

COUNTY COURTS - Shall not, under Section 5, Class 3, estimate expenses to be less than last preceding even year in even years; likewise relates to odd years.

December 20, 1937.

Honorable Elvin S. Douglas
Prosecuting Attorney
Polk County
Bolivar, Missouri



Dear Sir:

This is to acknowledge receipt of your request of December 17, 1937, for an opinion, reading as follows:

"I invite your attention to Section 5, page 244 of the laws of 1933, referring to the County Budget.

"Class three under that section contains the provision in the last sentence thereof that 'This estimate (referring to expense of holding circuit court, pay of petit jurors, etc) shall not be less than last preceding year in even years and last preceding odd year in odd years.'

"In your opinion, does this provision mean the amount such expense ran for the last preceding odd or even year as the case may be, or does it mean the estimate filed shall not be less than the estimates filed in such preceding years?"

We have considered Section 5, Class 3, Laws of Mo. 1933, page 344, and particularly the last sentence of Class 3, reading as follows:

"This estimate shall not be less than last preceding even year in even years and last preceding odd year in odd numbered years."

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This part of the statute is plain, unambiguous and mandatory in its terms, and needs no interpretation. State ex rel. Jacobsmeyer v. Thatcher, 92 S. W. (2d) 640, and clearly contemplates, without equivocation, that the estimate for expenses made during an even year shall not be less than the estimate for expenses in a preceding even year. Likewise, as relates to an odd year.

To illustrate: 1937 is an odd year, consequently the estimate of expenses for 1937 should not be less than the estimate of expenses for 1935, the last preceding odd year.

CONCLUSION

In view of the above, it is the opinion of this department that the county court, in estimating expenses under Class 3 of Section 5 of the county budget law, supra, shall not estimate the expenses in an even year to be less than the estimate for expenses in the last preceding even year. Likewise, this estimate of expenses in an odd year shall not be less than the estimate of expenses for the last preceding odd year.

Yours very truly,

RUSSELL C. STONE
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

RCS:FE