



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

November 24, 1969

Honorable John Kinross-Wright
Commissioner; Texas Department of
Mental Health & Mental Retardation
Box S, Capitol Station
Austin, Texas 78711

Opinion No. M-514

Re: Legality of payment of
additional compensation
to physicians and dentists
pursuant to Article II,
Section 2, Subsection h,
H.B. 2, Acts 61st Legis-
lature, 2nd C.S., under the
stated circumstances.

Dear Dr. Kinross-Wright:

By your recent letter to this office you have requested an opinion as to the legality of the payment of the additional compensation as provided for in Article II, Section 2, Subsection h, Chapter 50, Acts 61st Legislature, 2nd C.S., 1969 (General Appropriation Act for the biennium ending August 31, 1971), which reads as follows:

"h. EMPLOYMENT OF PHYSICIANS AND DENTISTS. In order to acquire and retain the employment of physicians and dentists, the Health Department and Department of Mental Health and Mental Retardation and institutions under their control and management may, upon written authorization of the Commissioners of the Departments, pay from funds appropriated by this Act to the Departments and Institutions under their control and management an amount not to exceed \$3,000 per annum in addition to the salary rates specified in this Act. It is the intent of the Legislature that this authorization be used to prevent critical vacancies within the Departments and Institutions. Copies of the Commissioner's written authorization shall be filed with the Comptroller prior to payment of this additional compensation." (Emphasis added.)

Hon. John Kinross-Wright, page 2(M-514)

You have further informed this office that the required written authorizations called for in said subsection have been filed with the Comptroller's office.

It appears that the requirements set forth in the above subsection have been complied with by you and the language of the statute is plain; therefore we are of the opinion that the salary supplements provided for therein are legal. The statute authorizes the supplement to be paid to physicians and dentists in any position within the departments and institutions when the Department determines the supplement is paid to prevent a critical vacancy and to retain or acquire such employment.

S U M M A R Y

Salary supplements to acquire and retain the employment of physicians and dentists by the Health Department and Department of Mental Health and Mental Retardation as authorized by Article II, Section 2, Subsection h, Chapter 50, Acts 61st Legislature, 2nd C.S., 1969 (Appropriations) are legal.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Gordon C. Cass
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

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