



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

April 15, 1947

Hon. Lee Nowlin,
County Attorney,
Hale County,
Plainview, Texas

Opinion No. V-144

Re: Whether or not additional compensation may be paid by the county to the Tax Assessor-Collector for services performed by him for work as County Veterans' Service Officer.

Dear Sir:

Your request for an opinion upon the above subject matter is as follows:

"Mr. M. S. Watson is Assessor and Collector of Taxes for Hale County; he was such elected and acting officer all thru the years 1945 and 1946.

"As such officer, he (as well as the other County Officials) are on an annual salary basis, as fixed by the Commissioners' Court of Hale County, such salary being \$3600.00 per year, payable, of course, in monthly payments.

"On May 14th, 1945, the Commissioners' Court of Hale County, by proper order made and entered by the Court, created the "Veterans' Service Office" for Hale County; the office was not filled by an official appointment until Feb. 11th, 1946; however;

"From July 1st, 1945, thru and including January 1946, a period of some 7 months, the duties of this office were discharged by Mr. M. S. WATSON, who attended to the duties of this office in conjunction with the duties of his office as Tax Assessor and Collector; and of course, Mr. Watson received his full compensation as Tax Assessor & Collector.

"Mr. Watson acted and served and did this extra work as "County Service Officer" (in addition to his other duties as Tax Assessor and Collector) at the request of at least some members of the Commissioners' Court; and it may be that some member or members of the Court indicated that he, Mr. Watson, would be paid "some compensation" for this extra and additional work as "County Service Officer".

~~Question~~

"Is it legal now, for the Commissioners' Court of Hale County to allow compensation to Mr. Watson for this extra work as "County Service Officer"?"

Your inquiry should be answered in the negative.

It is a familiar rule with respect to compensation of public officers that they shall receive such salary, fees, or compensation only as may be prescribed by law. If an additional duty is imposed upon an officer for which no fee or compensation is fixed by law, the service must be performed as an additional burden imposed by law without extra compensation therefor. This rule has been uniformly followed by the Courts and by the opinions of this Department.

What we have said compels the answer we have given, irrespective of any consideration of the question of eligibility of the Assessor-Collector to hold at the same time another county office, that of Veterans' County Service Officer, and in spite of the worthy cause for which the Assessor-Collector is giving of his extra time.

SUMMARY

The County Tax Assessor and Collector of Hale County who likewise performs the duties of the County Veterans' Service Of-

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ficer, may not be paid additional compensation for such duties as Veterans' Service Officer.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ocie Speer,*
Ocie Speer
Assistant

OS:djm:wb:mmc

APPROVED APR 15, 1947

Price Daniel
ATTORNEY GENERAL