Opinion No. 15-1450

March 1, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Hon. K. K. Scott, District Attorney, Roswell, N. M.

Payment for telephone service a legitimate expense of a district attorney's office.

OPINION

*{*39}* I have your letter of the 26th ult. in which you ask my opinion as to whether a telephone is a legitimate expense in a district attorney's office or that of his assistant, to be paid out of the court fund of the county in which it is used, or by the county commissioners out of the general fund of the county, or pro-rated under Section 1 of Chapter 54 of the Laws of 1913.

Under modern methods of doing business and especially in view of conditions in New Mexico, I have no hesitation in saying that payment for telephone service is a legitimate expense in a district attorney's office just as much as would be a typewriting machine or a letter scale or pens and ink or printed blank indictments.

The only statute as to the payment of such an expense is the one to which you refer in your letter, Chapter 54 of the Laws of 1913, and that provides for the payment out of the court fund of the several counties in the district in the same proportion that the counties respectively contribute to the payment of salaries of district attorneys. Your suggestion of the possibility that the telephone should be paid for by the county in which it is used would be well-founded if it were the fact that the use of telephones is confined to the county in which the telephone is situated, but the use of your telephone at Roswell in connection with official business is certainly not so limited, and I believe that the expense is a general one for the whole district and should be apportioned to the different counties.

I think this is applicable to the telephone used by your assistant, *{*40}* Mr. Hockenhull at Clovis, even though the telephone is in his private office because, as you say, he is continually called up by persons having official business with him from all parts of the district.