

MAGISTRATES:

Incumbent magistrates salaries must be increased or decreased as of January 1, 1961, the effective date of 1960 census if application of statutory classification in effect at commencement of their terms so results.

January 26, 1961



Comptroller and Budget Director
State Capitol
State of Missouri
Jefferson City, Missouri

Dear Mr. Schwada:

In your letter of January 20, 1961, you have requested an official opinion on the following question:

Among other duties, this office prepares requisitions for payment of the salaries of magistrates and magistrate clerks. The salaries of magistrates and magistrate clerks are fixed by law, based upon assessed valuation and population. Since official population figures are now available from the 1960 census, some changes in salaries for magistrates would appear to be necessary. In some cases salaries would be increased and in other cases decreased.

In view of the provisions of House Bill 304, 70th General Assembly, and other applicable statutes, should this office decrease or increase, in accordance with statutory classifications, magistrate salaries effective January 1, 1961?

Since requisitions for magistrate salaries must be prepared by January 25, if salaries are to be paid at the time specified by the statute, may we please have your opinion at your earliest convenience?"

This office has just completed an opinion dated January 26, 1961 to Mrs. G. B. Stewart, Prosecuting Attorney, Douglas County, on a similar question. We believe that this opinion, a copy of which is submitted herewith, will answer your question.

CONCLUSION

It is our opinion that where the application of the statutory formula so requires, magistrates' salaries must be changed as of January 1, 1961 in accordance with statutory classification contained in the laws in effect at the commencement of their terms, irrespective of whether such change results in an increase or a decrease in the amount of compensation payable.

The foregoing opinion which I hereby approve was prepared by my assistant, Joseph Nessenfeld.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JN:vm