decide, whether R.C. 3375.54 authorizes the use of public funds for additional rooms, shelves, utilities, or salaries beyond that which the county is required to provide pursuant to R.C. 3375.48 and R.C. 3375.49.