



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

October 22, 1990

Honorable Tracey Bright
Ector County Attorney
County Courthouse, Room 218
Odessa, Texas 79761

LO-90-79

Dear Ms. Bright:

You ask about the proper construction of section 25.0702(e) of the Government Code, which provides:

The judge of a county court at law shall be paid an annual salary that is not more than \$1,000 less than the salary paid by the state to a district judge. The salary shall be paid out of the county treasury, on the order of the commissioners court.

This section is applicable to a county court at law judge in Ector County.

In our opinion, there is no ambiguity in this provision. When "not more than" appears in a statute, it sets a ceiling. When "not less than" appears in a statute, it sets a floor. Thus, in your situation, if the district judge is paid \$80,000 per year, the county court at law judge may not be paid more than \$79,000 per year. No minimum salary is specified by the statute.

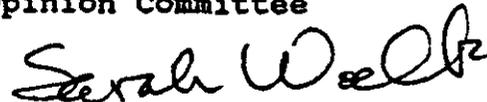
Likewise, in the example you raise about Dallas and Harris Counties, where the statute specifies "not less than," the county court at law judge must be paid a minimum of \$79,000.

We conclude that section 25.0702(e) of the Government Code establishes a ceiling on the salary of the county court at law judge of Ector County.

Yours very truly,



Rick Gilpin, Chairman
Opinion Committee



Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

RG/SW/lcd

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