

VOLUME NO. 36

Opinion No. 45

SHERIFFS — Salaries, how computed. Section 25-605, Revised Codes of Montana 1947; Senate Bill 231.

HELD: In computing a sheriff's salary under the 1975 amendment to section 25-605, last years' salary should be subtracted from the sum of columns A and B plus \$1,200 to determine the total salary increase. One-half of this increase shall be effective July 1, 1975, with the remainder effective July 1, 1976.

December 22, 1975

Mr. J. Fred Bourdeau
Cascade County Attorney
County Attorney's Office
Great Falls, Montana 59401

Dear Mr. Bourdeau:

You have requested my opinion on the proper method of computing the salaries for county sheriffs under Senate Bill 231, which amended section 25-605 effective July 1, 1975.

Section 1 of Senate Bill 231 provides in pertinent part:

The salaries of county ... sheriffs, ... shall be based on the population and taxable valuation of the county in accordance with the following schedule:

The total salary paid to county ... sheriffs, ... shall be the sum of the salary shown in column A based on population when added to the salary shown in column B based on taxable valuation; provided however, that ... county sheriffs ... shall receive, in addition to the salary based upon the total of columns A and B above, the sum of one thousand two hundred dollars (\$1200) per year...

Section 2 of Senate Bill 231 provides as follows:

One-half (1/2) of the total salary increased provided for in section 1 shall be effective July 1, 1975, and the remainder of such increases shall be effective July 1, 1976.

The language of section 1 of Senate Bill 231 is identical to the language of section 25-605 prior to amendment. This language, as to how to compute sheriff's salaries, was interpreted in 35 **Opinions of the Attorney General**, No. 22 as follows:

As the above-quoted provisions of section 25-605, supra, indicate, the county sheriff is to receive \$1,200 in addition to the sum of his salary based on population added to the sum of the salary based on taxable valuation. Thus, the salary of the sheriff should be considered as the total of:

(1) the salary provided in columns A and B of section 25-605, supra; and (2) \$1,200.

In using the figures supplied by your office, the computation would be as follows:

Salary, Column A	6,756.00
Salary, Column B	<u>8,466.00</u>
Total	15,222.00
plus 1,200	<u>1,200.00</u>
Total	16,422.00

Section 2 of Senate Bill 231 calls for "1/2 of the total salary increases provided for in section 1 shall be effective July 1, 1975..." The Montana Supreme Court has stated that "[I]t is well established that when the terms of a statute are plain, unambiguous, direct, and certain, the statute speaks for itself..." **Montana Chapter, National Electrical Contractors Association, et al., v. State Board of Education**, 137 Mont. 382, 385 (1960). With this in mind, section 2 would be computed as follows:

New Salary	16,422.00
Last Years Salary	<u>12,940.00</u>
Total Salary Increase	3,482.00

Last Year's Salary	12,940.00
1/2 of Total Increase	<u>1,741.00</u>
Salary as of 6/1/75	14,681.00

THEREFORE, IT IS MY OPINION:

In computing a sheriff's salary under the 1975 amendment to section 25-605, last years' salary should be subtracted from the sum of columns A and B plus \$1,200 to determine the total salary increase. One-half of this increase shall be effective July 1, 1975, with the remainder effective July 1, 1976.

Very truly yours,
ROBERT L. WOODAHL
 Attorney General