



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

September 25, 1969

Honorable Robert S. Calvert  
Comptroller of Public Accounts  
Capitol Station  
Austin, Texas

Opinion No. M-478

Re: Salaries authorized for  
District Attorneys and  
Criminal District At-  
torneys by the General  
Appropriations Bill,  
H.B. No. 2, 61st Leg.,  
1969, 2nd Called Session.

Dear Mr. Calvert:

In your letter requesting an opinion from this office,  
you submit the following facts:

"The question has arisen in this depart-  
ment as to the amount of salary legally payable  
to District Attorneys and Criminal District At-  
torneys in the Judiciary Section of H.B. No. 2,  
Acts of the Second Called Session of the 61st  
Legislature, a copy of which is enclosed.

"Items No. 6, 7, 10, 11 and 12 appropriate  
salaries to District Attorneys and Criminal Dis-  
trict Attorneys for the biennium ending August  
31, 1971 at \$11,000 per year."

With regard to these facts, you ask the following  
question:

"What is the amount of salary per year that  
can be legally paid to the persons listed in each  
of the above listed items of appropriations?"

Section 28, Article I of the Constitution of Texas,  
grants the Legislature power to suspend the laws in this State.  
By virtue of this authority, the Legislature enacted Article  
6813b, Vernon's Civil Statutes, commonly known as the "Salary  
Suspension Act." Article 6813b, provides, in part, as follows:

"Section 1. From and after the effective  
date of this Act, all salaries of all State  
officers and State employees, including the  
salaries paid any individual out of the General  
Revenue Fund, shall be in such sums or amounts

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as may be provided for by the Legislature in the biennial Appropriations Act. . . . It is further provided that in instances where the biennial Appropriations Act does not specify or regulate the salaries or compensation of a State official or employee, the law specifying or regulating the salary or compensation of such official or employee is not suspended by this Act.


"Sec. 2. All laws and parts of laws fixing the salaries of all State officers and employees, . . . are hereby specifically suspended insofar as they are in conflict with this Act. . . ."

It is our opinion that Articles 3886f, (H.B. 1455, Acts 61st Leg., R.S., 1969, ch. 744), 326k-58, 326k-62, all of Vernon's Civil Statutes, and H.B. 424, Acts 61st Leg., R.S., 1969, ch. 876, which respectively provide for the salaries of District Attorneys and Criminal District Attorneys listed in Items 6, 7, 10, 11 and 12, Judiciary Section, General Appropriations Bill, are suspended by Article 6813b, insofar as each may conflict with the provisions of such General Appropriations Bill. Consequently, the salary for the District Attorneys and Criminal District Attorneys listed in Items 6, 7, 10, 11 and 12 which is authorized to be paid for the biennium ending August 31, 1971, is \$11,000.00 per year.

#### S U M M A R Y

The salary for the District Attorneys and Criminal District Attorneys listed in Items 6, 7, 10, 11 and 12, Judiciary Section of the General Appropriations Bill, which is authorized to be paid for the biennium ending August 31, 1971, is \$11,000.00 per year.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Ivan R. Williams, Jr.  
Assistant Attorney General

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APPROVED:  
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