

COMPENSATION OF COUNTY COLLECTORS
IN COUNTIES OF THE SECOND CLASS:

County collector may not retain
any compensation for his services
other than the annual salary of
\$5,000.00.

FILED
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March 24, 1947

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Mr. Clifton Hurst
County Collector
Buchanan County
St. Joseph, Missouri

Dear Sir:

We are in receipt of your recent request for an
opinion, based on the following state of facts:

"I would appreciate your interpretation
of House Bill No. 892 in regard to the
Collector's salary.

"Sec. 2 refers to all fees, commissions
etc. We have two Drainage Districts in
this County which we have been charging,
as allowed by law, one per cent on cur-
rent and two per cent on delinquent and
as I understand the new law we will not
be allowed to retain this fee in the
future.

"Also in the past we have checked lists
for the Banks and Insurance Companies
for which we made no charge, however we
have accepted their checks as donations
or gifts which I believe is covered
under Section 4."

Your attention is called to Sections 2, 3 and 4 of
House Bill No. 892, which are as follows:

"Section 2. The county collector, in
all counties of the second class, shall
receive as compensation for his services,
an annual salary of \$5000.00, to be paid
by the county, in twelve equal monthly
installments out of the county treasury.

Such salary shall be in lieu of all fees, commissions, penalties, charges, and other compensation now charged, received or allowed by virtue of any statute, to any such collector as compensation for his services.

"Section 3. The county collector, in all counties of the second class, shall be entitled to have and to appoint such deputies and assistants as the county collector, with the approval of the county court, shall deem necessary for the prompt and proper discharge of the office, and such deputies and assistants, so appointed, shall receive such salaries as may be fixed by the county collector, with the approval of the county court. The salaries of all such deputies and assistants shall be paid by the county in the same manner as the salary of the county collector is paid.

"Section 4. No compensation shall be allowed or paid any such collector, his deputies or assistants, except that and to those herein expressly provided for, and no amount shall be charged to the county or drawn out of the treasury for the services of any deputy or assistant that shall not be the exact amount due said deputy or assistant. The county collector and all his employees are hereby forbidden, under penalty of forfeiture of office, to collect, charge or retain, directly or indirectly, any compensation other than that herein allowed."

These sections definitely prohibit the collector or his deputies in counties of the second class from charging or retaining, directly or indirectly, any compensation for their services other than the salaries provided therein.

Mr. Clifton Hurst

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Conclusion.

It is, therefore, the opinion of this department that collectors or their deputies in counties of the second class may not charge or retain, directly or indirectly, any fee or compensation for their services other than the annual salary of \$5,000.00 for the collector and the salary for the deputy as fixed by the collector. The penalty for retaining any other fee or compensation is forfeiture of office.

Respectfully submitted,

W. BRADY DUNCAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

WED:ml