



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. 0-6487

Re: Does the phrase "the total salary of such criminal district attorney or county attorney" mean the salary he was drawing in 1935, or mean his current salary?

We acknowledge receipt of your request for an opinion on the above matter, said request reading as follows:

"Subsection b of Section 13 and Subsection a of Section 15 of Article 3912e provide the amount the State shall pay into the County Officers' Salary Fund for the payment of the State's portion of the salaries of the County Attorney performing the duties of a District Attorney. These subsections read in part as follows:

"a. But the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such criminal District Attorney or County Attorney"

"The question has arisen as to whether the phrase 'the total salary of such attorney' means the salary such attorney was drawing in 1935, or means his current salary?

"This department has construed this phrase to mean 'current salary'. But, in order to get the question

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determined, I shall thank you to advise this department whether this refers to and means his current salary or the salary such attorney drew in 1935."

Sections 13 (b) and 15 (a) of Article 3912e, of Vernon's Annotated Civil Statutes, are almost identical, at least, they mean the same thing insofar as this question is concerned, said Section 13 (b) being as follows:

"(b) The compensation of a criminal district attorney or county attorney performing the duties of district attorney, together with the compensation of his assistants, shall be paid out of the County Officers' Salary Fund, but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney or county attorney performing the duties of a district attorney, together with the salary of his assistants, as all felony fees collected by such official during the year of 1935 bear to the total fees collected by such official during such year."

We agree with your construction of the phrase "the total salary of such criminal district attorney or county attorney," as it is our opinion that such phrase means the current salary drawn by such attorney and not the salary drawn by him in 1935.

Trusting that this opinion satisfactorily answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Jas. W. Bassett*
Jas. W. Bassett
Assistant

APPROVED MAR 28 1945

[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

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