



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

August 14, 1962

Major General Thomas S. Bishop
Adjutant General of Texas
Austin, Texas

Opinion No. WW-1416

Re: Does an appropriation exist out of which an injured National Guardsman, entitled by Article 5945(a), Vernon's Civil Statutes, may receive pay and allowances during his period of disability.

Dear General Bishop:

It was held in a prior opinion of this office (WW-1390) that Major Billie G. Hollowell, Texas Air National Guard, was entitled to receive pay and allowances during his period of disability, such period not to exceed six (6) months, under the provisions of Article 5945(a), Vernon's Civil Statutes. You now ask this office to determine whether an appropriation exists out of which Major Hollowell may receive the pay and allowances to which he is entitled.

In the Appropriation Act of the 57th Legislature, under the heading ADJUTANT GENERAL'S DEPARTMENT, we find the following:

" . . .

"6. For medical and hospital service fees and wages;"

We are not concerned here with medical and hospital service fees, inasmuch as the Federal government is furnishing those to Major Hollowell. However, from the linking of the fees and wages in line item 6, one can only conclude that the Legislature intended this particular appropriation to cover any expenditures that may become necessary under Article 5945(a). Further, in Black's Law Dictionary, 4th Ed., the word "wages" is defined in part as follows:

" . . . Every form of remuneration payable for a given period to an individual for personal services, including salaries, commissions, vaca-

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tion pay, dismissal wages, bonuses and reasonable value of board, rent, housing, lodging, payments in kind, tips, and any other similar advantage received from the individual's employer or directly with respect to work for him."


We hold that the word "wages," as used in the line item appropriation above quoted includes the pay and allowances to which Major Hollowell is entitled.

S U M M A R Y

The appropriation made in item 6, ADJUTANT GENERAL'S DEPARTMENT, of the Appropriation Act of the 57th Legislature provides the fund out of which pay and allowances may be paid to a National Guardsman during a period of disability, within the meaning of Article 5945(a), Vernon's Civil Statutes.

Very truly yours,

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APPROVED:

OPINION COMMITTEE
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