



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Thomas A. Wheat  
County Attorney  
Liberty County  
Liberty, Texas

Dear Sir:

Opinion No. 9-4379  
Re: Expenses of county commis-  
sioners when traveling out  
of the county on official  
business.

And related question.

Your two letters of recent date requesting our  
opinions upon the above stated questions have been received.

We wish to commend you on your excellent briefs  
accompanying each of these inquiries. These briefs were  
of material benefit in assisting us in rendering this opin-  
ion.

We quote the questions as propounded in each of  
your letters:

"The County Commissioners' Court of Liberty  
County have requested that I obtain from your  
department an opinion as to whether or not the  
County Commissioners are allowed expenses, when  
travelling out of the County on official busi-  
ness."

"The Honorable Commissioners' Court of  
Liberty County have requested that I obtain  
for them from you an opinion as to whether or  
not the County Commissioners' Court is author-  
ized to allow and authorize the payment of the  
travelling expenses of the County Auditor that  
he may incur outside of the County as for in-  
stance, expenses for a trip to Austin."

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With reference to your first question quoted above, Liberty County operates under the general road law of this State, and we have been unable to find any statutory authority which would allow the commissioners of Liberty County expenses while traveling out of the county on official business. This department has repeatedly held upon a number of questions similar to the question presented by you that in the absence of a valid statute, the Commissioners' Court has no authority to allow any sum of money to its members for expenses.

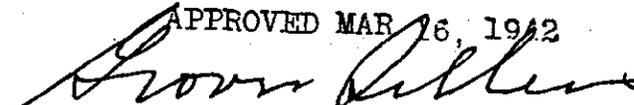
In this connection, we are enclosing herewith for your information copies of opinions Nos. O-752 and O-1926.

With reference to your second question, we have been unable to find any statute which authorizes the payment to the county auditor of any expenses incurred by him while traveling, either within or without the county, on official business. Therefore, your second question is answered in the negative.

Trusting that the above satisfactorily answers your inquiries, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAR 16, 1942  


FIRST ASSISTANT  
 ATTORNEY GENERAL

By



D. Earle Daviss  
 Assistant

DBD:GO

ENCLOSURE

