



THE ATTORNEY GENERAL
OF TEXAS

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. Reagan S. Wyche
County Auditor
Gregg County
Longview, Texas

Opinion No. O-5522
Re: Is Gregg County legally au-
thorized to pay the premium on
the official bond of the county
auditor?

Dear Sir:

Your letter of August 3, 1943, requesting the opinion of this department on the above stated question, reads as follows:

"In Re: Art. 3899, Expense
Account
Acts 1937, 45 Leg. 1st C S p.
1817 Ch. 37

"Under this article is the Auditor allowed to pay for the premium on his official bond?

"If this article does not apply, is there any other article that authorizes payment of the Auditor's bond by the county?"

Gregg County has a population of 58,027 inhabitants according to the 1940 Federal Census. Therefore, the county officials of said county are compensated on an annual salary basis as authorized by Article 3912e, Vernon's Annotated Civil Statutes.

Article 1649, Vernon's Annotated Civil Statutes, requires the county auditor to execute a bond within the time and in the amount, etc., as mentioned therein.

Paragraph (b) of Article 3899, Vernon's Annotated Civil Statutes, provides in part:

"Each officer named in this act, where he receives a salary as compensation for his services, shall be entitled and permitted to purchase or charge to his county all reasonable expenses necessary in the proper and legal conduct of his office, premiums on official bonds, premiums on fire, burglary, theft,

robbery insurance protecting public funds and including the cost of surety bonds for his deputies, provided that the expenses incurred for premiums on official bonds for the county treasurer, county auditor, county road commissioners, county school superintendent, and the hide and animal inspector, including the cost of surety bonds for any deputies of any such officers, may be also included, and such expenses to be passed on, predetermined and allowed in the time and amount, as nearly as possible, by the commissioners' court. . . . All such approved claims and accounts shall be paid from the officers salary fund unless otherwise provided herein."

In view of the foregoing statute you are respectfully advised that it is the opinion of this department that the premium on the official bond of the county auditor must be paid by the county out of the officers' salary fund, "unless otherwise provided." We are unable to find any other provision in said section providing that said premium shall be otherwise paid. In other words, the county is legally authorized to pay the premium on the official bond of the county auditor out of the officers' salary fund of said county.

Yours very truly

ATTORNEY GENERAL OF TEXAS
By /s/ Ardell Williams
Ardell Williams, Assistant

APPROVED AUG 16, 1943
/s/ R. W. Fairchild
(Acting) ATTORNEY GENERAL OF TEXAS

APPROVED: OPINION COMMITTEE
BY: RWF: CHAIRMAN

AW:db:wb