



OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

February 4, 1975

OPINION LETTER NO. 78

Honorable Theodore L. Johnson, III  
County Counselor of Greene County  
Greene County Courthouse  
Springfield, Missouri 65802

Dear Mr. Johnson:

This letter is in response to your question asking:

"Does the County Court of a first class county have the authority to set budgetary levels for Magistrate Court personnel below the submitted request of the Magistrate Court for its annual operation?"

You also state that:

"The Greene County Magistrate Courts have submitted budgetary requests for 1975 in the sum of \$67,680. The County Court has considered fixing the budget level for 1975 at \$58,180. The Greene County Magistrate Court has made demand for \$67,680. Therefore must the County Court follow demand for requested level or can it fix the level."

You have also noted with respect to the circuit courts that Section 50.640, RSMo, limits the authority of the county court to change the estimates of the circuit court. We find no such limitation with respect to magistrate courts.

The Missouri Supreme Court opinions dealing with the interpretation of Section 50.640, RSMo, are not applicable here (see State ex rel. Judges, etc. v. City of St. Louis, 494 S.W.2d 39,

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(Mo. Banc 1973), and cases cited therein) except for the possible indication that irrespective of statute the Supreme Court would not likely permit the severe impairment of any judicial functions as a matter of constitutional law.

In these premises we cannot see a severe impairment of the court's functions by reason of the estimate reduction such as to give rise to a constitutional question. We therefore conclude that the county court has authority to reduce such budgets under the county budget law and particularly Section 50.610.

Very truly yours,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in dark ink and is positioned below the typed name.

JOHN C. DANFORTH  
Attorney General