

OFFICE OF THE  
ATTORNEY GENERAL

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STATE OF ALABAMA

FEB 17 1989

89-00179

Honorable Nathaniel Walker  
District Judge of Dallas County  
Dallas County Courthouse  
P. O. Box 997  
Selma, AL 36701

District Judges - Compensation -  
Expense Allowance

Under provision of Act No.  
77-617, 1977 Regular Session,  
Dallas County district court  
judge may receive salary  
supplement of up to \$6,000 per  
year if Dallas County Commis-  
sion authorizes such salary  
supplement.

Dear Judge Walker:

This opinion is issued in response to your request for an  
opinion from the Attorney General.

QUESTION

May I, as a sitting district court judge,  
receive a prospective salary supplement or  
expense allowance which has been approved  
and voted upon by the Dallas County  
Commission?

FACTS AND ANALYSIS

Code of Alabama 1975, § 12-17-68 provides that any county  
may, by local act, pay a district court judge a supplemental  
salary from the county's general fund.

Act No. 77-617, 1977 Regular Session, provides in pertinent part as follows:

"The court of county commissioners, or any successor county governing body of Dallas County is hereby authorized and empowered, but not required, to pay a sum of up to, but not exceeding \$6,000 per year as supplemental salary to any district court judge who resides in and serves Dallas County, and to any circuit court judge who resides in and serves the circuit court for said county.

"This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law; however no circuit court or district court judge to which this act applies holding office on the effective date of this act shall receive any funds herein authorized in accordance with the Constitution of Alabama."

Act No. 77-617 became effective on May 17, 1977.

We have been informed that you reside in Dallas County and first took office on January 20, 1987.

Based upon the aforementioned local Act and the facts that you reside in Dallas County and did not take office until 1987, it is the opinion of this office that you may receive up to \$6,000 per year as a supplemental salary if the Dallas County Commission authorizes the payment of such salary supplement.

#### CONCLUSION

Under the provisions of Act No. 77-617, 1977 Regular Session, a Dallas County district court judge may receive a salary supplement of up to \$6,000 per year if the Dallas County Commission authorizes such salary supplement.

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I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
Attorney General  
By:

  
JEAN WILLIAMS BROWN  
Assistant Attorney General

DS/JWB/jho

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