



**THE ATTORNEY GENERAL
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**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

August 5, 1971

Honorable Cecil M. Pruett
County Attorney
Hutchinson County Courthouse
Borger, Texas 79007

Opinion No. M-921

Re: Construction of House Bill
384, Acts 62nd Leg., R.S.
1971, Ch. 622, p. 2019, re-
lating to the compensation,
expenses and allowances of
certain officers and em-
ployees.

Dear Mr. Pruett:

Your request for an opinion on the above subject matter asks the following questions:

"Question No. 1

"Does Section 8 of H.B. 384 repeal that part of Article 2338-7 which provides that the compensation of the Judge of the Court of Domestic Relations in Hutchinson County shall be the same as that allowed other district judges?

"Question No. 2

"Does Section 7(4) of H.B. 384 exclude the Judge of the Court of Domestic Relations of Hutchinson County, so that it will not apply to compensation of such Judge?

"If the answer to the above question No. 1 is 'No' or to the above question No. 2 is 'Yes', then the following questions are immaterial.

"Question No. 3

"Is H.B. 384 effective as of August 30, 1971, except as to salaries, expenses, and allowances paid beginning January 1, 1972?

"...

"Question No. 4

"In the event Section No. 8 repeals the provision for the Judge of the Court of Domestic Relations to receive the same salary as the district judge, then what would be the minimum which he can be paid under provisions of Section 1 of H.B. 384--\$20,000. or \$22,000. per year?

"Question No. 5

"In the event the Commissioners Court should fix the compensation of the Judge of the Court of Domestic Relations under H.B. 384, may the Commissioner's Court fix the salary for the remainder this year, beginning September 1, 1971, without advertising as set out in Section 2(a) and Section 6 of H.B. 384?"

Section 7 of House Bill 384, Acts 62nd Leg., R.S. 1971, Ch. 622, p. 2019 (codified in Vernon's as Article 3912k, Vernon's Civil Statutes), provides in part:

"Sec. 7. Nothing in this Act applies to compensation, expenses, or allowances of:

"...

"(4) judges of all courts of record and all justices of the peace, and presiding judges of commissioners courts in counties having a population of 1,700,000 or more, according to the last preceding Federal census."

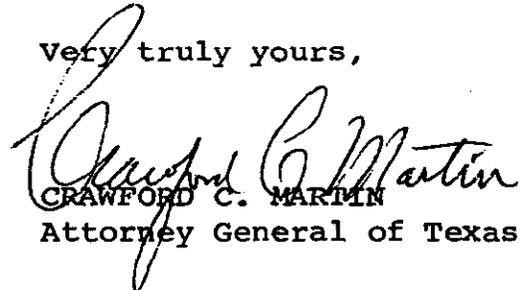
Honorable Cecil M. Pruett, page 3 (M-921)

The "Court of Domestic Relations in and for Hutchinson County" is a court of record. Article V, Section 1, Texas Constitution; Article 2338-7, Vernon's Civil Statutes; Jordan v. Crudginton, 231 S.W.2d 641 (Tex.Sup. 1950). Therefore, the provisions of House Bill 384 are not applicable to the Judge of the Court of Domestic Relations in and for Hutchinson County. In view of our answer to this question, it is unnecessary to answer your remaining questions.

S U M M A R Y

The provisions of House Bill 384, Acts 62nd Leg., R.S. 1971, Ch. 622, p. 2019, are not applicable to the Judge of the Court of Domestic Relations in and for Hutchinson County, since judges of courts of record are specifically excluded by the provisions of Section 7 of House Bill 384.

Very truly yours,


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