



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

*Limestone Co.
Superseded By
Art. 29d
V.C.S.*

Honorable L. L. Geren
County Attorney
Groesbeck, Texas

Dear Sir:

Opinion No. O-2560
Re: Minimum and maximum salaries
for county and district officers
of Limestone County.

Your recent request for an opinion of this Department on the questions as are herein stated has been received.

Your letter reads in part as follows:

" . . . County and district officers of Limestone County are now being paid under the provisions included in the 37,501 to 60,000 bracket of Art. 3883 and Art. 3891. Under the provisions of these articles the maximum salaries for county and district officials of Limestone County is 24,250. The Federal Census of 1930 shows Limestone County as having 39,497 inhabitants. The tentative estimate of the population of Limestone County made by the Federal Census Bureau for 1940 is 33,380 inhabitants.

"In 1935 each county and district officer was being paid as provided by Articles 3883 and 3891. Since the Federal Census of 1930 gave the population of Limestone County at 39,497 inhabitants, the county and district officers were paid under the 37,501 to 60,000 bracket as provided in Articles 3883 and 3891. . . .

"Since Limestone County is embraced within the provision of Article 3912e, Section 13, and since H. B. 161, provided for a repeal of all laws in conflict with this law, I am of the opinion that 3912e, Sec. 13, applies to Limestone County and supersedes the maximum bracket provision in Art. 3883. -

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"As to question 2, the minimum salaries for county and district officers as provided in Art. 3912e, Sec. 13, would be the total amount earned as compensation by the official in each county and district office in his official capacity for the fiscal year of 1935. And since the above 20,000 and less than 37,500, and having a valuation in excess of \$15,000,000. valuation according to the approved preceding tax roll of such county the maximum amount allowed such officer as salaries may be increased one (1%) per cent for each one million dollars valuation or fractional part thereof, in excess of said fifteen million dollars over and above the maximum amount allowed such officers under laws existing on August 24, 1935, and since the maximum amount allowed to each county and district officer under the laws that existed on August 24, 1935, was \$4,250 and since the last preceding approved tax roll of Limestone County gives the property valuation at \$16,227,625, I am of the opinion that the maximum salaries of county and district officials of this county is \$4,250 plus 2% of that sum which is \$85.00 which would make a maximum salary of \$4,335 that any county or district officer of Limestone County could receive."

Section 13 of Article 3912e, Vernon's Annotated Civil Statutes, reads in part as follows:

"The Commissioners' Court in counties having a population of twenty thousand (20,000) inhabitants or more, and less than one hundred and ninety thousand (190,000) inhabitants according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to-wit: sheriff, assessor and collector of taxes, county judge, county attorney, including criminal district attorneys and county attorneys who perform the duties of district attorneys, district clerk, county clerk, treasurer, hide and animal inspector. Each of said officers shall be paid in money an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under laws existing on August 24, 1935; provided that in counties having a population of twenty thousand (20,000) and less than thirty-seven thousand five hundred (37,500) according to the last preceding Federal Census, and

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"having an assessed valuation in excess of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved preceding tax roll of such county the maximum amount allowed such officers as salaries may be increased one (1%) per cent for each One Million (\$1,000,000.00) Dollars valuation or fractional part thereof, in excess of said Fifteen Million (\$15,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935; and provided that in counties having a population of thirty-seven thousand five hundred (37,500) and less than sixty thousand (60,000) according to the last preceding Federal Census, and having an assessed valuation in excess of Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such county, the maximum amount allowed such officers as salaries, may be increased one (1%) per cent for each One Million (\$1,000,000.00) Dollars valuation or fractional part thereof, in excess of said twenty Million (\$20,000,000.00) Dollars valuation over and above the maximum amount allowed such officer under laws existing on August 24, 1935."

Under the 1930 Federal Census, Limestone County came under the provisions included in the 37,501 to the 60,000 population bracket of Article 3883 and Article 3891. Under the provisions of these articles the maximum salaries for county and district officials of Limestone County were \$4,250.00. It will be noted that Section 13 of Article 3912e, supra, specifically provides that the Commissioners' Court in counties having a population of 20,000 inhabitants or more and less than 190,000 inhabitants, according to the last preceding Federal Census is authorized and it shall be its duty to fix the salaries of all the officers named therein at a sum not less than the total sum earned in compensation by such officer in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under laws existing on August 24, 1935. In 1935 the compensation or salaries of the officers named in Section 13 of Article 3912e, supra, was fixed and based upon laws existing on August 24, 1935, with reference to the maximum amount allowed such officers and said article provided that the minimum should not be less than the total sum earned as compensation by such officers in their official capacities for the fiscal year 1935. According

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to the 1930 Federal Census, Limestone County came within the population brackets applying to counties having a population of 37,501 to 60,000 inhabitants. We are of the opinion that the salaries for the officers named in Section 13, Article 3912e, supra, in counties having a population of 20,000 inhabitants or more, and less than 190,000 inhabitants, according to the last Federal Census, should be fixed for the year 1941, as provided by law existing August 24, 1935, regardless of the population of such counties as shown by the 1940 Federal Census. However, in counties having a population of 20,000 and less than 37,500 inhabitants according to the last preceding Federal Census, and having an assessed valuation in excess of \$15,000,000., according to the last approved preceding tax roll of such county, the maximum amount allowed such officers as salaries may be increased one per cent for each \$1,000,000. valuation or fractional part thereof, in excess of said \$15,000,000. valuation over and above the maximum amount allowed such officers under laws existing on August 24, 1935, and if the 1940 Federal Census is officially announced and becomes effective before Jan. 1, 1941, Limestone County will come within the above mentioned population bracket. Therefore, it is optional with the Commissioners' Court of said County to allow the one per cent as above mentioned over and above the maximum amount allowed by laws existing August 24, 1935. We note that in your inquiry you refer to county and district officials, we presume that you have reference to the officials named in Section 13, supra, and this opinion is to be construed as applying only to those officials named in said section.

Therefore, you are respectfully advised that it is the opinion of this Department that the Commissioners' Court of Limestone County shall fix the salaries of the officials named in Section 13, Article 3912e, supra, of said county for the year 1941, the minimum salary of each officer could not be less than the total sum earned as compensation by him in his official capacity for the fiscal year 1935; in other words the minimum salary of any officer above named could not be fixed at any amount less than the total sum earned by the particular office under consideration for the fiscal year 1935. The maximum salaries of the above mentioned

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officers for the year 1941 could be \$4,250.00, plus two per cent of that sum, which is \$85.00, which would make a maximum salary of \$4,335.00 that any of the above named officers of said county could receive.

Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED AUG 2 1940

From Allen

FIRST ASSISTANT
ATTORNEY GENERAL

By

Ardell Williams

Ardell Williams
Assistant

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