

OPINION  
65-76

June 28, 1965 (OPINION)

Mr. William L. Paulson

State's Attorney

Barnes County

RE: Counties - Officers Salaries

This is in reply to your letter of June 22, 1965, relative to House Bill 677 enacted by the 1965 Legislative Assembly. This bill, as you have noted in your letter, increases the salaries of county officials.

You state the following facts and questions:

"It appears that under subsection b of section 2 that the salaries of the county officials shall be at the rate of \$5000.00 in counties of a population exceeding 8,000 population plus additional compensation of \$100.00 per year for each 1,000 additional population or major fraction thereof; but not to exceed the total sum of \$6,200.00. According to the population of Barnes County, which is 16,719, the county officials would be entitled to a salary of \$5,900.00. I also notice in subsection "c" the following provision:

'Provided that the Board of County Commissioners of any county may by resolution increase the salaries of county officials or official provided for in this section by an amount of not to exceed ten percent of the amount herein provided.'

"The question arises as to whether this section is applicable to the subsection 'b' so that the County Commissioners may, if they so desire, increase the salaries of the Barnes County officials from \$5,900.00 to \$6,490.00."

House Bill 677 enacted by the 1965 Legislative Assembly is effective July 1, 1965. As you have noted in your letter this bill amends subdivision b of subsection 2 of section 11-10-10 of the North Dakota Century Code to provide that in counties having a population exceeding eight thousand population the salary of county officials is to be \$5,000.00 plus additional compensation of \$100.00 per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of \$6,200.00. Under this bill the required salaries for the Barnes County officials would apparently be \$5,900 since the population is 16,719.

As you have also noted in your letter, House Bill 677 provides in part that the board of county commissioners of any county may by resolution increase the salaries of county officials or official by an amount of not to exceed ten percent of "the amount provided herein." "The amount provided herein" would be \$5,900 00. Ten

percent of that figure would be \$590.00. Therefore it is our opinion the county commissioners may increase the salary of the Barnes County officers or any Barnes County officer to an amount not exceeding \$6,490.00. The minimum salary for the officers would be \$5,900.00. The maximum salary would be \$6,490.00. The \$6,200.00 limitation is obviously applicable only to the additional \$100.00 compensation per one thousand population or major fraction thereof and would not act as a limitation on the ten percent increase which is discretionary with the county commissioners under House Bill 677.

Since this bill is effective July 1, 1965, it would be proper for the officials in the preparation of their respective budget for the fiscal year commencing July 1, 1965, to show the additional ten percent figure if same is approved by resolution of the county commissioners.

HELGI JOHANNESON

Attorney General