

**Salaries—County Commissioners — Officers — Deputies —  
Temporary Deputies.**

The compensation to be paid temporary deputy county officers is governed by chapter 82, laws of 1923, and not by section 4873 R. C. M. 1921.

R. N. Hawkins, Esq.,  
Assistant State Examiner,  
Helena, Montana.

September 20, 1927.

My dear Mr. Hawkins:

You have requested my opinion on the question whether section 4873 R. C. M. 1921 or chapter 82, laws of 1923 governs the compensation of a deputy treasurer employed for the months of November and December under section 4880 R. C. M. 1921. Chapter 82 is a later enactment than section 4873 and it specifically relates to temporary deputies and provides:

“Where any deputy or assistant is employed for a period of

less than one year the compensation of such deputy or assistant shall be for the time so employed; provided, the rate of such compensation shall not be in excess of the rates now provided for by law for similar deputies or assistants;"

It is my opinion that chapter 82 governs the compensation of such deputies and that the board of county commissioners may fix the compensation to be allowed but in doing so may not exceed the sums allowed for similar deputies under section 4873, supra. The board may fix the compensation at a lesser sum, however, than that provided in section 4873.

In my opinion the same rule also applies if the deputies are allowed for a longer period than two months, providing they are temporary deputies and not regular ones. In my opinion, also, the same rule applies regarding temporary deputy assessors.

In response to question numbered three it is my opinion that if county commissioners allow a greater number of regular deputies than provided in section 4875, that their compensation is controlled by chapter 82, laws of 1923. The compensation, however, even then may exceed 80% of the salary of the officer under whom he is serving when it is so fixed by section 4873, R. C. M. 1921, which, as pointed out to you in previous opinions has been held to fix both the maximum and minimum compensation of deputies.

Very truly yours,

L. A. FOOT,  
Attorney General.