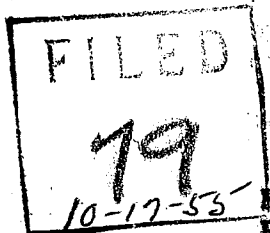


COUNTY COURT: Prior to October 9, 1951, there existed no legal
ASSESSOR: authority under which the county court could pay
from county funds the compensation of clerical
assistants in the office of the assessor for ser-
vices performed prior to said date.

October 17, 1955



Honorable J. B. Schnapp
Prosecuting Attorney
Madison County
Fredericktown, Missouri

Dear Mr. Schnapp:

Reference is made to your request for an official opinion
of this office, which request reads as follows:

"I desire an opinion on the following question,
to-wit: Mr. Buford Woods was the Assessor for
Madison County for the year 1951. The records
of Madison County, Missouri show that he was
paid the sum of \$100.00 for Clerical Assis-
tance for the year 1951. At this time, Mr. Wood
has now filed signed receipts from two individ-
uals, one in the amount of \$430.45 and the other
receipt in the amount of \$175.00, stating that
is the amount of money which he paid them for
Clerical Assistance in the year 1951. I am cog-
nizant of your opinion dated November 27, 1951.
My question is, whether or not the County Court
can now legally pay Mr. Woods for Clerical As-
sistance rendered in 1951 in view of the fact
that one payment in the sum of \$100.00 was ap-
parently previously made, and also in view of
the fact that the receipts were not filed and
the request for reimbursement for this Clerical
Assistance was not made until August, 1955."

Subsequently, we inquired of you as to the periods during
1951 when the clerical assistance to which you refer was performed.
In reply by letter dated October 7, 1955, you state that payments
were made on June 16, 1951 and July 12, 1951. Therefore, we assume
for the purpose of this opinion that said services were rendered
prior to said date.

Prior to 1951, there existed no authority for the county court
of a county of the third class to pay from county funds the compen-

Honorable J. B. Schnapp

sation of deputies or clerks employed by the assessor. This conclusion is fully developed in an opinion of this office to James D. Clemens, Prosecuting Attorney of Pike County, under date of February 4, 1950, a copy of which is enclosed herewith for your information.

In 1951, the 66th General Assembly, by the enactment of House Bill 70, authorized the assessor in counties of the third class to appoint such clerical assistants as may be necessary for the efficient performance of the duties of his office and further provided that the compensation of such assistants, in an amount not to exceed six hundred dollars, shall be paid from the county treasury. Said bill is now found as Section 53.095 RSMo Cumulative Supplement 1953, and more fully provides as follows:

"The county assessor in each county of classes three and four may appoint and fix the compensation of such clerical or stenographic assistants as may be necessary for the efficient performance of the duties of his office. The compensation of such clerical or stenographic assistants shall be paid from the county treasury and shall not exceed six hundred dollars per annum in counties of class three nor six hundred dollars per annum in counties of class four."

Said bill was approved by the Governor on June 25, 1951 and became effective October 9, 1951 (by Laws of Missouri 1951).

It is a fundamental rule of statutory construction that, in the absence of clear legislative intent to the contrary, the effect of statutes is prospective only. *Clark Estate Co. v. Gentry*, 362 Mo. 80, 240 SW2d 124. Stated in other words, statutes must be held to operate prospectively only unless the intent is clearly expressed that they shall act retrospectively or the language of the statutes admits of no other construction. *Lucas v. Murphy*, 348 Mo. 1078, 156 SW2d 686. See also, *Minter v. Bradstreet Co.*, 174 Mo. 444, 73 SW 668. In view of this rule of construction and the fact that presumably the services referred to were performed prior to the effective date of Section 53.095 RSMo Cumulative Supplement 1953, we are compelled to the conclusion that the county court would not be authorized to reimburse the county assessor for said clerical hire under the authority of said section. We are enclosing herewith an opinion of this office to Robert B. Osborn, Assistant Prosecuting Attorney, Reynolds County, under date of November 27, 1951, which also reaches the same conclusion.

Honorable J. B. Schnapp

Further, as we have hereinabove noted, there was no authority for the county court to pay the compensation of clerical hire in the office of the assessor prior to the effective date of said section.

CONCLUSION

Therefore, in the premises, it is the opinion of this office that there is no legislative authority under which the county court of a county of the third class can pay from county funds the compensation of clerical assistants in the office of the assessor for services performed prior to October 9, 1951.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Donal D. Guffey.

Yours very truly,

John M. Dalton
Attorney General

DDG:sm

Enc. Opinions to -
James D. Clemens, 2-4-50;
Robert B. Osborn, 11-27-51.