



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN , 11

GROVER SELLERS
ATTORNEY GENERAL

Honorable J. P. Williams
County Attorney
Yoakum County
Plains, Texas

Dear Sir:

Opinion No. 0-6588

Re: The compensation of the
County Treasurer, County
Commissioners, County
Auditor, and County Agent
of Yoakum County cannot
be increased under the
provisions of Senate Bill
No. 123, Acts of the 49th
Leg., Regular Session,
1945.

Your letter of May 14, 1945, requesting the opinion of this department on the questions stated therein is in part as follows:

"I will appreciate an opinion from your office as to the new law recently passed by the Legislature and signed by the Governor as of May 9, 1945, relative to the increase of County Officers' salaries.

"Do the amendments apply and include all County and Precinct officers, or do they just include those particular officers named in the statutes amended?

"There is some question as to whether under the amendments the County Treasurer, the County Commissioners, the County Auditor and the County Agent are included and come under the law as amended.

"Please give me your opinion as to whether or not the officers just named above are included in the new law as amended."

Senate Bill No. 123, Acts of the 49th Leg., Regular Session, 1945, is an act amending Articles 3891, 3902 and Sections 13 and 15 of Article 3912e, V. A. C. S., allowing additional compensation for certain district officers, county and precinct officers, and for deputies, clerks and assistants; specifically repealing Section 2 of Article 3934, and repealing all laws in conflict, and declaring an emergency.

For the purposes of this opinion we do not deem it necessary to quote said Senate Bill No. 123 herein.

Yoakum County has a population of 5,354 inhabitants according to the 1940 Federal Census, and the county officials of said county are compensated on a fee basis.

The various statutes amended by Senate Bill No. 123 do not pertain to the compensation of the County Commissioners, County Auditor and County Agent. Art. 3912e, V. A. C. S., pertains to the County Treasurer where the county officials are compensated on an annual salary basis. As the county officials of Yoakum County are compensated on a fee basis, Art. 3912e, V. A. C. S., is not applicable to the County Treasurer in said county. The compensation of the County Treasurer is controlled by Arts. 3941, 3942 and 3943, V. A. C. S.

You are respectfully advised that it is the opinion of this department that Senate Bill No. 123 applies only to the officials, deputies, assistants and clerks mentioned in the statutes amended, and does not apply to county and precinct officers not mentioned in the statutes which are amended. You are further advised that Senate Bill No. 123 is not applicable to county commissioners, the county auditor and the county agent, as the compensation of these officials is controlled by statutes other than those amended by Senate Bill No. 123. As the County Treasurer in those counties where the county officials are compensated on a fee basis receives his compensation by virtue of Arts. 3941, 3942, and 3943, which are not amended by said Senate Bill No. 123, said Act would not be applicable to the County Treasurer.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s) Ardell Williams
Assistant

AW:LJ:fb
APPROVED MAY 22, 1945
(s) Grover Sellers
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY (s) GWB, CHAIRMAN