



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

April 14, 1939

Hon. Frank Wright
County Auditor
Fannin County
Bonham, Texas

Dear Sir:

Opinion No. 0-619

Re: Is it legal for a county to pay for a telephone in the home of a county commissioner who says it is used exclusively for county business?

Your letter of April 12, 1939, in which you ask if it is legal for a county to pay for a telephone in the home of a county commissioner who says it is used exclusively for county business has been received.

Your attention is directed to Vol. 11, Texas Jurisprudence, page 563, which reads as follows:

"Counties being component parts of the state, have no power or duties except those which are clearly set forth and defined in the Constitution and statutes. The statutes have clearly defined the powers, prescribed the duties, and imposed the liabilities of the commissioners' court, the medium through which the different counties act, and from those statutes must come all authority vested in the county."

The jurisdiction of the commissioners' court is limited strictly to "county business", and the installation of a telephone in the home of the commissioner does not appear to come within the classification of county business.

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It is our opinion that neither the Constitution of Texas nor the statutes expressly or impliedly give to the members of the Commissioners' Court authority to install telephones in their homes and charge the expense of same against the county.

Very truly yours

ATTORNEY GENERAL OF TEXAS

(Signed)

By

W. P. Watts
Assistant

WPW:AW

APPROVED:

Gerald C. Mann (Signed)

ATTORNEY GENERAL OF TEXAS