



**THE ATTORNEY GENERAL  
OF TEXAS  
AUSTIN, TEXAS**

**PRICE DANIEL  
ATTORNEY GENERAL**

June 29, 1948

Hon. A. M. Pribble  
County Attorney  
Mills County  
Goldthwaite, Texas

Opinion No. V-621

Re: The necessity for the county to pay incidental upkeep and operation expenses in addition to six cents per mile on personal cars used by the Sheriff and his deputies on official business.

Dear Sir:

Reference is made to your recent request which is as follows:

"Is it required for the County Commissioners Court, under the terms of Art. 6877-1 Acts 1947, 50th Leg., p. 357, ch. 204, para. 1, to pay expenses incidental to the upkeep and operation of motor vehicles when the commissioners court has elected to allow the sheriff and his deputies to use their personal cars on official business and to pay six cents per mile for such official travel?"

The record in the Comptroller's office reflects that the officers of Mills County are compensated on a fee basis.

It was held in Attorney General's Opinion No. V-515 that Article 3899(a) was superseded by H. B. 501, Acts of the 50th Legislature, Art. 6877-1, V. C. S., insofar as it pertains to the travel expense of sheriffs. This being true, we must now look to the provisions of this Act for the answer to your question.

Article 6877-1, V. C. S., is as follows:

"The County Commissioners Courts of this State are directed to supply and pay

for transportation of sheriffs of their respective counties and their deputies to and from points within this State, under one of the four (4) following sections:

"(a) Such sheriffs and their deputies shall be furnished adequate motor transportation including all expense incidental to the upkeep and operation of such motor vehicles.

"(b) Motor vehicles shall be furnished to such sheriffs and their deputies who may furnish gas and oil, wash and grease, incidental to the operation of such vehicles; for which gas and oil, wash and grease, such sheriffs and deputies shall be compensated at a rate not to exceed four cents (4¢) per mile for each mile such vehicle is operated in the performance of the duties of his office.

"(c) Alternatively such County Commissioners Courts may allow sheriffs and their deputies in their respective counties to use and operate cars on official business which cars are personally owned by them for which such officers shall be paid not less than six cents (6¢) per mile nor more than ten cents (10¢) per mile for each mile traveled in the performance of official duties of their office.

"(d) All compensation paid under the provisions of this Act shall be upon a sworn statement of such sheriff."

It was held in Attorney General's Opinion No. V-293 that it is mandatory that the Commissioners' Court must determine under which of the subdivisions of the Act it will furnish the sheriff and his deputies transportation.

Since the Commissioners' Court of Mills County has elected to provide such transportation under subdivision (c) of Article 6877-1, supra, and is allowing the sheriff and his deputies to use their personal cars and be paid by the county six cents per mile while traveling on official business, it is our opinion that

the Commissioners' Court may not pay expenses incidental to the upkeep and operation of such cars.

SUMMARY

When the Commissioners' Court has elected to allow the sheriff and his deputies to use their personal cars and the county pay six cents per mile for official travel under subdivision (c) of Article 6877-1, it may not pay expenses incidental to the upkeep and operation of such vehicles.

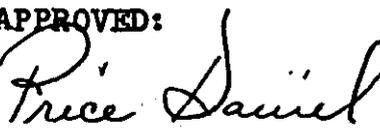
Yours very truly,

ATTORNEY GENERAL OF TEXAS

By   
Bruce Allen  
Assistant

BA:mw

APPROVED:

  
ATTORNEY GENERAL