



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS**

**Gerald C. Mann**  
~~Philip C. Mann~~  
ATTORNEY GENERAL

Honorable J. S. Murchison  
Executive Director  
State Department of Public Welfare  
Austin, Texas

Dear Sir:

Opinion No. O-3879-A  
Re: Conflict of our opinion No.  
O-3879 with the provisions of  
House Bill 291, 47th Legisla-  
ture.

You have requested the opinion of this department on the question whether our opinion No. O-3879, relating to the authority of the State Department of Public Welfare to supplement the salaries of its employees from funds allocated to it by the Federal Social Security Board, conflicts with the provisions of House Bill 291, Acts 1941, 47th Legislature.

In said opinion we held that the State Department of Public Welfare, in maintaining a Merit System in cooperation with the Federal Government, has the authority to increase and supplement the salaries of its employees as fixed by the general appropriation bill, by the use of funds allocated to said department by the Federal Social Security Board.

The only portions of said House Bill 291, which we think might possibly be regarded as being in conflict with said opinion are as follows:

"Section 1. The salaries of all State officers and all State employees, except those Constitutional State officers whose salaries are specifically fixed by the Constitution and except the salaries of the District Judges and other compensation of District Judges shall be, for the period beginning September 1, 1941, and ending August 31, 1943, in such sums or amounts as may be provided for by the Legislature in the general appropriation bills. . . .

"Sec. 2. All laws and parts of laws fixing the salaries of all State officers and employees, except those Constitutional State officers whose salaries are specifically fixed by the Constitution and except the salaries of the District Judges and other compensation of District Judges are hereby specifically repealed in so far as they are in conflict with this Act. . . ."

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But the above quoted provisions of House Bill 291 specifically recognize the validity of general appropriation bills, and indeed, give them precedence over other acts of the Legislature in the matters indicated. And our opinion No. O-3879 was predicated upon the provision of Senate Bill 423, Acts 1941, 47th Legislature, which is a general appropriation bill, making appropriations for the executive and administrative departments of the State government, from Adjutant General's Department to State Board of Water Engineers. We believe the conclusion reached in that opinion is correct.

It is therefore our opinion that said opinion No. O-3879 is not in conflict with the provisions of House Bill 291, Acts of the 47th Legislature.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ W. R. Allen  
W. R. Allen  
Assistant

WRA:GO:jrb

APPROVED JUNE 13, 1942  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE  
BY BWH, Chairman