LAWS:)
CONSTITUTIONAL LAW;) Senate Bill 159 effective September 10, 1947; said bill and Senate Bill 176 are constitutional.

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July 28, 1947

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Honorable B. H. Howard
Comptroller
Jefferson City, Missouri

Dear Sir:

We have your letter of recent date which reads as follows:

"Senate Bill No. 159, 64th. General Assembly, increases the salaries of the Judges of the Supreme Court and the Judges of the Courts of Appeals.

We will appreciate an opinion in regard to the effective date of the changes with respect to the present members of the courts."

Senate Bill No. 159 reads as follows:

"Section 1. From and after the effective date of this act each Judge of the Supreme Court of Missouri shall receive an annual salary of $12,000.00 and each Judge of the several Courts of Appeals shall receive an annual salary of $10,500.00, and, in addition thereto, each of said Judges when temporarily serving, transferred or assigned as a Judge of another court than the one to which appointed or elected, said court to which temporarily assigned or transferred being held in a county other than the county in which the court to which said Judge is appointed or elected is held, shall receive for his expenses mileage at five cents a mile for each mile traveled in going to and returning from the place where court is held. The said salaries and expenses shall be paid out of the State Treasury, said salaries to be paid in monthly installments on the first day of each month. Said salaries and expenses shall constitute the total compensation for all duties performed by, and all expenses of, said Judges, and

there shall be no further payment made to or accepted by said Judges for the performance of any duties required to be performed by them under the law.

Section 2. All laws, insofar as they conflict with the provisions hereof, pertaining to the salaries, expenses or compensation of the Judges mentioned in Section 1, are hereby repealed."

Section 29 of Article III of the Constitution of 1945 reads as follows:

"No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

Senate Bill No. 159 was not an appropriation act, and it did not contain any emergency clause. It would, therefore, be effective ninety days after the adjournment of the 64th General Assembly unless it is governed by the proviso contained in Section 29 of Article III of the Constitution, supra.

Said bill was approved by the Governor on June 5, 1947. The General Assembly recessed on June 12, 1947, for more than thirty days, to-wit, for a period ending July 14, 1947. On May 23, 1947, the General Assembly passed a joint resolution known as House Joint Resolution No. 2. (See Senate Journal p. 1121). Said joint resolution read as follows:

"HOUSE JOINT RESOLUTION NO. 2.

WHEREAS, Section 29, Article III of the Constitution of 1945 provides that if the General Assembly recesses for thirty days or more it may prescribe by Joint Resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess; and

WHEREAS, the 64th General Assembly has resolved to recess for a period beginning Thursday, June 12, 1947, and ending Monday, July 14, 1947; now therefore

BE IT RESOLVED, by the House of Representatives and Senate, jointly that all laws passed by the 64th General Assembly on or before the 12th day of June, 1947, and not effective, shall take effect ninety days from the beginning of said recess, to-wit: on the 10th day of September, 1947."

It will be seen, therefore, that the General Assembly has, under authority of Section 29 of Article III of the Constitution, provided that Senate Bill No. 159 shall go into effect September 10, 1947, that date being ninety days after the recess of June 12, 1947, of the General Assembly.

At first blush, it might seem that Senate Bill No. 159 violates Section 13 of Article VII of the Constitution, and that suggestion may as well be considered now as in the future. That section of the Constitution reads as follows:

"The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended."

However, we find another section of the constitution which deals specifically with the compensation of Judges of Courts. That section is Section 24 of Article V, and it reads in part as follows:

"All judges shall receive as salary the total amount of their present compensation until otherwise provided by law, but no judge's salary shall be diminished during his term of office."

The question naturally arises as to which of these constitutional provisions controls when applied to Senate Bill No. 159. We must consider certain rules of construction which have been adopted and applied to similar situations in order to determine this question.

In construing a constitution we should consider all provisions bearing on the same subject. In the case of State v. Adkins, 284 Mo. 680, l.c. 693, the court said:

> "* * * It is a fundamental rule of construction of all writings, whether they be laws, wills, deeds, contracts or constitutions, that they must be construed as a whole, and not in detached fragments; that they must be construed to effectuate and not to destroy their plain intent and purpose, and that in determining what is that intent and purpose all provisions relating either generally or specially to a particular topic are to be scrutinized and so interpreted, if possible, as to effectuate the intention of the makers. This rule does not need (though it does not lack) authority to give it vitality. It is inherent in the very nature of things, and springs from reason as Minerva sprang from the brain of Jove, full-grown and ready for battle."

When applying the above principle we must go even further and resolve seemingly overlapping provisions of the Constitution by harmonizing them. We should avoid a construction which renders any section meaningless or inoperative, and should lean to a construction that would render both sections operative, rather than one which may make a section idle and nugatory. State ex rel. Crutcher v. Koeln, 61 S. W. 2d 750, and State on Inf. McKittrick, Attorney General, v. Williams, Sheriff, 144 S. W. 2d 98.

A second principle of constitutional construction that we believe applicable in this case is that specific provisions should prevail over the general provisions when they affect the same subject matter. Citing the case of State ex. rel. Gordon v. Becker, Secretary of State, 49 S. W. 2d 146, this general rule, as set out in 16 C. J. S., Section 25, p. 65, reads as follows:

> "When general and special provisions of a constitution are in conflict, the special provisions should be given effect to the extent of their scope, leaving the general provisions to control in cases where the special provisions do not apply.

> Where there is a conflicting specific and general provision, or a particular intent which is incompatible with a general intent, the specific provision or particular intent will be treated as an exception, and should receive a strict, but reasonable construction. * * * "

It can readily be seen that Section 13 of Article VII is a general provision applying to all state, county and municipal officers, while Section 24 of Article V applies only to Judges. Therefore, by applying the two preceding rules of statutory construction, we must conclude that Section 24 of Article V, being a specific section dealing with the compensation of Judges only, prevails over Section 13 of Article VII, which is a general section dealing with compensation of all state, county and municipal officers. Both sections deal with the same subject matter, and under the rules of construction above mentioned, the specific section is considered as an exception to the general section. The only limitation on the power of the General Assembly in Section 24 of Article V is the prohibition against diminishing a Judge's compensation during his term of office. There being no other prohibition on the General Assembly, they would have the power to increase the compensation of Judges whenever they deemed it necessary, since a state constitution is not a grant of power to a Legislature but is a limitation thereon and the Legislature may pass laws on any subject not forbidden by the State or Federal Constitutions. (State ex rel. McDonald v. Lollis 33 S.W. 2d 98,326 Mo. 644; State ex rel. Gains v. Canada 113 S. W. 2d 783, 342 Mo. 121).

After determining that Section 24 of Article V is controlling in regard to our problems, it will be necessary to examine this section more closely. When interpreting a section of a constitution the intent and purpose of the lawmakers is of primary importance in determining its true meaning and scope. State ex rel. Harry L. Hussmann Refrigerator & Supply Co. v. St. Louis, 5 S. W. 2d 1080, 319 Mo. 497; Graves v. Purcell, 85 S. W. 2d 543, 337 Mo. 574. Further, authority may be found in State ex Inf. Norman v. Ellis, 28 S. W. 2d 363, 325 Mo. 154, where the court stated, l.c. S. W. 367:

> "* * * There is another rule superior to that, which is that the intention of the lawmakers and Constitution makers must be gathered when interpreting an act or constitutional provision. * * * "

In ascertaining this intent we believe it proper to examine the debates of the Constitutional Convention so that we may determine what was in the minds of the framers of our organic law when they adopted this particular section. We further realize that there is a limit to the reliance that may be placed on these debates, as was pointed out in State ex rel. Donnell v. Osburn, 147 S. W. 2d 1065, wherein the Court said, l.c. 1068:

> "In the debates before the Constitutional Convention of 1875 which proposed section 3, it seems to have been agreed that upon aggregating the votes from the face of the returns the candidate with the highest vote would prima facie be entitled to the office and to enter upon his duties. Any attack upon the returns would have to be made thereafter by a contest before the general assembly. See Debates of the Missouri Constitutional Convention of 1875 by Loeb and Shoemaker, Vol. IV, p. 428, et seq. We refer to the debates with knowledge of the rule which limits the reliance which may be placed in them. State ex rel. Heimberger v. Board of Curators. 268 Mo. 598, 188 S. W. 128."

After a thorough reading of this case it will be noticed that, regardless of their stated rule of limited reliance, the court did in fact actually use the record of the proceedings to ascertain the true intent of the lawmakers. As declaratory of the rule that the records of the Constitutional debates may be examined to determine the true meaning of a section of the Constitution, we direct your attention to Ex parte Oppenstein, 233 S. W. 440, wherein the Supreme Court said, l.c. 444:

> " This substitute was rejected by a vote of 42 to 23. Three members were absent. The power to inspect and examine the ballots in 'judicial proceedings' would have been given by this amendment. The convention rejected it.

It is clear from this that the constitutional convention had before it, in the proposed substitute section, the very question which counsel discuss. This substitute would have expressly given the authority now sought to be exerted. When the convention defeated it, it passed upon the question in this case. Its intent could hardly have been more clearly exhibited than by the vote upon the substitute section."

In a very recent case before the Supreme Court en banc, they again relied on the Constitutional debates to determine the true intent and meaning of a section of the Constitution. We quote from State ex rel. Montgomery et al., County Judges, v. Nordberg, Clerk of County Court, et al., 193 S. W. 2d 10, l.c. 12:

"An examination of the Journal of the Constitutional Convention discloses that the main purpose prompting the adoption of Sec. 23 was to facilitate state bookkeeping, so to speak. Thus it was stated by Dr. McCluer, on the 145th day, Friday, May 19, 1944, p. 2417: 'The principal change is in the date of the fiscal year from the calendar year to the dates as indicated, a change which is desirable to bring the fiscal business of the state in line with that of the nation and for other reasons that were set forth by representatives of the State Auditor's Office.'

Again, Mr. Hemphill, apparently reading from a memorandum prepared by the State Auditor, said:

'The efficiency of every department of the state government would be materially benefitted and the lost motion which occurs during the first six months period following the meeting of the Legislature will be done away with.
* * * * * * * * *
If this change is made, the only confusion which would result is the confusion which would still exist in cities and counties where the fiscal year and the calendar year coincide. However, this could easily be

corrected by the Legislature when it next meets, by creating a statute fixing the fiscal year of the county and the city the same as the fiscal year of the state!"

In examining the Constitutional debates on Section 24, Article V, we note that an amendment was offered which is found on pages 2739 and 2740 of Part 6 of the Stenotype Transcript of the Debates, and reads as follows:

"PRESIDENT: Are there any amendments?

"MR. TEE: I have an amendment, please.

"(Amendment submitted and read as follows:)

AMENDMENT NO. 1 FOR SUBSTITUTE NO. 1 FOR SECTION 24. Amend Mr. Righter's substitute for Section 24 by inserting the words 'increased or' between the words 'be and diminished' in line 6 of said substitute as the same appears on page 16 of the Journal of May 25, 1944.

"PRESIDENT: Do you move the adoption of the amendment?

"MR. TEE: I do.

"(Motion was seconded.)

"MR. TEE: Now, Mr. President, I have called attention to the sentence in Section 24 of the Committee's report reading as follows and found in lines 2, 3, 4 of the section. 'No judge's salary shall be increased or diminished during his term of office.' Now, the Committee gave that part of the section a great deal of attention. Those words were not placed in there without consideration. Those words are also found in the present constitution and I believe they should continue to be a part of the Constitution with reference to this subject matter. Now, I ...

"MR. BRADSHAW (Interrupting): Mr. President, may I interrogate Mr. Tee?

"PRESIDENT: Does the gentleman yield?

"MR. TEE: I do.

"MR. BRADSHAW: Mr. Tee, is not the same purpose served by Section 6 of File No. 7? I am reading here from the Phraseology report which provides the compensation of state, county and municipal officers shall not be increased during the term of office nor shall the term of any officer be extended?

"MR. TEE: That was the very action that I was about to refer to.

"MR, BRADSHAW: Is there any reason for your amendment?

"MR. TEE: I think so because I am of the belief from remarks here made that this section, as amended, 2 4, as amended, would be considered an exception to their language in File no. 7 which you just read.

* *

"MR. TEE: Well, it all means the same thing. Now, there is no reason why that this salary or this compensation should not be fixed and it should not be susceptible to be juggled around and juggled around like it has been or like this amendment would permit it to be in one direction only. Judges, those men who are competent to be judges, I think are competent to decide, that is to understand the terms upon which the office to which they aspire and which is offered and I think it not an unjust thing to expect them to continue throughout the term of that office upon the terms upon which it is offered. We are not taking any undue advantage of those people by making the limitation on both ends of this matter. I think it should be retained."

After a long discussion (found in the Debates on pages 2738 to 2751) on the merits of allowing the General Assembly to increase the salaries of judges during their terms of office, the amendment was defeated, clearly showing the intention of the framers of the Constitution to leave this problem to the wisdom of the General Assembly.

By applying well established rules of construction, therefore, we must conclude that the framers of the present Constitution of Missouri intended to place no limitations upon the General Assembly with respect to fixing the compensation of Judges of Courts except that such compensation should not be diminished during their term of office. It follows that Senate Bill 159 does not violate the Constitution.

In this connection, attention should be given to Senate Bill No. 176 which was passed by the 64th General Assembly, and approved by the Governor on April 4, 1947. Said latter act provided for the appointment of Supreme Court Commissioners, prescribed their duties and provided for their compensation. Section 1 of said act reads as follows:

> "Section 1. The Supreme Court is hereby authorized and directed to appoint by order made and entered of record within thirty days after this act shall take effect, six (6) persons to be known as supreme court commissioners, each of whom shall possess the same qualifications and take and subscribe a like oath as judges of the supreme court. Such appointment shall be for a term of four years from the expiration of the terms of the present commissioners who are acting under the law creating the similar commission passed by the general assembly in the year 1943. Such commissioners shall receive the same compensation now or hereafter to be received by the judges of the supreme court and payable in the same manner. If any such commissioner shall resign or become in any manner disabled or disqualified to discharge his duties, a successor shall be appointed by the supreme court to serve for the remainder of his term in the manner provided for the appointment of original commissioners; provided that not more than three of said commissioners shall at any time belong to the same political party."

It will be seen that the compensation of the Supreme Court Commissioners is to be the same as that of the Judges of the Supreme Court. When, therefore, the compensation of the judges changes, the compensation of the commissioners likewise changes. Senate Bill 176 contained an emergency clause, and, therefore, went into effect April 4, 1947. Therefore, on September

10, 1947, when the compensation of the Judges of the Supreme Court is increased, the compensation of the commissioners will also be increased so as to be the same as that of the Judges. It might be suggested that the Commissioners of the Supreme Court are not Judges, and that, therefore, Senate Bill 176 violates Section 13, Article VII of the Constitution, supra. Said latter constitutional provision prevents an increase in compensation of "state, county and municipal officers" during their terms of office. Such a question requires that it be determined whether Supreme Court Commissioners are state officers.

In the recent case of State ex rel. v. Meriwether, 200 S. W. 2d, 340, our Supreme Court had before it the question of determining whether a court reporter was a public officer or was merely an employee of the court. The court was considering in that case whether an act of the Legislature increasing the compensation of court reporters during their terms violated Section 13 of Article VII of the Constitution. In discussing the question the Court said, l.c. 341:

> "'It is not possible to define the words 'public office or public officer.' The cases are determined from the particular facts, including a consideration of the intention and subject-matter of the enactment of the statute or the adoption of the constitutional provision.' State ex inf. McKittrick, Attorney General, v. Bode, 342 Mo. 162, 113 S. W. 2d 805, loc. cit. 806.
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> 'It was to prevent persons while possessed of the prestige and influence of official power from using that power for their own advantage that the framers of our organic law ordained that salaries of public officers should not be increased during the terms of the persons holding such offices.' Folk v. City of St. Louis, 250 Mo. 116, loc. cit. 135, 157 S. W. 71, 74.
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> 'Numerous criteria, such as (1) the giving of a bond for faithful performance of the service required, (2) definite duties imposed by law involving the exercise of some portion of the sovereign power, (3) continuing and permanent nature of the duties enjoined, and (4) right of successor to the powers, duties, and emoluments, have been resorted to in determining whether a person is an

> officer, although no single one is in every case conclusive * * * Illustrative of what is meant by 'sovereignty of the state,' in the same opinion (State ex rel. Landis v. Board of Commissioners (of Butler County), 95 Ohio St. 157, 115 N. E. 919, 920) it is said: 'If specific statutory and independent duties are imposed upon an appointee in relation to the exercise of the police powers of the state, if the appointee is invested with independent power in the disposition of public property or with power to incur financial obligations upon the part of the county or state, if he is empowered to act in those multitudinous cases involving business or political dealings between individuals and the public, wherein the latter must necessarily act through an official agency, then such functions are a part of the sovereignty of the state.' ' State ex rel. Pickett v. Truman, Judge, 333 Mo. 1018, 64 S. W. 2d 105, loc. cit. 106."

After the foregoing discussion the Court turned to the statutes relating to court reporters to see whether they in fact constituted the court reporter a public officer, and concluded that the reporter was not a public officer but was merely an employee, the decision in that regard being bottomed primarily upon the proposition that the statutes relating to court reporters do not delegate to them a portion of the sovereign power of government to be exercised for the benefit of the public.

We must, therefore, look to the provisions of Senate Bill 176 to see whether the Supreme Court Commissioners are public officers or are merely employees of the court.

Section 1 of said bill quoted above provides for the appointment of commissioners by order of the Supreme Court. Said section requires the commissioners to have the same qualifications and to take the same oath of office as Judges of the Supreme Court. It also provides that they shall be appointed for a term of four years. Sections 3 and 4 of said act read as follows:

"Section 3. The supreme court en banc may from time to time refer to such commissioners any case or cases for the preparation by said commissioners of a statement of the facts and an opinion upon the legal questions involved or arising in such cases, and shall by order provide for oral arguments before them and the submission of briefs to the said commissioners in cases referred to them. Such commissioners may under the direction of the supreme court prepare and publish dockets from time to time of cases referred to them, and hear oral arguments. The supreme court en banc may order said commissioners or any of them to sit with the court en banc, or with either division of the court in the hearing of arguments and may assign cases so heard by the supreme court or either division thereof and said commissioners sitting with the court, to one of said commissioners for the preparation by said commissioner of a statement of the facts and his opinion upon the legal questions involved or arising therein.

Section 4. All statements of the facts and opinions of said commissioners or any one of them shall be promptly reported to the supreme court en banc, or to such division thereof as the supreme court en banc may order. Such report shall be in writing and signed by the commissioner who prepared the same, and shall show which of the other commissioners concurred therein; and any commissioner or commissioners failing to concur in a report shall prepare a separate report and shall deliver the same to the supreme court en banc or to the division thereof to which the original report was made. Every report shall contain a concise statement of the facts in the case together with an opinion upon the legal questions involved or arising therein. The supreme court en banc, or either division of the supreme court to which such report shall be made, may approve, modify or reject the same and whenever it shall approve a report as submitted or modified the same as approved shall <u>be promulgated as the opinion of the supreme court or such division thereof</u>, and

> shall be filed and judgment shall be entered in the same manner and with like effect and subject to the same orders and motions as in the case of other opinions and judgments of the court en banc, or the division thereof, by which the same shall be approved or promulgated, and shall show which of the commissioners and which of the judges concurred in such opinion; Provided, if such report shall have been made to either division of the supreme court, and shall have received a majority vote of the members of such division, if any of the judges of such division dissent from the opinion of the commissioners, such case may be transferred from such division to the court en banc, in the same manner and with like effect as cases now or may hereafter be transferred when the opinion is written by one of the judges of such division. The commissioners shall be subject to the rules and orders of the supreme court and shall in fact perform such service as the court may require and the court shall by rule provide for carrying into effect the provisions and purposes of this act in order to expedite the business of the court." (emphasis ours.)

While Senate Bill 176 requires the commissioners to take an oath of office and prescribes a term of office, yet it does not invest them with any part of the sovereign power of government. They are given no authority to do anything in and of themselves, but they can only do what is assigned to them by the judges of the court, and what they do then has no legal or binding effect unless it is approved and adopted by the court. Section 4 of the act, supra, provides that "The supreme court en banc, or either division of the supreme court to which such report shall be made, may approve, modify or reject the same and whenever it shall approve a report as submitted or modified the same as approved shall be promulgated as the opinion of the supreme court or such division thereof, * * *". The last sentence of Section 4 of the act reads as follows:

> "The commissioners shall be subject to the rules and orders of the supreme court and shall in fact perform such service as the court may require and the court shall by rule provide for carrying into effect the provisions and purposes of this act in order to expedite the business of the court."

It thus appears clear that the commissioners are employees appointed by the court to assist the court in its work and to expedite the business of the court. Not being state, county or municipal officers, their compensation can be increased during their terms, and if Senate Bill 176 has the effect of increasing their compensation during their terms, it does not violate Section 13 of Article VII of the Constitution. There is no prohibition in the constitution against increasing the compensation of employees.

There is another reason why we think Senate Bill 176 does not violate Section 13 of Article VII of the Constitution, and that is that it does not actually provide for an increase in compensation of the commissioners. What it does is to provide a method by which the compensation of the commissioners is to be determined. It does not state the compensation at any given figures. It provides that the compensation shall be the same as that of the Judges of the Supreme Court, be that great or small. The compensation of the judges is the yardstick by which the compensation of the commissioners is to be measured. The increase in the compensation of the judges does not increase the compensation of the commissioners as set by Senate Bill 176, but it merely produces a different amount for the compensation of the commissioners in accordance with the formula for determining the compensation as set forth in said act.

An increase in the compensation of Judges of the Supreme Court produces as to the compensation of the commissioners a result similar to that produced upon the compensation of a county officer when the population of his county increases during his term, and thereby puts him into a different salary bracket. In State ex rel. v. Hamilton, 303 Mo. 302, 260 S. W. 466, a circuit clerk had sued to recover increased salary to which he contended he was entitled by reason of the change in the population of his county which put his county in a higher salary bracket. His claim was opposed on the ground that his salary could not be increased during his term under the constitution. In ruling the case the Court said, 260 S. W. l.c. 469:

> "This act of 1915 was in effect when relator was elected. Under it, relator's salary was fixed for his whole term, but was not in named dollars and cents for the whole term. The effect of this act of 1915 was to say to relator, 'Your salary shall be determined

upon the presidential vote of 1916, until there is another presidential election, at which time your county may be in a lower or a higher class, according to the population indicated by the presidential vote.' The salary, in amount, was fixed by law as to relator's office in any event. If his county was not subjected to a change of class, his salary was not changed. If his county (by a decreased population) dropped to a lower class, his salary was fixed, and was fixed before his election, although the change of class might give him a different amount. So too, if his county increased in population and thereby passed to a higher class, the existing law (that in force at the time of his election) fixed for him a salary. True it was higher, but it was definitely fixed at the date of his election. If the act of 1915 had said that the circuit clerk of Crawford county, elected in 1916, shall receive $1,600 per year for the first two years, and $1,950 per year for the last two years of the term there would be no question. Section 8 of article 14 of the Constitution could not be invoked, because the salary would not be either increased or decreased during the term. To my mind the act of 1915 as it now stands is no nearer a violation of section 8 of article 14 of the Constitution, than the supposed law. The lawmakers knew the presidential election years, and with this knowledge classified the counties as to salaries, and provided that such salaries should be determined by the last previous presidential vote. The salary of each class was fixed, and as said no subsequent law has changed the fixed salaries. The mere fact that a county passed from one class to the other does not deprive the holder of the office of the salary fixed by law, and fixed too, at a time long prior to relator's election. In our judgment section 8 of article 14 of the Constitution does not preclude a recovery by relator. This because his salary was fixed by law before his election, and no law since enacted has changed it, except as we may hereafter note."

To the same effect is the case of State ex rel. v. Linville 318 Mo. 698, 300 S. W. 1066. Senate Bill 176, which was in effect when the commissioners were appointed, provided that they should receive the same amount of compensation as the Judges of the Supreme Court, whether that amount was $10,000, $12,000 or some other amount which the Legislature might prescribe for the judges. In effect said bill definitely fixed the compensation of the commissioners, and the mere fact that other circumstances provided for in the act came into play which made their compensation more than it was when they were appointed did not amount to an increase in their compensation any more than did a change in population of counties during the terms of county officers, thereby putting such officers in a higher salary bracket, amount to an increase in such salaries in the Hamilton and Linville cases, supra.

Conclusion

It is, therefore, the opinion of this office that Senate Bill No. 159 will become effective September 10, 1947, and that said bill and Senate Bill No. 176 are constitutional.

Yours very truly,

Harry H. Kay
Assistant Attorney General

APPROVED:

J. E. Taylor
Attorney General.

HHK/vlv