



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

February 25, 1965

Hon. W. S. Heatly, Chairman  
Appropriations Committee  
House of Representatives  
Austin, Texas

Opinion No. C-393

Re: Effects of proposed Senate  
Amendment to H.B. 122, the  
House Salary Suspension Act.

Dear Mr. Heatly:

Your request for an opinion reads as follows:

"This formalizes a request made by Mr. Heatly, the chairman of the Appropriations Committee of the House of Representatives, concerning a possible Senate amendment to H.B. 122, the House Salary Suspension Act.

"If the only changes in the Act were to strike out 'except the salaries of the District Judges and other compensation of District Judges,' and add in lieu thereof 'including the regular salaries of District Judges paid out of the General Revenue Fund,' would the amendment have the following effects:

"(1) Suspend all salaries of Supreme Court or Court of Civil Appeals Justices and District Judges paid out of the General Revenue Fund, and

"(2) Not impair or affect compensation paid to or received by District Judges under voluntary or mandatory legislation authorizing or requiring payment by counties within or comprising the various districts, commonly referred to as local salary supplementation legislation."

". . ."

Hon. W. S. Heatly, page 2 (C-393)

Section 1 of H.B. 122 of the 59th Legislature, if amended as outlined in your request, will read in part as follows:

"The salaries of all State officers and all State employees, including the regular salaries of District Judges paid out of the General Revenue Fund, shall be for the period beginning September 1, 1965, and ending August 31, 1967, in such sums or amounts as may be provided for by the Legislature in the General Appropriations Act."

H.B. 122 as thus amended, will constitute the pre-existing law required by the provisions of Section 44 of Article III of the Constitution of Texas authorizing the Legislature to appropriate monies for the payment of salaries to District Judges, Judges of the Court of Criminal Appeals, Supreme Court Justices and Justices of the Courts of Civil Appeals.

Section 2 of Article V of the Constitution of Texas, provides that the Justices of the Supreme Court shall receive such compensation "as shall be provided by law." Section 4 of Article V of the Constitution of Texas, provides that the Judges of the Court of Criminal Appeals shall receive the same salary as Judges of the Supreme Court. Section 6 of Article V of the Constitution of Texas provides that Justices of the Courts of Civil Appeals "shall receive for their services the sum of Three Thousand Five Hundred Dollars (\$3,500) per annum until otherwise provided by law." (Emphasis added).

In answer to your first question in view of the foregoing authority, you are advised that the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals, Justices of the Courts of Civil Appeals and of District Judges paid out of the General Revenue Fund of the State of Texas will be governed by the provisions of the General Appropriations Act if H.B. 122 of the 59th Legislature is enacted as amended prior to the enactment of the General Appropriations Act.

A study of the provisions of H.B. 122, as amended by the 59th Legislature, reveals that it contains no provisions relating to salaries paid District Judges by counties. Therefore, in answer to your second question you are advised that the Suspension Act cannot affect compensation paid to or received by District Judges under legislation authorizing or requiring payment by counties of salaries to District Judges.

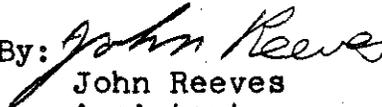
Hon. W. S. Heatly, page 3 (C-393)

S U M M A R Y

H.B. 122 of the 59th Legislature, if amended as outlined in your request, will not affect the compensation paid to or received by District Judges under legislation authorizing or requiring payment by counties of salaries to District Judges. H.B. 122 of the 59th Legislature will authorize the Legislature to fix the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals and the Justices of the Courts of Civil Appeals and salaries of District Judges paid out of the General Revenue Fund of the State of Texas for the next biennium in the General Appropriations Act.

Very truly yours,

WAGGONER CARR  
Attorney General

By:   
John Reeves  
Assistant

JR:mkh

APPROVED:  
OPINION COMMITTEE

W. V. Geppert, Chairman  
J. C. Davis  
Linward Shivers  
Bob Flowers  
Roy Johnson  
Frank Booth

APPROVED FOR THE ATTORNEY GENERAL  
BY: Stanton Stone