

**County Superintendent of Schools, Salary Of—Salary Of
County Superintendent of Schools.**

A county superintendent of schools is a constitutional officer and therefore not entitled to an increase of salary during term of office.

April 27, 1920.

Mis Mary F. Bull,
County Superintendent of Schools,
Virginia City, Montana.

Dear Madam:

I have your letter of the 20th inst., asking whether you are entitled to the increased salary provided by Chapter 219, Sess. Laws 1919.

Whether or not you are entitled to such increase in salary depends entirely upon constitutional provisions and not statutory provisions.

Section 31 of Art. 5 of the Constitution prohibits the legislature from enacting any law extending the term of any public officer, or increasing his salary or emolument after his election or appointment, and by reason of this constitutional provision the legislature may not increase the salary of any officer during the term for which he has been elected.

Section 3197 Revised Codes, referred to by you was made a part of the Codes which were adopted in 1895, the chapter, of which it was made a part, making many changes in the salaries and compensation of officers, and it was inserted in such chapter by the legislature for the sole purpose of making it plain that it was not intended by the legislature that such new salaries and compensation provided in such

chapter should apply to those persons then in office, in other words, that such changes were made having in view such constitutional provision and that it was not intended that such chapter should be in violation of such provision.

I am, therefore, compelled to advise you that you are not entitled to the increased salary provided by said Chapter 219, Sess. Laws 1919. Should you be re-elected to your present office at the coming election your term commencing on the first Monday in January, 1921, will be a new term and you will be entitled to such increased compensation for such new term.

Truly yours,

S. C. FORD,

Attorney General.