



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

July 30, 1969

*overruled by
H-197 which
conflicts*

Honorable James E. Barlow
Criminal District Attorney
Bexar County
San Antonio, Texas 78204

Opinion No. M-438

Re: Clarification of Attorney
General's Opinion No. M-369
(1969) concerning consoli-
dation of the Officers'
Salary Fund with the general
fund of the county.

Dear Mr. Barlow:

In your request for the opinion of this office, you ask if Attorney General's Opinion No. M-369 (1969) applies to all counties in the State of Texas, or only to those counties having a population of less than 190,000 inhabitants.

Attorney General's Opinion M-369 was written pursuant to a request from the County Attorney of Martin County, Texas, a county having a population of less than 190,000 inhabitants, and was written in light of those sections of Article 3912e, Vernon's Civil Statutes, relating to counties with a population of less than 190,000 inhabitants, specifically Section 4 of Article 3912e.

On the fourth page of Attorney General's Opinion M-369 it was stated that "Nowhere in Article 3912e, Vernon's Civil Statutes, does any authority appear which would allow the Officers' Salary Fund to be consolidated with the general fund authorized by Section 9 of Article VIII of the Texas Constitution. (Emphasis added.) This statement is too broad if applied to all counties, since counties having a population in excess of 190,000 inhabitants are granted such authority by Section 19(i) of Article 3912e, wherein it states:

". . . The Commissioners' Court of each county affected by the provisions of this Section, at its first regular meeting in January of each calendar year, may determine, by order made and entered in the minutes of said court, that all fees, costs, compensation, salaries, expenses, etc., provided for in this Section, shall be paid into and drawn

from the general fund of such county; in which event each reference in this Section to a salary fund shall be read as and interpreted to be 'General Fund'."

You are advised, therefore, that Attorney General's Opinion No. M-369 applies only to counties having a population of less than 190,000 inhabitants, and that counties having a population in excess of 190,000 inhabitants may consolidate the Officers' Salary Fund with the general fund of the county.

S U M M A R Y

Attorney General's Opinion M-369 (1969) is applicable only to those counties in Texas having a population of less than 190,000 inhabitants. Counties having a population in excess of 190,000 inhabitants may consolidate the Officers' Salary Fund with the general fund of the county. The authority for doing so being granted by Section 19(i) of Article 3912e, Vernon's Civil Statutes.

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Bill Corbusier
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

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