



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

April 28, 1948

Hon. Dorman Nickels  
County Attorney  
Wharton County  
Wharton, Texas

Opinion No. V-558

Re: The maximum compensa-  
tion of a radio techn-  
ician employed by  
the sheriff.

Dear Sir:

Your request for an opinion on the above sub-  
ject matter is as follows:

"What is the maximum salary which  
may be paid to a radio technician and en-  
gineer employed by the Sheriff of Wharton  
County?"

Subdivision (b) of Article 3899, V. C. S., pro-  
vides, in part:

". . . The Commissioners Court of  
the county of the sheriff's residence may,  
upon the written and sworn application of  
the sheriff stating the necessity there-  
for, purchase equipment for a Bureau of  
Criminal Identification, such as cameras,  
fingerprint cards, inks, chemicals, mi-  
croscopes, radio and laboratory equip-  
ment, filing cards, filing cabinets, tear  
gas and other equipment, in keeping with  
the system in use with the Department of  
Public Safety of this State, or the United  
States Department of Justice and/or Bureau  
of Criminal Identification." (Emphasis ours)

It was held in Attorney General's Opinion No.  
0-6918 that although a photostatic machine could be pur-  
chased for the county clerk's office, the Commissioners'  
Court did not have authority to employ an operator for  
such machine but that it would be the duty of the county  
clerk, his deputy, assistant or clerk to operate the  
same.

We have carefully examined the various statutory provisions of this State with reference to the employment of personnel of the sheriff's office and fail to find any statute dealing expressly with the employment of radio technicians. Therefore, the principle of law announced in Opinion No. 0-6918 is applicable to your inquiry. When the Legislature provided in subdivision (b) of Article 3899 for the purchase of radio equipment, it intended for the sheriff, his deputy, clerk or assistant to assume the duties of radio technician and/or operator. Therefore, the compensation of the deputy, assistant or clerk assigned the duties of radio technician is covered by the provisions governing the compensation of other deputies, assistants and clerks of the county officers of Wharton County.

Since Wharton County has a population of 36,158 inhabitants according to the 1940 Federal Census, and an assessed valuation of \$56,326,356 according to the last approved tax rolls, the compensation of the deputies, assistants and clerks of the county officers of Wharton County is governed by the following statutory provisions:

Article 3902, Section 2 reads as follows:

"In counties having a population of twenty-five thousand and one (25,001) and not more than thirty-seven thousand, five hundred (37,500) inhabitants, first assistant or chief deputy not to exceed Two Thousand Dollars (\$2,000) per annum; other assistants, deputies, or clerks not to exceed Seventeen Hundred Dollars (\$1700) per annum each. . ."

Article 3902, Section 9 reads as follows:

"The Commissioners Court is hereby authorized, when in their judgment the financial condition of the county and the needs of the deputies, assistants and clerks of any district, county or precinct officer justify the increase, to enter an order increasing the compensation of such deputy, assistant or clerk in an additional amount not to exceed twenty-five (25%) of the sum allowed under the law for the fiscal year of 1944, provided the total

compensation authorized under the law for the fiscal year of 1944 did not exceed Thirty-six Hundred (\$3600.00) Dollars."

Therefore, if the chief deputy is assigned the duties of radio technician, his maximum compensation is \$2500.00 (\$2,000 plus \$500). If some other deputy, clerk or assistant is assigned the duties of radio technician, his maximum compensation is \$2125.00 (\$1700 plus \$425).

SUMMARY

Where a county has purchased radio equipment for the sheriff's office under the provisions of subdivision (b) of Article 3899, V. C. S., the sheriff, his deputy, clerk, or assistant must assume the duties of radio technician and/or operator.

If the Chief Deputy Sheriff of Wharton County is assigned those duties, his maximum compensation is \$2500.00. If some other deputy, clerk, or assistant is assigned those duties, his maximum compensation is \$2125.00, Article 3902, Sections 2 and 9, V. C. S.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *John Reeves*  
John Reeves  
Assistant

JR:mv

APPROVED:

*Lagan Dickson*  
FIRST ASSISTANT  
ATTORNEY GENERAL