

COUNTY COLLECTOR: Increases in compensation, if any, given
SALARIES AND FEES: County Collectors by 1933 laws may be retained
by them even after the taking away of additional duties as ex officio treasurers.

November 13, 1937.



Hon. Elmer Butler,
Prosecuting Attorney,
Stone County,
Galena, Missouri.

Dear Sir:

This is to acknowledge your letter which is as follows:

"Will you please give me an opinion on the following:

"Is it legal for the County Collector in a county of less than forty thousand inhabitants to retain the increase in salary given him by the 1933 Legislature now that he no longer has the Treasurers office?"

Stone County does not have township organization, and has a population of 11,614 inhabitants, according to the last United States decennial census. Official Manual State of Missouri 1935-1936, p. 284. Prior to 1933, Stone County elected a County Treasurer. Section 12130, R. S. Mo. 1929. However, in 1933, the 57th General Assembly repealed Section 12130 and enacted a new section in lieu thereof. Laws of Missouri 1933, p. 338. The effect of new Section 12130, found in Laws of Missouri 1933, p. 338, abolished the office of County Treasurer in counties under 40,000 inhabitants and not having township organization. Section 12132a, Laws of Missouri 1933, p. 338, provided that the County Collector in counties such as Stone County should be ex officio treasurer and to serve as such ex officio treasurer without additional remuneration. Said section reads in part as follows:

"Such collector shall act as ex officio treasurer and perform the duties attached thereto with no additional remuneration

other than such moneys as are allowed
by law for his services as county
collector * * *."

In 1937 the 59th General Assembly repealed, among other sections, Sections 12130 and 12132a. Laws of Missouri 1937, pp. 424-427, inclusive. Therefore, at the present time Stone County has a County Treasurer, and the duties formerly performed by the County Collector as ex officio treasurer are now performed by the County Treasurer. In other words, the two offices are again separated and placed in the same status as though the 1933 law was never enacted.

As repealed Section 12132a, Laws of Missouri 1933, p. 338, did not provide for additional remuneration to the County Collectors when acting as ex officio treasurers, it is our opinion that increases in compensation, if any, given County Collectors by the 1933 Legislature may be retained by them even after the taking away of the additional duties as ex officio treasurers by the 1937 statutes.

Yours very truly,

AUBREY R. HAMMETT, Jr.,
Assistant Attorney General.

APPROVED:

J. E. TAYLOR,
(Acting) Attorney General.

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