

Opinion No. 54-5951

May 20, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Richard F. Rowley District Attorney Ninth Judicial District Clovis, New Mexico

{*408} In your letter dated May 13, 1954, you request an opinion relative to § 15-4103, 1941 Comp., 1953 pocket parts, regarding the salary of officials and deputies in first class counties having a valuation in excess of \$ 20,000,000. This section, in part, provides as follows:

"Provided, further, that in any county where the assessed valuation of property for purposes of taxation is in excess of twenty million dollars (\$ 20,000,000) the officers of said county in addition to the allowances provided hereinabove for deputies shall receive not to exceed the following:

"Sheriff, for additional deputies, three thousand dollars (\$ 3,000.00.)."

You inquire whether, in view of this language and the fact that Curry County has an assessed valuation of \$ 20,193,109.00, the sheriff of Curry County is entitled to an additional \$ 3,000.00 for deputies and if he makes a request for that amount, are the commissioners bound to make the necessary budget provisions to provide the additional \$ 3,000.00.

In view of the express language of the statute and since the valuation of the county is in excess of \$ 20,000,000 the sheriff is entitled to receive for additional deputies a sum not to exceed \$ 3,000. If he makes demand for a sum not to exceed that amount, the commissioners have the duty of providing the amount requested in the budget.

By: C. C. McCulloh

Assist. Attorney General