

Salaries—Deputy Assessors.

Deputy Assessors are entitled to salaries as fixed by Section 1 of Chapter 222 of the Session Laws of 1919, whether appointed for a year or less, or under Section 3128 or Section 3123.

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Helena, Montana, May 3rd, 1919.

Mr. R. A. Keys,
County Assessor,
Hamilton, Montana.

Dear Sir:

I am in receipt of your letter of recent date regarding the salaries of deputy assessors under Substitute for Senate Bill No. 64, Chapter 222 of the 1919 Session Laws.

Section 1 of this act fixes the salaries and compensation of deputies to the different county officers in the several classes of counties, and was unquestionably intended to apply to those deputies which county officers are authorized to appoint under Sections 3119 as amended by Chapters 93 and 119, Session Laws of 1919, and 3136 and not to those deputies which the board of county commissioners may authorize appointed under Section 3123 for less than a year.

However, Section 2 of said act makes provision for the salaries and compensation of deputies employed for less than a year, it being evidently intended by this section to fix the salaries of those deputies which the board of county commissioners may authorize appointed under Section 3123 for less than a year. This section provides that the salaries of such deputies shall not exceed the rates fixed by such act for similar deputies, referring evidently to the salaries as fixed by Section 1 of the Act.

While the legislative has not used very appropriate language to express their intention, it seems clearly evident that the legislature intended that deputies appointed for less than a year under Section 3123 should not receive any greater salaries than those allowed similar deputies by Section 1 of the act, but that they should receive the same salaries.

I am, therefore, of the opinion that deputy county assessors, appointed for less than a year, and whose appointment is authorized by the board of county commissioners under Section 3123, are entitled to salaries at the same rate as deputy assessors who may be appointed under Section 3128.

In other words it makes no difference whether a deputy assessor is appointed under Section 3128 or under Section 3123, or whether his appointment is for a year, or for any period less than a year, he is entitled to salary at the rate provided in Section 1 of said Act.

Respectfully,

S. C. FORD,
Attorney General.