



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

July 28, 1948

Hon. J. B. Ator
County Attorney
Uvalde County
Uvalde, Texas

Opinion No. V-641

Re: The necessity for the County to pay for repairs and upkeep on automobiles furnished to the Sheriff under subdivision (b) of Section 1 of H.B. 501, 50th Legislature.

Dear Sir:

Your request for our opinion is in part as follows:

"We will appreciate your opinion construing the provision of subsection B, House Bill 501, 50th Legislature as to whether or not the County would be required to furnish tires, batteries and general repairs in addition to the allowance of four cents (4¢) per mile for gas, oil, wash, and grease."

H. B. 501, Acts of the 50th Legislature, 1947, (Article 6877-1, V. C. S.) reads in part:

"Sec. 1. 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." (Emphasis added)

In Words and Phrases, Volume 17, page 837
"to furnish" is defined as follows:

"Phrase 'to furnish' means to equip, fit out, supply, deliver to hand, to provide anything needed by another, to provide what is necessary. . . ." *Schneider v. Pevey Dairy Co.* (Mo. Sup.) 40 S. W. 2d 647.

The Act directs Commissioners' Courts to "supply and pay for transportation of sheriffs" and their deputies. Subdivision (a) provides that sheriffs and their deputies "shall be furnished adequate motor transportation, including all expense incidental to the upkeep and operation of such motor vehicles."

The Commissioners' Court of Uvalde County elected to operate under subdivision (b) of the Act. Under such provisions, sheriffs and their deputies "may furnish gas and oil and wash and grease incidental to the operation of such vehicles" furnished to them for transportation. For this they must be compensated at the rate of not exceeding four cents (4¢) per

mile for mileage traveled in the performance of the duties of their office.

No authority is given to the sheriff or his deputies to remove, substitute or change parts of such motor vehicles.

The only direction of the statute being that adequate motor vehicular transportation be furnished and paid for, the Commissioners' Court may withdraw such vehicles from the sheriff and his deputies and supply other such vehicles, as such court may determine. This clearly indicates that it was not the legislative intent that damaged or worn parts should be furnished by the sheriff and his deputies.

It is plain that if the sheriff and his deputies must pay for tires, batteries and general repairs without any compensating return, they are not supplied with paid transportation.

We are of the opinion that the Commissioners' Court of Uvalde County is required to pay for tires, batteries, and general upkeep of motor vehicles furnished to the sheriff and his deputies under the provisions of Article 6877-1, Section 1, subdivision (b) in addition to the sum allowed for oil and gas and wash and grease.

SUMMARY

Where a county has determined to furnish transportation to the sheriff and his deputies under the provisions of Art. 6877-1, Section 1, subdivision (b), such sheriff and his deputies are not required to pay for repairs and upkeep of motor vehicles furnished to them by the county.

Yours very truly,

APPROVED:

Rice Daniel
ATTORNEY GENERAL

WTW:wb

ATTORNEY GENERAL OF TEXAS

By *W. T. Williams*
W. T. Williams
Assistant