

# OFFICE OF THE ATTORNEY GENERAL



93-00141

JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

FEB 25 1993

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 242-7300

Honorable Belle G. Peavy  
Tax Collector  
Butler County Courthouse  
700 Court Square  
Greenville, AL 36037

Compensation -- Tax Assessors  
-- Tax Collectors

Section 3 of Act No. 90-694 provides for a \$7,500.00 salary increase for an official paid under the provisions of §§ 40-6A-1, et seq., Code, who did not assume office until October 1, 1991.

Dear Ms. Peavy:

This opinion is issued in response to your request for an opinion from the Attorney General.

## QUESTION

Does Section 3 of Act No. 90-694 provide for an increase in salary of \$7,500.00 for an individual who did not assume office as Tax Collector until October 1, 1991?

## FACTS AND ANALYSIS

Section 3 of Act No. 90-694 states:

"Any provisions to the contrary notwithstanding, the salary of every official presently paid under the provisions of Title 40, Chapter 6A, Code of Alabama 1975, shall be increased by

\$7,500.00 upon the effective date of this Act, as hereinafter provided. (Emphasis supplied.)

The emphasized language has apparently caused some confusion. One interpretation is that "official" refers to individuals who held office at the time the Act became effective, while the other interpretation is that "official" refers to those offices which were in existence at the time the Act was passed.

Several opinions have been written concerning Act Nos. 90-694 and 82-620. Act No. 82-620 established uniform salary requirements for officials while Act No. 90-694 is the last of two Amendments increasing those requirements. In an opinion to the Honorable Marvin D. Driver, Montgomery County Tax Assessor, under date of November 26, 1991, this office stated that Sections 2, 3, and 5 of the Act provide that the raise provided for therein is to become effective on the first day of the next term of the affected office after passage of the Act. (Emphasis supplied.) You assumed office on October 1, 1991, which was the next term after passage of the Act.

In another opinion to Mr. Driver under date of July 10, 1990, this office stated the Act provides a salary increase to every official paid under the provisions of § 40-6A-2. (Emphasis supplied.)

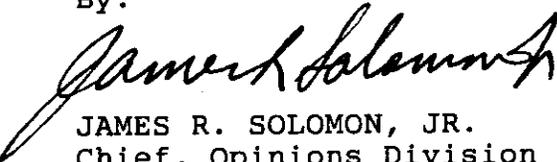
#### CONCLUSION

Act No. 90-694 provides for a salary increase to those offices in existence under §§ 40-6A-1, et seq., Code, at the time the Act became effective and, therefore, not assuming office until October 1, 1991, does not preclude you from receiving the stated salary increase.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:



JAMES R. SOLOMON, JR.  
Chief, Opinions Division