

COURT REPORTERS: Sec. 485.065 of H.B. 384, 68th General Assembly comprehends court reporters of St. Louis Court of Criminal Correction authorized by Sec. 485.140 of said law.



July 12, 1956

Honorable Newton Atterbury
Comptroller and Budget Director
State Department of Revenue
Capitol Building
Jefferson City, Missouri

Dear Sir:

The following opinion is rendered in reply to your request of recent date posing a question which we restate as follows:

"Does Section 485.065 of House Bill 384, passed by the 68th General Assembly comprehend court reporters of the St. Louis Court of Criminal Correction authorized by Section 485.140 of said law?"

Section 485.065 of House Bill 384, supra, provides:

"Three-fourths of the salary of the court reporter shall be paid out of the county treasury and one-fourth out of the state treasury. Where a judicial circuit is composed of more than one county, the county part of the salary shall be divided among the counties and be paid by them proportionately as the population of such county bears to the entire population of the circuit."

From language contained in your letter of inquiry it stands conceded that the appropriation made by the 68th General Assembly, Special Session, House Bill No. 5, Section 10, does make special reference to court reporters of Courts of Criminal Correction, and such reference can be to none other than the St. Louis Court of Criminal Correction and its divisions. House Bill 384, supra; is directed to Chapter 485,

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RSMo 1949, as amended, which is the basic law applicable to court reporters and stenographers attending courts of record mentioned therein.

We summarize our review of House Bill 384, supra. Section 485.040 of House Bill 384 amended, by repeal and reenactment, Section 485.040 RSMo 1949, so as to clothe courts of common pleas, and all divisions of such courts, with authority to appoint an official reporter. The particular statute before amendment only referred to circuit courts and their divisions. House Bill 384 amended, by repeal and reenactment, Section 485.140 RSMo 1953 Supp., which was the special statute in Chapter 485 RSMo 1949, vesting authority in judges of each division of the St. Louis Court of Criminal Correction to appoint a court reporter. The 1955 amendment to Section 485.140 contains the following provision:

" * * * Each of such reporters shall receive an annual salary of six thousand five hundred dollars, payable in equal monthly installments on the certificate of the judge of the court certifying as to the time served by the reporter."

Before the 1955 amendment of Section 485.140, supra, the foregoing quoted provision read as follows:

" * * * Each of such reporters shall receive an annual salary of five thousand dollars, payable in equal semi-monthly installments out of the treasury of the city of St. Louis on the certificate of the clerk of said court certifying as to the time served by said reporter." (Emphasis supplied.)

It is apparent from comparing the two above quoted provisions of the statute that the 1955 amendment raised the salary of the reporters of the St. Louis Court of Criminal Correction, made provision for paying them monthly rather than semi-monthly, and deleted the provision making specific reference to the treasury of the City of St. Louis. This was obviously done to cause this particular statute to become germane to Section 485.065 of House Bill 384 which provides how court reporters appointed under Chapter 485 RSMo 1949, as amended, are to be paid. No problem is presented due to the fact that Section 485.140 of House Bill 384 no longer

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contains a provision providing that the reporters for the St. Louis Court of Criminal Correction are to be paid out of the treasury of the City of St. Louis. In *McClellan v. City of St. Louis*, 170 S.W. (2d) 131, l.c. 132, the St. Louis Court of Appeals spoke as follows:

"The City of St. Louis has a dual character and acts in a dual capacity. It exercises county functions and municipal functions. Like other municipalities in the state it may as a municipality exercise governmental functions. As a county it is a political subdivision of the state."

CONCLUSION

It is the opinion of this office that Section 485.065 of House Bill 384, passed by the 68th General Assembly comprehend court reporters of the St. Louis Court of Criminal Correction authorized by Section 485.140 of said law.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Julian L. O'Malley.

Very truly yours,

John M. Dalton
Attorney General

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