



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Wayne Lefevre
County Auditor
Clay County
Henrietta, Texas

Dear Sir:

Opinion No. 0-1906
Re: Sheriffs - Commissioners'
Courts - Purchase of Radio-
Expenses of Office.

Your request for opinion has been received and considered. We quote from your letter as follows:

"Please advise if a Commissioners Court of a County on a fee basis has the authority to purchase 'radio' for Sheriff's department, or is this cost to be paid by Officer out of fees of office."

Article 2899, Section (a), Revised Civil Statutes of Texas, reads in part as follows:

"(a) At the close of each month of his tenure of office each officer named herein who is compensated on a fee basis shall make as part of the report now required by law, an itemized and sworn statement of all the actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, premiums on officials' bonds, including the cost of surety bonds for his Deputies, premium on fire, burglary, theft, robbery insurance protecting public funds, traveling expenses and other necessary expenses. The Commissioners' Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity

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therefor, purchase equipment for a bureau of criminal identification such as cameras, finger print cards, inks, chemicals, microscopes, radio and laboratory equipment, filing cards, filing cabinets, tear gas and other equipment in keeping with the system in use by the Department of Public Safety of this State or the United States Department of Justice and/or Bureau of Criminal Identification...." (under-scoring ours)

You are therefore respectfully advised that it is the opinion of this department that the commissioners' court is authorized to purchase and expend county funds for a radio for the Sheriff's office under the above article.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Wm. J. Fanning*

Wm. J. Fanning
Assistant

APPROVED *1940*

WJT:AV

W. H. Moore
W. H. Moore
ATTORNEY GENERAL

APPROVED
OPINION
COMMITTEE
BY *B. W.*