



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable John S. Baker
County Auditor
Lamar County
Paris, Texas

Dear Sir:

Opinion No. O-4725
Re: Commissioners' Court may expend county funds from general fund of county for prophylactic unit if the Commissioners' Court deems same in behalf of public health and sanitation within the county.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"This county is now maintaining a health unit in the Lamar County Hospital at some expense to the county.

"Some of the U. S. Army officers connected with the Army Camp which is now being constructed in our county have asked our Commissioners Court to establish an additional unit to be known as a Prophylactic Unit and to pay the rental on a building to be used as such unit.

"Can the county legally pay from our general fund or any other fund the rental on a building for the maintenance of a Prophylactic Unit as requested by our army officers?

". . ."

Article 418f, Vernon's Annotated Texas Civil Statutes, reads in part as follows:

". . . The Commissioners' Court of any county shall have the authority to appropriate and expend money from the general revenues of its county for and in behalf of public health and sanitation within the county."

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Construing the above quoted portion of the statute we said in our opinion No. O-2580-A:

"No detailed direction is given as to how such general power shall be exercised but this matter is left largely within the discretion of the Commissioners' Court."

If the Commissioners' Court determines that the establishment and/or support of such prophylactic unit is in behalf of public health and sanitation within the county it is our opinion that it would be authorized to expend funds from the general fund of the county for the purposes set out in your letter.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (Signed) WM. J. FANNING
Assistant

WJF:mp

APPROVED JUL. 24, 1942

(Signed) GERALD C. MANN
Attorney General of Texas

APPROVED OPINION COMMITTEE

By E.W.B. Chairman