

December 29, 1950

FILED 95

Honorable Leslie A. Welch  
Judge of the Probate Court  
Jackson County  
Kansas City, Missouri

Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"This is to request the opinion of your office anent certain legal questions connected with proposed legislation to provide increases in salaries and clerical allowance for all the probate judges, except those in St. Louis, St. Louis County, and Jackson County. At the annual meeting of the Probate Judges' Association last week a special legislative committee was appointed with Judge Waters of Clay County and Judge Despain of Shannon County as co-chairmen.

"At a preliminary meeting of said committee it was determined that it should first obtain an opinion from your office before bills are drafted. I have a letter today from Judge Waters. The question he propounds is as follows:

"Does the constitutional provision relating to increases of salaries of state, county and municipal officers (Art. VII, Sec. 13), extend to members of the judiciary?"

Honorable Leslie A. Welch

This department on October 4, 1946, issued an opinion addressed to Mr. E. G. Armstrong, Comptroller, in which the matter of the application of Section 13 of Article VII of the Constitution of Missouri, 1945, pertaining to the increase of compensation of state, county and municipal officers during their term of office and Section 24 of Article V pertaining to the compensation of judges were considered. The question there involved was whether or not an act of the Legislature providing an increase in salary for circuit judges might become effective during the terms of office of such judges. This department concluded that legislative action relative to the salary of members of the judiciary was limited only by Section 24 of Article V, which prohibits diminishing a judge's salary during his term of office, and that Section 13 of Article VII prohibiting increase of the compensation of state, county and municipal officers during their terms does not apply to members of the judiciary. We are enclosing herewith a copy of said opinion. We believe that it answers the question asked by you.

CONCLUSION

Therefore, this department is of the opinion that the constitutional provision prohibiting increases during terms of office of salaries of state, county and municipal officers (Article VII, Section 13) does not apply to probate judges.

Respectfully submitted,

APPROVED:

ROBERT R. WELBORN  
Assistant Attorney General

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J. E. TAYLOR  
Attorney General

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