

Opinion No. 22-3230

January 17, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable Hugh B. Woodward, District Attorney, Clayton, New Mexico.

Telephone Rental for District Attorney Not Legal Charge Against Counties.

OPINION

{*110} In reply to your letter of the 7th instant, asking if, in my opinion, telephone rental is a legitimate expense charge to be made by the District Attorney and paid by the various counties within the district in the same proportion that such counties contribute to the payment of the salaries of District Attorneys I wish to advise:

You will note from the provisions of Section 1, Chapter 139, Laws 1921, which is an amendment of Section 1869, Code 1915, that,

"All necessary stationery, office supplies and postage shall be provided for the use of the several district attorneys, the actual cost thereof to be paid, upon verified account approved by the district judge, out of the court fund of the several counties of each district," etc.

I cannot find any authority for including in "stationery, office supplies and postage," rental for telephone, and while I am of the opinion that such expense should be a proper charge upon the counties comprising the district attorney's district, I feel that there is no legal authority to justify such an expenditure.

I, therefore, am constrained to hold that such an expense as that above mentioned could not be legally sustained.

It would appear, however, as if the several counties would be willing to voluntarily make such a payment in order to supply the District Attorney with this necessary equipment in his office.