



DALLAS COUNTY

BILL HILL  
CRIMINAL DISTRICT ATTORNEY

RQ-0494-JC

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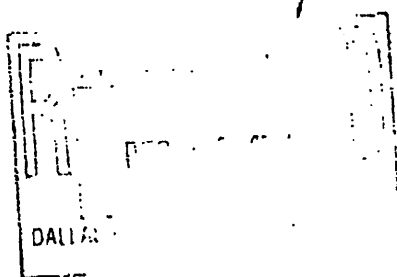
JAN 16 2002

OPINION COMMITTEE

FILE # ML-42373-02  
I.D. # 42373

November 29, 2001

Honorable John Cornyn  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548



Via Certified Mail  
# 7001036000112546615  
Return Receipt Requested

Dear General Cornyn:

We seek your opinion as to whether the commissioners court of a county has the discretion to deny or alter a budget request submitted by the presiding judge of an Administrative Judicial Region.

Chapter 74 of the Government Code establishes nine Administrative Judicial Regions, all of which are funded by both state and local funds. There is a question as to whether a county commissioners court has any discretion in approving the budget of an AJR to the extent funded by County funds.

Section 74.043 provides:

- (a) Adequate quarters for the operation of each administrative judicial region and the preservation of its records shall be provided in the courthouse of the county in which the presiding judge resides.
- (b) Except for the salaries, compensation, and expenses provided by state appropriations, the counties composing the administrative region shall pay, out of the general funds of the counties, the salaries, compensation, and expenses authorized and incurred to administer this chapter, including expenses for the purchase of professional liability insurance policies for regional presiding judges.
- (c) Except as provided by Section 74.051, the salaries, compensation, and expenses shall be paid through the county budget process of each county in the region in proportion to the population of the counties comprising the region and on certificates of approval of the presiding judge.

Section 74.051 also provides that payments for AJR judicial salaries and other expenses are to be paid in proportion to the population of the counties comprising the region, so there is no variation in the apportionment of AJR expenses as found in 74.043 and 74.051. The predecessor statute to 74.051(b) used to provide for a different apportionment of costs, and it seems likely that phrase "except as provided by Section 74.051," is a holdover from that prior statute which the Legislature has overlooked.

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There is a difference between 74.043 and 74.051 found in 74.051(e), which provides:

- (e) Each county comprising the administrative region shall pay annually to the presiding judge, out of the officers' salary fund or the general fund of the county, the amount of the salary apportioned to it as provided by this section and the other expenses authorized by this chapter that are not paid by state appropriations. The presiding judge shall place each county's payment of salary and other expenses in an administrative fund, from which the salary and other expenses shall be paid. The salary shall be paid from the administrative fund in 12 equal monthly payments.

Like 74.043, Section 74.051(e) provides for the payment of county-funded salaries and expenses. However, unlike 74.043(c), Section 74.051 does not include a phrase regarding "the county budget process."

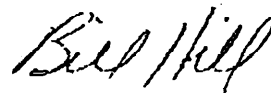
There are only three Texas statutes (besides 74.043 and 74.051) that incorporate the language "through the county budget process." (Government Code Sections 25.0024, 25.1312, and 74.104), and each employs "approval" language. Unfortunately, there is no case or Attorney General opinion dealing with the meaning of the phrase, "through the county budget process." Further, there is no documented legislative history with regard to that phrase, which was adopted as part of the Court Administration Act in 1985.

We understand the words used in a statute must be interpreted in their ordinary sense. Implications therefrom are forbidden when the legislative intent can be gathered from a reasonable interpretation of the statute as it is written. Implications are never permitted to contradict or add to a statute. *Commissioners Court of Caldwell County v. Criminal District Attorney, Caldwell County*, 690 S.W.2d 932 (Tex. App. - Austin 1985).

The phrase "through the county budget process" could be construed to describe the timing and order of the payment mechanism (annually and within the fiscal year of counties). Alternatively, "through the county budget process" could be interpreted that the commissioners court could modify or reject portions (or all) of a submitted budget.

Thank you for your kind assistance in this matter. I look forward to your reply.

Sincerely,



Bill Hill  
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Dallas County, Texas

Prepared by:  
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Assistant District Attorney

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