

DEPUTIES: The amount of compensation to be allowed
COUNTY CLERKS: a county clerk in a third class county
COMPENSATION: to employ deputies and assistants under
Section 51.450, RSMo 1969, is determined
by compensation of the county clerk as provided in Section 51.300,
RSMo Supp. 1973, and the compensation provided under Section 51.
310, RSMo Supp. 1973, is not included.

OPINION NO. 105

February 13, 1974

Honorable John W. Briscoe
Prosecuting Attorney
Ralls County
429 South Main Street
New London, Missouri 63459



Dear Mr. Briscoe:

This is in response to your request for an opinion from this office as follows:

"Section 51.450 (2) R.S.Mo. 1969, provides that the Clerk of the County Court in a third class county is entitled to employ deputies and assistants and is allowed to pay them 65% of his salary in counties with a population of 7500 and less than 15,000. That is the classification in which Ralls County falls. Section 51.310 R.S.Mo. 1969, provides that the County Clerk shall receive additional compensation of \$1,500.00 per annum for his duties in regard to voter registration. My question is whether Section 51.450 requires that the Clerk of the County Court be allowed \$975.00 (65% of \$1,500.00) as additional compensation for his deputies and assistants because of the provisions of Section 51.310."

Ralls County is a third class county.

Section 51.300, RSMo Supp. 1973, provides for compensation of the county clerk in each county of second, third, and fourth class based upon the population of the county and the assessed valuation of the county.

Section 51.310, RSMo Supp. 1973, to which you refer, provides as follows:

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"For the performance of the duties imposed by section 51.121 the county clerk shall receive, in addition to all other compensation provided by law, fifteen hundred dollars per annum, except that this section shall not apply to counties of the first class not having a charter form of government."

Subsection 1 of Section 51.450, RSMo 1969, with respect to the compensation that is to be allowed to such county clerks for deputies and assistants in third class counties provides in part:

"(2) In counties with a population of seven thousand five hundred, and less than fifteen thousand, the sum of sixty-five percent of the salary of the county clerk;"

Subsection 4 of Section 51.450, RSMo, provides:

"For the purpose of computing the various amounts under the provisions of subsection 1, the total compensation provided in section 51.300, RSMo, shall be considered the salary of the clerk of the county court."

It is our view that under Section 51.450, subsection 4, the amount of compensation to be allowed a county clerk in a third class county under subsection 1 for deputies and assistants is determined by the compensation provided for in Section 51.300 and that the provision for additional compensation to the county clerk under Section 51.310 is not to be included.

CONCLUSION

It is the opinion of this office that the amount of compensation to be allowed a county clerk in a third class county to employ deputies and assistants under Section 51.450, RSMo 1969, is determined by compensation of the county clerk as provided in Section 51.300, RSMo Supp. 1973, and the compensation provided under Section 51.310, RSMo Supp. 1973, is not included.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



JOHN C. DANFORTH
Attorney General