

Sanders County. Salaries of Officers.

The salary of officers appointed in the Act creating Sanders County must be paid according to Section 11 of such Act.

Sec. 4328 of the Political Code as amended by laws of 1905,

page 48, does not apply to such officers as the classification provided for by such amendment does not come into effect until January 1st, 1907.

Helena, Montana, March 16th, 1906.

Board of County Commissioners, Sanders County, Montana.

Gentlemen:—We are in receipt of a letter from the clerk of your board, dated March 12th, in which he inquires whether, in issuing warrants for salaries of county officers, he is to be governed by the Act of Feb. 7th, 1905, creating Sanders County, or whether he should be governed by the Act approved Feb. 16, 1905.

The Act creating Sanders County, laws of 1905, page 19, fixes the salaries of county officers for the present term. The act of Feb. 16, amending Sec. 4328, Laws of 1905, page 48, provides: "The several counties of this state shall be classified according to the assessed valuation thereof." Sec. 3 of this act makes it the duty of the county commissioners at their regular session in September, 1906, to make an order designating the class to which the county belongs, and provides that such classification shall not change the government of the county then in existence until the first Monday of January, 1907. The classification of the county is not complete until this order is made by the county commissioners in September, 1906, and the salaries under the same will not begin until the first Monday in January, 1907. Sec. 31 of Art. 5 of the State Constitution provides that the salary of any public officer shall not be increased or diminished after his election or appointment, so the order made by the county commissioners designating the classification of the county cannot affect the salaries of the officials then in office, therefore, in issuing warrants for the salary of the county officials you and the county clerk will be governed by Sec. 11 of the Act creating Sanders County.

Yours very truly,

ALBERT J. GALEN,

Attorney General.