



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

February 6, 1963

Hon. George Beto, Director
Texas Department of Corrections
Huntsville, Texas

Opinion No. C-9

Re: Authority of Walker
County to contract
with the Department
of Corrections to re-
finish county-owned
property.

Dear Dr. Beto:

Your request for an opinion reads as follows:

"Texas Department of Corrections conducts a Vocational Education Training program among the inmates at Ferguson State Farm. The purpose of the program is to teach the inmates a trade so that they may become self supporting and better prepared to make proper adjustment when released from custody. The principal trades being taught now are furniture repair and refinishing, furniture upholstery, auto body and fender work, welding, carpentering, T-V and radio repair and gas and electric equipment and appliance servicing.

"The inmates are encouraged to enter the program but their participation is entirely on a voluntary basis. The response has been most satisfactory. Our policy has been to require that all articles repaired be the property of the Texas Department of Corrections and, where possible, that they be put to useful purposes in the system after repair. However, we are having much difficulty in obtaining repair articles to work with, without which the program cannot be successful.

"Huntsville Memorial Hospital, owned by Walker County, Texas, an agency of the State of Texas, is willing to furnish all of the materials needed and permit us to refinish all of the furniture in the Hospital. When refinished the furniture will be returned to

Walker County, Texas, and used in its Hospital. The proposed program would require considerable time to complete, since we would be doing the work on a room at a time basis. We want to accept the offer of Walker County but are concerned with whether inmate labor, even on a voluntary basis, can legally be used where the refinished furniture remains the property of and will be returned to and used by Walker County, Texas, in the operation of its County-owned Hospital.

"Your advice on this question will be greatly appreciated."

While Article 6203c, Vernon's Civil Statutes, specifically authorizes the Department of Corrections to enter into contracts for the sale of any product or article manufactured or produced by the System, to any other departments, boards, commissions or institutions of the State of Texas, we find no provision authorizing the Department of Corrections to enter into contracts with counties for the repair or refinishing of county-owned property.

Likewise, while the commissioners court of each county is authorized under the provisions of Article 2351d, Vernon's Civil Statutes, to purchase certain road machinery, equipment, tires and tubes through the State Board of Control, we know of no provision which would authorize the county to enter into contracts outlined in your request. The fact that the commissioners court is authorized to enter into contracts for the repair and renovation of county-owned property with individuals, corporations and associations does not authorize the county to contract with a State agency for such purposes without statutory authorization.

In the absence of statutory authorization, you are advised that the Department of Corrections and Walker County cannot enter into a contract whereby county-owned property will be repaired and refinished by voluntary inmate labor.

S U M M A R Y

The Department of Corrections is not authorized to enter into contracts with counties whereby county-owned property will be repaired and refinished by voluntary inmate labor.

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Yours very truly,

WAGGONER CARR
Attorney General of Texas

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JR:ms:mkh

APPROVED:
OPINION COMMITTEE

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