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OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable E. L. Hinson, Jr.
County Auditor
Folk County
Livingston, Texas

Dear Sir:

Opinion No. O-6689

Re: Under House Bill No. 238
who will pay the salaries
of the county school trustees
until January, 1946?

We have your recent request for an opinion on the above question, said request being as follows:

"Under House Bill No. 238 the salaries of County school trustees will be paid out of the General Fund of the county. The budget of the county was not set up with this item in it and cannot be until Budget for 1946 is approved by the Commissioners' Court and will only take effect in January 1946. Who will pay the salaries of the County school trustees until January 1946?"

House Bill No. 238 amended Article 2687 of Vernon's Annotated Civil Statutes and raised the pay of county school trustees from \$3.00 per day to \$5.00 per day, but not exceeding \$60.00 per year, and made same payable from the General Fund of the county by warrants drawn on order of the Commissioners' Court, after approval of the account properly sworn to by the president of the county school trustees, instead of from the State and County Available School Fund. Under this amendment the county school trustees will be paid by the county from the General Fund, but before such payment can be made for the balance of 1945, it will be necessary to amend the county budget.

Article 689a-11, Vernon's Annotated Civil Statutes, is in part as follows:

"* * * When the budget has been finally approved by the Commissioners' Court, the budget, as approved by the Court, shall be filed with the Clerk of the County Court, and taxes levied only in accordance therewith, and no expenditure of the funds

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of the county shall thereafter be made except in strict compliance with the budget as adopted by the Court. Except that emergency expenditures, in case of grave public necessity to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original budget, may from time to time be authorized by the Court as amendments to the original budget. * * *

This department has ruled that the Commissioners' Court of a county is without authority to make any expenditures of funds of the county not in compliance with the budget, except emergency expenditures in case of grave public necessity, as outlined by said Article 689a-11. We enclose herewith copies of our Opinions Nos. O-5053-A and O-5184, each of which contains a full discussion of the budget law and how same can be amended.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Jas. W. Bassett*
 Jas. W. Bassett
 Assistant

JWB:LJ
 encls.

APPROVED SEP 4, 1948
[Signature]
 FIRST ASSISTANT
 ATTORNEY GENERAL

