



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Charles T. Banister
Criminal District Attorney
Corsicana, Texas

Dear Sir:

Opinion No. 0-3701

Re: Would it be legal to pay the traveling expenses of the county judge where the commissioners' court entered an order formally instructing the county judge to make a rather distant trip for a specific purpose directly connected with the county welfare?

Your letter of June 17th contains the above question upon which you request the opinion of this department. As to our recent inquiry concerning the specific purpose of the trip, we wish to acknowledge receipt of your letter of June 26th, wherein you favor us by stating the order as follows:

"Motion was made by commissioner _____, seconded by commissioner _____ that the county judge be instructed to travel to Austin, Texas, for the purpose of transacting certain business in connection with the issuance of road bonds by Navarro County and that all expenses of the county judge incident to said trip be paid out of the general fund of Navarro County. Said motion carried unanimously."

In the absence of a valid statute, the commissioners' court has no authority to allow any sums of money to its members for expenses and this department has repeatedly so ruled.

We quote the following from Texas Jurisprudence, Vol. 2, Pages 563, 4 and 5.

Honorable Charles T. Banister, Page 2

"Counties, being component parts of the State, have no powers 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' courts, the medium through which the different counties act, and from these statutes must come all the authority rested in the counties. * * * Commissioners' courts are courts of limited jurisdiction in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law, -that is, by the Constitution and statutes of this State."

In our Opinion No. C-2475, approved June 29, 1940, a copy of which we enclose, a similar question was presented and in answer to same we ruled that Collin County would not legally pay the traveling expenses of county commissioners for trips to Austin on official business.

It is, therefore, the opinion of this department that the commissioners' court cannot legally allow to the county judge to be paid out of county funds, expenses incurred on the trip to Austin on official business of the county.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Wm. J. R. King
Assistant

APPROVED JUL 7, 1941

/s/ Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

WJRK:RS:RLT

ENCLOSURE

APPROVED
Opinion
Committee
BY BWB
Chairman

WJF