



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

February 17, 1950

Hon. John F. May Opinion No. V-1001.
District Attorney
81st Judicial District Re: The present maximum salaries
Karnes City, Texas of the Chief Deputy Sheriff
 and of other deputy sheriffs
 of Wilson County.

Dear Sir:

Your request for an opinion is in part as follows:

"(1) What is the maximum salary that Wilson County may pay to the Chief Deputy Sheriff?

"(2) What is the maximum salary that Wilson County may pay to deputy sheriffs other than the chief deputy sheriff?"

In Attorney General Opinion No. V-457 it was held that two conditions must exist in order for a county to come within the provisions of Article 3912e-12, V.C.S. First, the county must have a population of less than 20,000 and, second, its county officers must be compensated on a salary basis.

Wilson County has a population, according to the 1940 Federal census, of 17,066 inhabitants, but its county officers (with the exception of the sheriff) are compensated on a "fee" basis rather than a "salary" basis. Therefore, the compensation of the deputy sheriffs in Wilson County is not governed by the provisions of Article 3912e-12. Their compensation on the other hand is governed by the provisions of Articles 3902 and 3912g, V.C.S.

Section 2 of Article 3912g provides:

"The Commissioners Court in each county of this State 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 any such deputy, assistant or clerk in an additional amount not to exceed thirty-five (35%) per cent of the sum allowed under the law for the fiscal year of 1948."

In order to determine the "sum allowed under the law for the fiscal year of 1948" to the deputy sheriffs of Wilson County we must look to the provisions of Article 3902, V.C.S. We quote the provisions of Article 3902 applicable to Wilson County:

"1. In counties having a population of twenty-five thousand (25,000) or less inhabitants, first assistant or chief deputy not to exceed Eighteen Hundred (\$1800.00) Dollars per annum; other assistants, deputies or clerks not to exceed Fifteen Hundred (\$1500.00) Dollars per annum each."

"9. 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%) per cent 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."

"The sum allowed under the law for the fiscal year 1944" that the Commissioners' Court could allow the deputy sheriffs in Wilson County was governed by the provisions of subdivision 1 of Article 3902 above quoted. Subdivision 9 authorized an increase not exceeding 25 per cent of such sum. Therefore, in 1948, the chief deputy was entitled to \$1800 plus \$450 (25% of \$1800) or to the sum of \$2250. The other deputies of Wilson County were entitled to \$1500 plus \$375 (25% of \$1500) or \$1875.

By virtue of the provisions of Article 3912g deputies of county officers may receive an additional

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increase not to exceed "thirty-five (35%) per cent of the sum allowed under the law for the fiscal year of 1948." Therefore, the chief deputy of the sheriff of Wilson County may receive an increase not to exceed \$787.50 (35% of \$2250) while the other deputies may receive an increase not to exceed \$656.25 (35% of \$1875).

Therefore, the maximum salaries of the deputy sheriffs of Wilson County are as follows:

Chief Deputy\$3037.50 (\$2250 plus \$787.50).

Other Deputies ...\$2531.25 (\$1875 plus \$656.25).

SUMMARY

The deputies of the sheriff of Wilson County may receive in 1950 the sum allowed under subdivision 1 of Article 3902 plus the increase allowed under subdivision 9 of Article 3902 plus an additional increase allowed under Section 2 of Article 3912g, to wit: \$3037.50 for the chief deputy and \$2531.25 for other deputies. Articles 3902 and 3912g, V.C.S.; Attorney General Opinion No. V-457.

Yours very truly,

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APPROVED:

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