



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

November 13, 1973

The Honorable Franklin L. Smith
County Attorney, Nueces County
Nueces County Courthouse
Corpus Christi, Texas 78401

Opinion No. H- 152

Re: Compensation of Judges
of County Courts at Law
in Nueces County

Dear Mr. Smith:

You have asked our opinion in regard to two questions concerning the compensation of judges of the county courts at law in Nueces County. Your first question involves the maximum salary which can be paid to these judges. You indicated the answer depended on whether Articles 1970-339 and 1970-339A, Vernon's Texas Civil Statutes, or Article 3912k, V. T. C. S., controlled. Articles 1970-339 and 1970-339A establish the Nueces County Courts at Law, No. 1 and 2, respectively, and provide for salaries. Article 3912k gives the county commissioners courts the responsibility of setting some salaries. After you submitted your inquiry, the Legislature amended Articles 1970-339 and 1970-339A (Laws 1973, 63rd Leg., p. 1337, ch. 503, §§ 10 and 11).

Section 17 of Article 1970-339 now provides:

"Sec. 17. The Judge of the County Court at Law No. 1 of Nueces County shall receive a salary of Twenty Thousand Dollars per annum, to be paid out by the County Treasury by order of the commissioners court, and said salary shall be paid monthly in equal installments. The Judge of the County Court at Law No. 1 of Nueces County shall assess the same fees as are now prescribed or may be established by law, relating to the County Judge's fees, all of which shall be collected by the Clerk of the Court and shall be paid into the County Treasury on collection, and no part of which shall be paid to said Judge, but he shall draw the salary as above specified in this section."

Section 18 of Article 1970-339A employs identical language in reference to County Court at Law No. 2 of Nueces County.

We need not consider Article 3912k, since if the salary provisions of that article ever applied to the county courts at law in Nueces County, it is clear that Articles 1970-339 and 1970-339A, as amended by the 63rd Legislature, now control. The salary of the judges of County Courts at Law Nos. 1 and 2 of Nueces County is \$20,000 per year.

Your second question asks, "Does the Commissioners' Court of Nueces County have authority to pay automobile allowances on a regular basis to the judges of such courts?"

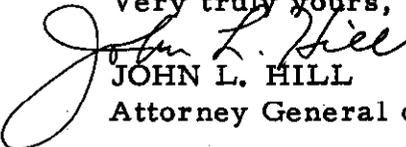
By "automobile allowance" we assume you mean a set amount of money paid regularly to defray the costs of operating an automobile. We also assume that the amount of the allowance would not necessarily be related to the number of miles driven on official business by each judge. See V. T. C. S., Articles 2350 o and 2350 p.

As we construe the automobile allowance mentioned in your question to contemplate something more than reimbursement for actual and necessary expenses incurred while on official business, we do not reach the issue of whether the commissioners court could reimburse the actual official travel expenses of the judge of a county court at law without specific statutory authorization. However, it is our opinion that there is no authorization for the Nueces County Commissioners Court to pay county court at law judges an automobile allowance which is unrelated to the actual and necessary expense of official travel.

SUMMARY

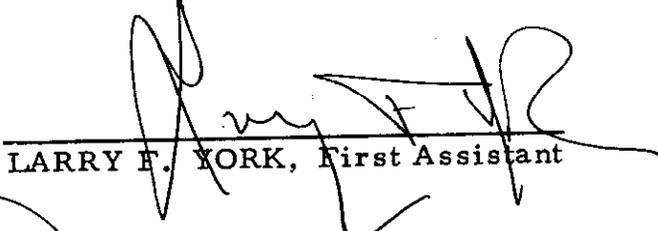
The maximum salary of a judge of a county court at law in Nueces County is \$20,000 per year. The Commissioners Court may not provide an automobile allowance the amount of which is not necessarily related to the number of miles driven by each judge on official business.

Very truly yours,

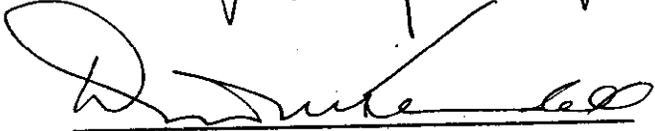

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