

November 6, 1964

Opinion No. 346
Answered by letter

Honorable Virgil Conkling
Prosecuting Attorney
Wayne County
Greenville, Missouri



Dear Mr. Conkling:

This is in answer to your recent request for an official opinion of this office relating to stenographic and clerical help for a prosecuting attorney in a fourth class county, which reads in part as follows:

"Where the amount equivalent to \$75.00 monthly has been budgeted according to law for the payment of stenographic and clerical help for the prosecuting attorney's office under the captioned statute, has the county court the power to discontinue payment of the same for any portion of the fiscal year for which such sum has been so budgeted, assuming the continued need and employment of such help?"

Section 56.245, RSMo 1961 Cum. Supp., provides that:

"The prosecuting attorney in counties of the third and fourth class may employ such stenographic and clerical help as may be necessary for the efficient operation of his office. The salary of any stenographer or clerk so employed shall be fixed by the prosecuting attorney with the approval of the county court to be paid by the county but such salary shall not exceed twenty-seven hundred dollars per year in third class counties and twelve hundred dollars per year in fourth class counties."

Honorable Virgil Conkling

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Thus, the prosecuting attorney determines what stenographic and clerical help is necessary for the efficient operation of his office.

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The salary of such help is fixed by the prosecuting attorney, subject to the "approval" of the county court. Once that approval has been given and budgeted according to law, there being no statutory provision which permits this "approval" to be altered, it is the opinion of this office that the county court does not have the power to discontinue payment of the budgeted amount, assuming, of course, the continued need and employment of such help.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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