



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

April 16, 1953

Hon. James R. Strong  
County Attorney  
Panola County  
Carthage, Texas

Letter Opinion No. MS-21

Re: Maximum compensation of various  
county, district, and precinct offi-  
cers, deputies, assistants, and clerks  
in Panola County.

Dear Sir:

You have requested an opinion on the maximum compensation of the various county, district and precinct officers, and their deputies, assistants and clerks.

Panola County has a population according to the 1950 Federal census of 19,250 inhabitants; had a population according to the 1940 Federal census of 22,513 inhabitants; had a population according to the 1930 Federal census of 24,063 inhabitants; has a tax valuation (1952 tax rolls) of \$52,204,450; had a tax valuation in 1948 (1947 tax rolls) of \$36,855,415; had a tax valuation in 1944 (1943 tax rolls) of \$6,453,720.

## 1. County Commissioners:

Compensation of county commissioners is governed by the provisions of Articles 2350 and 3912g, Vernon's Civil Statutes. Under the provisions of Article 2350 county commissioners are entitled to a base compensation of \$3600. Art. 3912g authorizes an increase in an amount not to exceed 25% of the sum allowed under the law for the fiscal year 1948. The sum allowed under the law for the fiscal year 1948 to the county commissioners of Panola County was \$3600. Art. 2350 V.C.S. Therefore, Article 3912g authorizes an increase not to exceed \$900 (25% of \$3600). Hence, the maximum compensation that may be paid county commissioners of Panola County is \$4500 (\$3600 plus \$900). We point out however that Section 1 of Article 3912g provides that the commissioners court may not raise the salaries of any member of the commissioners court "under the terms of this act without raising the salary of the remaining county officials in like proportion." You have informed us that the county commissioners of Panola County act as road commissioners, therefore, Section 1 of Article 2350 (6), Vernon's Civil Statutes, authorizes the commissioners court to allow each county commissioner \$100 per month as compensation for services as road commissioners.

## 2. County Judge, County Clerk, District Clerk, County Attorney, Tax Assessor-Collector, and Sheriff:

Compensation of the above named officers are governed by the provisions of Articles 3912e-12 and 3912g, Vernon's Civil Statutes. Under the provisions of Article 3912e-12 the base compensation for the above named officers is \$5400. Article 3912g authorizes an increase in compensation not to exceed 25% of the sum allowed under the law for the fiscal year 1948. The sum allowed under the law for the fiscal year 1948 was \$4410. (In 1948 the assessed valuation was \$36,855,415, and the population was 22,513. The 1% increase for each \$1,000,000 valuation above \$15,000,000 results in additional compensation of 22%, or \$660.00. \$3000 plus \$750 plus \$660 is \$4410). Arts. 3883, 3891 and Section 13 of 3912e. Therefore, Article 3912g authorizes an increase not to exceed \$1102.50 (25% of \$4410). Therefore, the maximum compensation of the county judge, county clerk, district clerk, county attorney, tax assessor-collector and sheriff is \$6502.50 (\$5400 plus \$1102.50). In addition to the above named maximum the tax assessor-collector is entitled to the compensation provided in Section 57 of Article 1436-1 of Vernon's Penal Code. Attorney General's Opinion V-1294 (1951), a copy of which is enclosed.

### 3. County Treasurers:

Compensation of county treasurer is governed by the provisions of Section 1 of Article 3943e which provides that:

"In each county in the State of Texas having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal Census, where all the county officers are compensated on a salary basis, the Commissioners Court shall determine annually the salary to be paid the county treasurer, provided that the annual salary to be paid to the county treasurer shall not be set at any sum less than One Thousand, Eight Hundred Dollars (\$1,800) per annum."

### 4. County Auditor:

Compensation of the county auditor is governed by the provisions of Article 1645 which states "that the county auditor shall receive an annual salary of not more than an annual salary allowed or paid the assessor and collector of taxes in his county."

### 5. Justices of the Peace and Constables:

We have been informed that the precinct officers of Panola County have been compensated on a salary basis since 1946. Compensation of justices of the peace and constables are governed by the provisions of Section 17 of Article 3912e and Article 3912g. Under the provisions of Section 17 of Article 3912e justices of the peace and constables of Panola County are entitled to "not more than the maximum allowed such officers under the law existing August 24, 1935." The maximum sum allowed under the law for the fiscal year 1935 was

\$1400. Articles 3883 and 3891, V.C.S. Section 1 of Article 3912g authorizes an increase not to exceed 25% of the sum allowed under the law for the fiscal year 1948. The maximum sum allowed under the law for the fiscal year 1948 was \$1400. Sec. 17 of Art. 3912e, V.C.S. Therefore, Section 1 of Article 3912g authorizes an increase not to exceed \$350 (25% of \$1400). Hence, the maximum compensation of justices of the peace and constables of Panola County is \$1750 (\$1400 plus \$350).

6. Deputies, Clerks and Assistants:

Compensation of deputies, clerks and assistants is governed by the provisions of Articles 3912e-12 and 3912g, Vernon's Civil Statutes. Article 3912e-12 provides for a base compensation of \$3600. Section 2 of Article 3912g provides for an increase not to exceed 35% of the sum allowed under the law for the fiscal year 1948. The maximum sum allowed deputies, clerks and assistants of Panola County under the law for the fiscal year 1948 was \$2250 for the chief deputies and \$1875 for the other deputies. Art. 3902, V.C.S. Therefore, Section 2 of Article 3912g authorizes an increase not to exceed \$787.50 for the chief deputies and \$656.25 for the other deputies. Therefore, the maximum compensation is \$4387.50 (\$3600 plus \$787.50) for the chief deputies and \$4256.25 (\$3600 plus \$656.25) for the other deputies. In addition to the sums mentioned above Article 3902j authorizes an additional increase to the deputy sheriffs in an amount not to exceed 35% of the maximum sum allowed under the law at the present time. Therefore, the chief deputy sheriff may receive an increase of \$1535.63 (35% of \$4387.50) and the other deputy sheriffs may receive an increase not to exceed \$1489.69 (35% of \$4256.25). Therefore, the maximum compensation of the chief deputy sheriff is \$5923.13 (\$4387.50 plus \$1535.63) and the maximum compensation of other deputy sheriffs is \$5745.94 (\$4256.25 plus \$1489.69).

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

/s/ John Reeves

By  
John Reeves  
Assistant

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