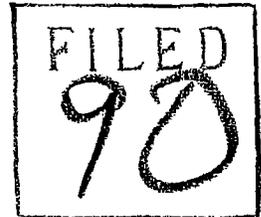


Opinion # 402, Answered by letter
(Joseph Nessenfeld)

December 7, 1961



Honorable Charles D. Trigg
Comptroller and Budget Director
Jefferson City
Missouri

Dear Mr. Trigg:

You have requested the advice of this office concerning the effect of Senate Bill 177 and House Bill 462 with respect to the amount to be paid as salary for the chief clerk of the magistrate court of Greene County and the total amount that may be paid by the state for salaries of clerk, deputies and employees of that county.

The chief clerk of Greene County is an official elected for a definite term of four years. In that respect his tenure differs from that of all other clerks of magistrate courts of this state. Inasmuch as the chief clerk of the magistrate court of Greene County has a definite term of office, no increase in compensation can be effective as to such officer during the term for which he was elected under the provisions of Section 13, Article VII of the Constitution.

It follows that Senate Bill No. 177, increasing the salary of the chief clerk, will not be effective until the commencement of the term of the chief clerk to be elected at the next general election. House Bill No. 462, increasing the total the State is authorized to pay for hire in the magistrate court to the sum of \$6,000 for each magistrate is effective October 13, 1961. As held in the opinion of this office to Honorable Newton Atterbury, dated March 1, 1955, the salaries payable to the chief clerk and deputy clerks constitute part of such total.

Yours truly,

THOMAS F. EAGLETON
Attorney General