



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Tom A. Craven
County Auditor
McLennan County
Waco, Texas

Dear Sir:

Opinion No. O-5661
Re: Compensation of County
Treasurer of McLennan
County.

Your letter of November 9, 1943, requesting the opinion of this department on the questions stated therein reads in part as follows:

"Is the Treasurer of McLennan County, Texas, included as one of the officers to whom the maximum salary mentioned in H.B. 1079, Acts of the 47th Legislature, (Act. 3912a-7 R.S.) must be paid or may the Commissioners Court of McLennan County, Texas, under the terms of said act, fix the salary of such officer at the maximum earned by such office in the fiscal year 1935?"

Article 3912a-7 Vernon's Annotated Civil Statutes provides:

"The Commissioners Courts in all counties of Texas having a population of not less than one hundred thousand (100,000) and not more than one hundred and ninety thousand (190,000) inhabitants according to the last preceding Federal census, and in fixing the annual salary that shall be paid an officer named in Sec. 13, Ch. 465, of the Acts of the 2nd Called Session of the 45th Legislature, where such officer's salary is determined in compliance with the laws which existed on August 24, 1935, and is based upon population, shall compute and fix the salary of each of such officers

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as the maximum amount which could have been paid each of such officers under the laws existing on August 24, 1935, according to the federal census of 1940, and thereafter according to the last preceding federal census; provided that the commissioners court in said counties are authorized to amend the present order of said court fixing the maximum salary of said officers for the fiscal year 1941 from and after the effective date of this act for the balance of said fiscal year, according to the federal census of 1940, and thereafter according to the last preceding federal census."

The county treasurer is specifically named in Section 13, of Chapter 465 of the Acts of the 2nd Called Session of the 44th Legislature (Sec. 13, Art. 3912e V.A.C.S.). This department held in Opinion No. O-3132 among other things, that:

"The county treasurer, being specifically named in Section 13, Article 3912e, supra, the method of fixing the county treasurer's compensation formerly prescribed by Article 3941, Revised Civil Statutes, 1925, has been superseded by the foregoing provisions of the Officers' Salary Law as they apply to counties of twenty thousand (20,000) inhabitants or more. . ."

In view of the foregoing statutes you are respectfully advised that it is the opinion of this department that the county treasurer of McLennan county is included as one of the officers to whom the maximum salary mentioned in said statute must be paid. Stated another way the salary of the county treasurer of McLennan county should be computed and fixed at the maximum amount which could have been paid the county treasurer under the laws existing on August 24, 1935, according to the federal census of 1940.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Gerald C. Mann *Ardell Williams*

By *Ardell Williams*
Assistant

AW:ncd

