



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable E. H. Wright  
Superintendent,  
Texas School for the Deaf  
Austin, Texas

Dear Mr. Wright:

Opinion No. 0-5175

Re: Whether or not the School for  
the Deaf may pay the printing  
instructor a salary of more  
than \$1000.00 per annum.

We have your request for an opinion upon the above  
subject matter, as follows:

\*Art. 3205. 191, 192, Instructor provides:

\*The board shall employ a competent  
practical printer as instructor at said  
asylum in the art of printing, and the  
person so employed shall also discharge  
such other duties as the Board may require.  
His compensation shall not exceed one  
thousand dollars annually, and he may be  
discharged at any time by the Board. Acts  
1975, p. 91.

\*Senate Bill 402, Acts of the 47th Legislature,  
General and Special Laws of Texas, 1941, page 972,  
item 37, provides:

\*Teachers; baking instructor, \$113.33  
per month; instructor of cosmetology, with  
board, \$35.00 per month; other instructors  
not to exceed \$145.00 per month; vocational  
agriculture teacher not to exceed \$175.00  
per month including Federal Grant on 12  
months basis; provided three teachers may  
be paid not exceeding \$155.00 per month'-----\$68,485.00

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"Under the above two provisions of the law, can we legally pay our printing instructor more than \$1000.00 annually?"

Ordinarily, an appropriation act may not repeal, amend or vary whatsoever a general law. But that principle has no application to your inquiry. House Bill No. 291 of the 47th Legislature, Regular Session, (General and Special Laws of Texas 1941, p. 813) provides:

"The salaries of all State officers and all State employees, except those Constitutional State officers whose salaries are specifically fixed by the Constitution and except the salaries of the District Judges and other compensation of District Judges shall be, for the period beginning September 1, 1941, and ending August 31, 1943, in such sums or amounts as may be provided for by the Legislature in the general appropriation bills. It is specifically declared to be one of the intents hereof that the Legislature shall also fix the amount of supplemental salaries hereafter, out of Court fees and receipts, to be paid to the clerks and other employees of the Courts of Civil Appeals, the Supreme Court, and the Court of Criminal Appeals."

Section 2 of the Act expressly repeals all laws and parts of laws fixing the salaries of all state officers and employees insofar as they are in conflict. The effect of House Bill No. 291, therefore, was to suspend Article 3205 for the life of the Act -- that is, from September 1, 1941, to August 31, 1943.

So that, you are advised that the Board may lawfully pay the printing instructor compensation or salary not to exceed \$145.00 per month.

Of course, we do not mean to advise that you may pay the instructor any amount whatsoever, in addition to the salary heretofore agreed upon, for services already rendered or for services which the employee has contracted to perform for the compensation heretofore agreed upon. See Constitution, Article 3, Section 44. Thus, if a con-

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tract has heretofore been entered into for the services of such instructor for a stipulated period at a stipulated figure, during the period covered by the contract, the compensation of the employee may not be increased above the agreed figure.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

*Ocie Speer*  
Ocie Speer  
Assistant

OS-MA

APPROVED 9. 1943

*Gerald C. Mann*

ATTORNEY GENERAL OF TEXAS

