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April 17, 1952
Opin. No. 52-108

Mr. David H. Palmer, Jr.
Yavapai County Attorney
Courthouse
Prescott, Arizona

Dear Mr. Palmer:

In your letter of April 7, you ask our opinion on these questions:

"(1) Can the chief deputies receive their salary increases immediately upon the act taking effect, providing, of course that the appointing officer and the Board of Supervisors agree to the increase; or are these chief deputies considered to be officers under Sec. 17, Art. 4 of the state constitution so as to be prevented from receiving an increase or decrease of salary during their term of office?

(2) As of what date can the chief deputies receive the increase provided?"

The limitation on the increase of salaries of public officials by Section 17, Article 4 of the State Constitution has been construed to be inapplicable to officers who have no fixed term of office. This construction therefore includes chief deputies and other deputies who serve at the pleasure of the appointing board or official. The increases to those exempt from this constitutional provision could be made just as soon as properly provided for in annual budgets. The salary increase act will be effective prior to the first of July, 1952 so it is our opinion that if the increases can be set up in the next budget, payment could be made beginning July 1, 1952.

We enclose herewith a copy of Chapter 70 of the Second Regular Session dealing with budget limitations with the thought that you would be interested in the provisions relative to the

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expenditures exempt from the ten percent increase limitation.

Trusting that the foregoing is sufficient, we are

Very truly yours,

FRED O. WILSON
Attorney General

CCS:GG

CHARLES C. STIDHAM
Assistant Attorney General