



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 23, 1958

Dr. Raleigh R. Ross, M.D.
Chairman, Board for Texas State
Hospitals and Special Schools
Austin, Texas

Opinion No. WW-418

Re: Whether Attorney General's Opinion WW-376 (1958) is applicable to the position of Director of Mental Health and Hospitals for the Texas State Hospitals and Special Schools.

Dear Dr. Ross:

Your letter of April 17, 1958, relates that the Board for Texas State Hospitals and Special Schools desires to supplement the salary of the Director of Mental Health and Hospitals. The proposed supplementation would be in the amount of \$5000.00 per year and be derived from gifts and grants made to the Board by a Texas Charitable Foundation. Your letter further relates that at least 20% of the Director's time will be devoted to the program of planning, establishing, staffing and operating the research, training and out-patient facilities provided for in the current Biennial Appropriation Act. While it has no bearing upon the legal question before us, you have stated that the Board does not, at the present time, plan to supplement the salary of the Executive Director of the Board, with which opinion WW-376 (1958) was concerned, but in lieu thereof, desires to supplement the salary of the Executive Director of Mental Health and Hospitals.

As we pointed out in our opinion WW-376 (1958), the current Biennial Appropriation Act authorizes your Board to accept any gifts, grants or donations for the maintenance and operation of research facilities or out-patient clinics, and appropriates all such funds for the purposes for which the donor stipulates. (Acts, 55th Leg., R.S., 1957, Ch. 385, p. 907). Section 8 of Article 693, Vernon's Civil Statutes, grants the Board general authority to take and hold in trust any gift and to apply the same as the donor or deviser may direct.

In view of the circumstances, it is not necessary for us to review in detail our opinion WW-376. While this opinion was limited to the position of Executive Director, the principles and conclusion announced therein are equally applicable to the position of Director of Mental Health and Hospitals.

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You are accordingly advised that your Board is authorized to supplement the salary of Director of Mental Health and Hospitals in the same manner and subject to the same conditions announced in Attorney General's Opinion WW-376 (1958), applicable to the position of Executive Director.

SUMMARY

The Board for Texas State Hospitals and Special Schools is authorized to supplement the salary of the Director of Mental Health and Hospitals in the same manner and subject to the same conditions set forth in Attorney General's Opinion WW-376 (1958), applicable to the position of Executive Director.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Leonard Passmore
Assistant

LP:pf:wb

APPROVED:

OPINION COMMITTEE

J. C. Davis, Jr., Chairman
J. Mark McLaughlin
Mary K. Wall

REVIEWED FOR THE ATTORNEY GENERAL

BY: W. V. Geppert