



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

May 8, 1967

Honorable F. B. Floyd, Jr.
District Attorney
79th Judicial District
P. O. Box 965
Alice, Texas 78332

Opinion No. M-69

Re: Whether Starr County can
legally pay for telephone
services used by the U. S.
Tick Inspector, who is
stationed in Starr County.

Dear Mr. Floyd:

Your letter of April 14, 1967, requesting the opinion of this office on the above-stated question, reads, in part, as follows:

"Starr County, Texas owns and provides cattle dipping vats for tick eradication in the County. The United States Government has stationed a tick inspector there in the County. In the past the County has furnished and paid for telephone service for the federal tick inspector. An objection has been made to the payment of the bills for the telephone service by the County.

". . .

"Please return a formal opinion as to whether or not Starr County, Texas can legally pay for telephone services used by the U. S. Tick Inspector stationed in Starr County, Texas."

Title 17, (Articles 1525a, 1525b, 1525c, 1525d, 1525e, 1525f and 1525g), Vernon's Penal Code, pertains to the eradication, treatment, etc., of contagious, infectious and communicable diseases of livestock, domestic animals and domestic fowls in this State. The above-mentioned statutes authorize the Texas Animal Health Commission and the commissioners' courts of the various counties to perform certain duties as are imposed upon them by such statutes and further impowers the commissioners' courts to expend county funds for the various purposes therein enumerated.

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The courts of Texas have repeatedly held that county commissioners' courts may exercise only such authority as is conferred upon them by the Constitution and statutes of this State, either by express terms or by implication. Tex. Const., Art. V, Sec. 18; Bland v. Orr, 90 Tex. 492, 39 S.W. 558 (1897); Roper v. Hall, 280 S.W. 289 (Tex.Civ.App. 1925); Landman v. State, 97 S.W.2d 264 (Tex.Civ.App. 1936, error ref.); El Paso County v. Elam, 106 S.W.2d 393 (Tex.Civ.App. 1937); Hill v. Sterrett, 252 S.W.2d 766 (Tex.Civ.App. 1952, error ref., n.r.e.).

After a careful study of the Constitution and statutes of this State, we find no provision authorizing the commissioners' court to pay out of county funds for telephone services used by a U. S. Tick Inspector stationed within the county.

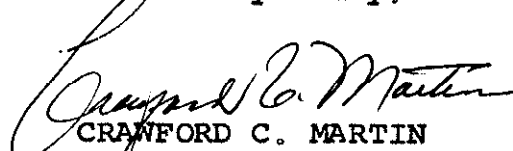
Both Section 5 and Section 6 of Article 1525c, Vernon's Penal Code (the Tick Eradication Law), make reference only to local inspectors nominated by the commissioners' court and appointed and directed by the Texas Animal Health Commission.

In view of the foregoing, it is the opinion of this office that the county commissioners' court is not authorized to pay the telephone bill for the U. S. Tick Inspector stationed within the county.

S U M M A R Y

The county commissioners' court is not authorized to pay the telephone bill for the U. S. Tick Inspector stationed within the county.

Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Alan Minter
Assistant Attorney General

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APPROVED:
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