



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

January 23, 1953

Hon. R. V. Rayford
County Auditor
Rusk County
Henderson, Texas

Letter Opinion No. MS-02

Dear Sir:

You have requested an opinion on the maximum compensation of the precinct officers and the deputies of the county officials of Rusk County. Rusk County has a population of 42,348 inhabitants according to the 1950 Federal census. Therefore, the compensation of deputies, assistants, and clerks of the county officials of Rusk County is governed by the provisions of subdivisions 3 and 9 of Article 3902 of Vernon's Civil Statutes and Section 2 of Article 3912g, Vernon's Civil Statutes.

Subdivision 3 of Article 3902 provides a base compensation of \$2100.00 for the first assistant or chief deputy and \$1800.00 for other assistants, deputies or clerks. Subdivision 9 of Article 3902 authorizes an increase "not to exceed twenty-five (25%) of the sum allowed under the law for the fiscal year of 1944." Since Rusk County had a population of 51,023 inhabitants in 1944 (1940 Federal census), this increase amounts to \$525.00 (25% of \$2100.00) for the first assistant or chief deputy and \$450.00 (25% of \$1800.00) for other assistants, deputies or clerks. Section 2 of Article 3912g authorizes an additional increase "not to exceed thirty five (35%) of the sum allowed under the law for the fiscal year of 1948." This increase amounts to \$918.75 (35% of \$2625.00) for the first assistant or chief deputy and \$787.50 (35% of \$2250.00) for the other assistants, deputies, or clerks. Therefore, the maximum compensation for the deputies of the county officials of Rusk County is as follows:

\$3543.75 (\$2100.00 plus \$525.00 plus \$918.75)
for the first assistant or chief assistant.

\$3037.50 (\$1800.00 plus \$450.00 plus \$787.50)
for the other assistants, deputies or clerks.

In addition to the above mentioned compensation, Article 3902j authorizes an additional increase to deputy sheriffs "not to exceed 35% of the maximum sum allowed under the laws at the present time." Section 2 of Article 3902j provides that this act shall be cumulative of all other laws pertaining to compensation of deputy sheriffs. Therefore, the chief deputy sheriff may be paid an increase of \$1240.31 (35% of \$3543.75) making his maximum compensation \$4784.06 (\$3543.75 plus \$1240.31) and the other deputy sheriffs may receive an additional increase of \$1063.13 (35% of \$3037.50) making their maximum compensation \$4100.63 (\$3037.05 plus \$1063.13).

You have informed this office that the precinct officers of Rusk County have been compensated on a salary basis since 1935. Therefore, the compensation of justices of the peace and constables is governed by the provisions of Section 17 of Article 3912e and Section 1 of Article 3912g, V.C.S.

Section 17 of Article 3912e provides that precinct officers compensated on salary basis shall be paid a salary of "not more than the maximum amount allowed such officer under laws existing August 24, 1935." Since Rusk County had a population in 1935 (1930 Federal census) of 32,484 inhabitants, the maximum amount allowed the precinct officers of Rusk County under laws existing on August 24, 1935, was \$1800.00. Arts. 3883 and 3891, V.C.S. Section 1 of Article 3912g authorizes an increase in compensation "not to exceed twenty-five (25%) of the sum allowed under the laws for the fiscal year of 1948." This increase amounts to \$450.00 (25% of \$1800.00). Therefore, the maximum compensation of the justices of the peace and constables is \$2250.00 (\$1800 plus \$450).

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
John Reeves
Assistant

JR:am:wb