



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 19, 1939

Honorable Thos. R. Chandler
County Attorney
Robertson County
Franklin, Texas

Dear Sir:

Opinion No. 0-810
Re: Whether expenses of attending
officers' conventions are reason-
able and necessary in the legal
conduct of their offices and same
authorized under Article 3899.

Your request for an opinion as contained in
your letter of May 11th has received the attention of
this department. Permit us to quote from your letter
as follows:

"Kindly advise me whether or not a
county official may present to the commis-
sioners' court and have allowed expenses
to an officers' convention, namely district
and county attorney's convention, Sheriff's
Associations, Judges and County Commis-
sioners' Convention and Tax Assessor and Collec-
tor's Convention under the provisions of
Article 3899, Revised Civil Statutes of
Texas, 1925, as amended by the Acts of the
45th Legislature (1937) page 1340, chapter
498, section 1, paragraph (b).

"Would such expenses be reasonable and
necessary in the proper legal conduct of
either of such officers?"

Article 3899, as amended, in part reads:

"(b) Each officer named in this Act,

where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expenses necessary in the proper and legal conduct of his office, premiums on officials' bonds, premium on fire, burglary, theft, robbery insurance protecting public funds and including the cost of surety bonds for his Deputies, such expenses to be passed on, pre-determined and allowed in kind and amounts, as nearly as possible, by the Commissioners' Court once each month for the ensuing month, upon the application by each officer, stating the kind, probable amount of expenditure and the necessity for the expenses of his office for such ensuing month, which application shall, before presentation to said court, first be endorsed by the County Auditor, if any, otherwise the County Treasurer, only as to whether funds are available for payment of such expenses."

In the case of State vs. Carnes, 106 SW (2) 397, the court construed Article 3899, Acts of 1933, 43rd Legislature, substantially the same as our present Article 3899, supra, holding that the expenses, other than those expenditures in connection with automobiles, which an officer is authorized to claim as deductions, are limited to stationery, stamps, telephone, traveling expenses, and other similar necessary expenses, the rule of ejusdem generis being applied to qualify the general language of the specially enumerated items and to restrict its meaning to expenses of same kind or class - citing Cameron County vs. Fox (Tex. Civ. App.) 42 SW (2) 653; Casey vs. State (Tex. Civ. App.) 289 SW 428 (writ refused). We quote from the language used in the Casey vs. State case, supra, wherein the jury found and the evidence supported the fact that the services of a stenographer to assist the county attorney were necessary:

"It may be that such assistance was necessary in this particular case, to enable the county

attorney to better discharge his duties; but that fact alone does not confer the right to pay for such assistance out of public funds. Such authority must come from some appropriate statute. The one relied on does not give it."

We are unable to find any statutory authority authorizing the commissioners' court to pay the expenses of the above named officers to their respective officers' conventions, and though reasonable in amount, under the statutes referred to, such expenses would not under the authorities cited be "necessary in the proper and legal conduct of their respective offices."

It is therefore the opinion of this department that Article 3899, section (b) does not authorize the commissioners' court to allow to district and county officers expenses incurred in attending their respective officers' conventions. Such expenses, though reasonable, would not be necessary in the proper and legal conduct of their offices.

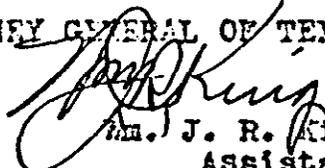
In keeping with your request, we herewith enclose copies of opinions rendered by this department, No. 0-331 as amended and No. 0-332. Opinion No. 0-331, not specifically answering the point raised by the request, was withdrawn and in lieu thereof, our opinion No. 0-331 as amended was rendered.

Trusting the above answers your request, we remain

Very truly yours

ATTORNEY GENERAL OF TEXAS

By


J. R. King
Assistant

WRK:AW
Enclosures

APPROVED:


ATTORNEY GENERAL OF TEXAS

