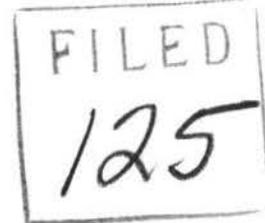


CITY OF ST. LOUIS:
REGISTRAR:
COUNTY CLERK:

Sec. 51.150, RSMo Cum. Supp. 1965, applies to the City of St. Louis. The registrar of the City of St. Louis is authorized to perform the duties of County Clerk as provided by Sec. 51.150, supra.

OPINION NO. 125

January 18, 1966



Honorable James C. Kirkpatrick
Secretary of State
Capitol Building
Jefferson City, Missouri

Dear Mr. Kirkpatrick:

This is in answer to your letter of recent date in which you inquired whether House Bill No. 679, 73rd General Assembly, now Section 51.150, RSMo Cum. Supp. 1965, is applicable to the City of St. Louis. In your letter you directed our attention to the language of the above act and that it applies to "County Clerks". You further commented that the City of St. Louis has no city government position by that name.

Section 51.150, RSMo Cum. Supp. 1965, requires county clerks to report to the Secretary of State the salaries and unaccountable fees of elected county officials and various other duties.

An examination of the statutes reveals a pertinent provision. Section 1.080, RSMo 1959, states:

"Whenever the word 'county' is used in any law, general in its character to the whole state, it includes the city of St. Louis, unless such construction is inconsistent with the evident intent of the law, or of some law specially applicable to such city. Whenever the county clerk is authorized or required to perform an act by a law which applies to the city of St. Louis as well as to the counties of the state, the registrar of the city of St. Louis is authorized or required to perform the act insofar as it is to be performed in the city."

The above section specifically directs that the word "county" includes the City of St. Louis, when used in any general law unless:

Honorable James C. Kirkpatrick

(1) Such construction is inconsistent with the evident intent of the law, or,

(2) Such construction is inconsistent with some law specially applicable to such city.

The first matter to be decided is whether Section 51.150, supra, is a law "general in its character to the whole state". A statute which relates to persons or things as a class is a general law, while a statute which relates to particular persons or things is a special law. Walters vs. City of St. Louis, 364 Mo. 56, 259 S.W. 2d 377. Section 51.150, supra, clearly is a general law relating to county officers as a class and does not relate to any particular member of that class.

The next step in the application of Section 1.080, supra, is to determine whether application of Section 51.150, supra, is inconsistent with the evident intent of the Act, an element set out in (1) above, again, a reading of the Act indicates no inconsistency if applied to the City of St. Louis. Article VI, Section 31, Missouri Constitution, 1945, recognizes this City to be both a city and county. Section 1.080, supra, and Article VI, Section 31, Missouri Constitution, 1945, provide that laws concerning counties shall apply to the City of St. Louis.

The third and last step is to examine Section 51.150, supra, to determine whether the Act is inconsistent with a special law, an element of Section 1.080, supra, set out in (2) above. The phrase "some law specially applicable to such city" in this section does not mean a special law applicable to the City of St. Louis as distinguished from a general law applicable to the state, but means some law specially applicable to the city in its corporate capacity. State v. Dwyer, 343 Mo. 973, 124 S.W. 2d 1173. While Section 1.080, supra, was amended after the Dwyer case, supra, the holding generally stated above is still applicable. It does not appear that there is any such special law applicable to the city in its corporate capacity that would be inconsistent with the provision of Section 51.150, supra.

The registrar of the City of St. Louis is authorized to perform the function of the County Clerk, when such are required by law and are applicable to said City, by Section 1.080, supra.

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CONCLUSION

It is therefore the opinion of this office that Section 51.150, RSMo Cum. Supp. 1965, is applicable to the City of St. Louis; and that the registrar of the City of St. Louis is authorized to perform the duties of the County Clerk as set out in Section 51.150, supra.

The foregoing opinion, which I hereby approve, was prepared by my assistant, William A. Peterson.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Norman H. Anderson".

NORMAN H. ANDERSON
Attorney General