

County Officers—Salaries—When to Begin.

Salaries of all county officers, except county treasurers, commence on the first Monday of January when they take the official oath and assume the duties of office. Outgoing officers are entitled to salary for the days in January preceding the first Monday.

W. C. Husband, Esq.,
County Attorney of Wheatland County,
Harlowton, Montana.

My dear Mr. Husband:

You have submitted to this Department for opinion the following question: "Are the outgoing officers of a county, together with their deputies and clerks, entitled to the pay for the two days in January preceding the day their successors took charge of the offices?"

1st. All county officers, except county treasurers, take office on the first Monday of January following their election (Sec. 2960, R. C.); therefore, such officers would not be entitled to draw any pay for that portion of the month preceding the day they took the oath and assumed the duties and responsibilities of their respective offices, as they were not county officers preceding that day. They hold office for a term of two years (Sec. 2960, R. C.) from and including the first Monday of the year they take office, to and excluding the first Monday of January of the year when their respective successors take over the office. They do not hold until their respective successors are elected and qualified. Should the successor not qualify on the day prescribed by law for assuming office, the office would become vacant, to be filled as provided by law.

2nd. The law makes no deduction of pay for Sundays and holidays. The salary of each officer and deputy is fixed by the year and not by the month (Chaps. 221 and 222, 16th Legislative Assembly, 1919).

It is, therefore, my opinion that the outgoing officers, deputies and clerks are entitled to pay for the first and second days of January, 1921, and that the salary of the new officers, deputies and clerks begins on the first Monday of January, or January 3, 1921.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.