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pre-determined and allowed in kind and amounts, as nearly as possible, by the Commissioners' Court once each month for the ensuing month, upon the application by each officer, stating the kind, probably amount of expenditure and the necessity for the expenses of his office for such ensuing month, which application shall, before presentation to said court, first be endorsed by the County Auditor, if any, otherwise the County Treasurer, only as to whether funds are available for payment of such expenses.....

"Such purchases shall be made by each officer, when allowed, only by requisition in manner provided by the County Auditor, if any, otherwise by the Commissioners' Court. Each officer shall, at the close of each month of his tenure of office, make an itemized and sworn report of all approved expenses incurred by him and charged to his county, accompanying such report with invoices covering such purchases and requisitions issued by him in support of such report. If such expenses be incurred in connection with any particular case, such report shall name such case. Such report, invoices and requisitions shall be subject to the audit of the County Auditor, if any, otherwise by the Commissioners' Court, and if it appears that any item was not incurred by such officer, or that such item was not a necessary or legal expense of such office, or purchased upon proper requisition, such item shall be by said County Auditor or court rejected, in which case the payment of such item may be adjudicated in any court of competent jurisdiction. All such approved claims and accounts shall be paid from the Officers' Salary Fund unless otherwise provided herein....."

It appears from the reading of the above provisions that such conditions therein were intended by the Legislature to be complied with by the county official

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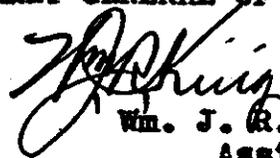
before he could, as a matter of right, demand payment of such expense.

Assuming that such conditions as set forth in Article 3899 have been complied with, it is therefore the opinion of this Department that where such officers as named in Article 3883, as amended, are required by law to make bond, they can demand, as a matter of right, that such item of expense be approved and that said bond premiums be paid out of the Officers' Salary Fund. The matter of reasonableness of such expense, however, and its approval rests within the discretion of the Commissioners' Court, and only where there is a clear abuse of such discretion, could it be said that allowance and payment of such premiums would be mandatory on the part of the county officials.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By



Wm. J. R. King  
Assistant

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APPROVED:



ATTORNEY GENERAL OF TEXAS

