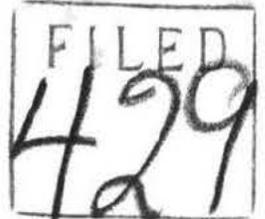


COUNTY SUPERINTENDENT OF SCHOOLS:1. The qualified voters of
ELECTIONS: Pemiscot County should elect
SCHOOLS: a county superintendent of
VACANCY: schools at the annual district
SALARIES AND FEES: school meeting to be held on the
first Tuesday in April, 1963.
2. The State of Missouri will
contribute its share of the salary
to which the duly elected and
qualified county superintendent of
schools of Pemiscot County is en-
titled by statute.

December 6, 1962

OPINION
No. 429

Honorable Sidney H. Chaffin
Prosecuting Attorney
Pemiscot County
Caruthersville, Missouri



Dear Mr. Chaffin:

We have your letter of November 26, 1962, in which you request an opinion of this office on two points, which are:

- "(1) Whether an election should be held next April to elect a County Superintendent of Schools,
- "(2) If such officers is elected, will the state contribute its share of said officers salary as provided by statute."

In answer to the first question we refer you to Section 167.010, RSMo 1959, the first sentence of which reads as follows:

"The qualified voters of each and every county in this state shall elect a county superintendent of public schools at the annual district school meeting held on the first Tuesday in April, 1943, and every four years thereafter."

This statute is still in force and effect, and, following the language of this section it is obvious that there should be an election in Pemiscot County to elect a county superintendent of schools on the first Tuesday in April, 1963.

In answer to your second question, we are enclosing a copy of an opinion of this office issued on April 4, 1961,

to Honorable Elva D. Mann, Representative, Polk County, State Capitol Building, Jefferson City, Missouri. This opinion sets out that portion of the salary of the county superintendent of schools which is not payable in those counties where there are no common school districts and where the county superintendent of schools has no school districts under his supervision. In accordance with this opinion the state has declined to contribute those specified portions of the salary of the county superintendent of schools in those counties which fall within its application. Conversely, the state has and will contribute its share of the remaining portions of the salary of the county superintendent of schools as provided by statute.

For your information, we are also enclosing a copy of an opinion of this office issued on October 23, 1959, to Honorable Bill Davenport, Prosecuting Attorney, Christian County, Ozark, Missouri.

CONCLUSION

It is, therefore, the opinion of this office as follows:

1. That the qualified voters of Pemiscot County should elect a county superintendent of schools at the annual district school meeting to be held on the first Tuesday in April, 1963.
2. The State of Missouri will contribute its share of the salary to which the duly elected and qualified county superintendent of schools of Pemiscot County is entitled by statute.

This opinion, which I hereby approve, was prepared by my assistant Wayne W. Waldo.

Very truly yours,

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THOMAS F. EAGLETON
Attorney General