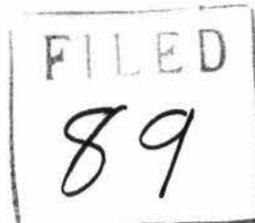


CENSUS:

The 1950 decennial census of the United States becomes official insofar as the authority of the County Court to pay an assistant prosecuting attorney is concerned, on January 1, 1951.

June 21, 1950



Mr. B. C. Tomlinson
Prosecuting Attorney of
St. Francois County
Farmington, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your opinion request:

"Section 12939.4 Missouri Revised Statutes Annotated (Laws 1945, p. 1536, Section 4, reenacted Laws 1947, Vol. 1, p. 489, Section 1) provides for an assistant prosecuting attorney to be appointed in counties of the third class and as to the compensation of said assistant provides as follows:

"The compensation of an assistant prosecuting attorney shall be paid by the prosecuting attorney except that, with the approval of the county court in a county of the third class which now contains or may hereafter contain more than 35,000 inhabitants, an assistant may be paid out of the county treasury an annual salary not to exceed \$2400.

"If the 1950 Census shows the population of the county to be less than 35,000 whereas now it is more than 35,000 and an assistant is being paid by the county court as provided by the above law, at what time does the new census figures become official so that the authority of the county court to pay an assistant ceases?"

In answer to your question we would call your attention to Section 1.10 (645.13430) Senate Revision Bill No. 1001, of the 65th General Assembly, which said section reads as follows:

Mr. B. C. Tomlinson

"The population of any political subdivision of the state for the purpose of representation or other matters including the ascertainment of the salary of any county officer for any year or for the amount of fees he may retain or the amount he shall be allowed to pay for deputies and assistants shall be determined on the basis of the last previous decennial census of the United States. For the purposes of this section the effective date of the 1950 decennial census of the United States shall be January 1, 1951, and the effective date of each succeeding decennial census of the United States shall be on January 1, of each tenth year after 1951."

CONCLUSION

It is the opinion of this office that the 1950 decennial census of the United States becomes official, insofar as the authority of the County Court to pay an assistant prosecuting attorney is concerned, on January 1, 1951.

Respectfully submitted,

HUGH P. WILLIAMSON
Assistant Attorney General

APPROVED:

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J. E. TAYLOR
Attorney General