

June 13, 1974

OPINION LETTER NO. 227
Answer by Letter - Burns

Honorable James G. Lauderdale
Prosecuting Attorney
Lafayette County
1017 Franklin Avenue
Lexington, Missouri 64067



Dear Mr. Lauderdale:

This is in answer to your recent opinion request asking as to the effective date of the pay increases as provided for county clerks in third class counties by House Bill 899 of the Second Regular Session of the 77th General Assembly, and third class county prosecuting attorneys under provisions of House Bill 1381 of the Second Regular Session of the 77th General Assembly.

We believe that the questions asked are answered by the enclosed opinions, No. 46, rendered August 15, 1957, to William G. Johnson, and No. 433, rendered December 2, 1965, to Haskell Holman. You will note that Opinion 46 held that a county officer is not entitled to an increase in salary during his term of office when no additional duties are given to the officer and such opinion is the basis for holding that prosecuting attorneys in third class counties will not receive any increase under the provisions of House Bill 1381, if the Governor signs such bill.

Opinion 433 is the basis for holding that the county clerks in third class counties will be entitled, as of August 13, 1974, to the increase in salary provided for by House Bill 899 which was approved May 7, 1974 by the Governor since they are given additional duties and such additional duties are the basis for the salary increase.

Honorable James G. Lauderdale

August 13, 1974 is the effective date for such increase in salary under the provisions of section 29 of Article III of the Constitution of Missouri.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 46
8-15-57, Johnson

Op. No. 433
12-2-65, Holman