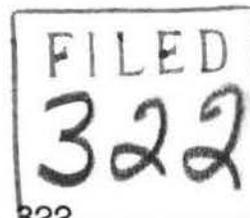


JUDGES: House Bill 390, 73rd General Assembly  
CIRCUIT JUDGES: (Section 478.013 RSMo.) applies to  
COURTS: the Circuit Judge of Cole County and  
OFFICERS: provides that his salary shall be  
COMPENSATION OF OFFICERS: Sixteen-Thousand dollars per annum  
COUNTY COURTS: payable out of the state treasury and  
if the county court should so order,  
an additional Three-Thousand dollars  
per annum to be paid by Cole County.

September 17, 1965



OPINION NO. 322

Honorable James T. Riley ✓  
Cole County Prosecuting Attorney  
Jefferson City, Missouri

Dear Mr. Riley:

This is in response to your request for an opinion of this office as to whether House Bill No. 390, 73rd General Assembly, relating to salaries of circuit judges, makes any provision for the salary of the judge of the circuit court of Cole County.

House Bill No. 390, 73rd General Assembly will be known as Section 478.013 RSMo. Subsection 1 thereof relates to judges of the circuit courts of circuits composed of a single county or city which now has or may hereafter have more than Two-Hundred-Thousand inhabitants and Subsection 2 relates to judges of judicial circuits composed of a single county within which is located part of a city, which city now has or may hereafter have more than Seventy-Five-Thousand and less than Two-Hundred-Thousand inhabitants.

Subsection 3 applies to all the other circuit judges of Missouri, including Cole County, and states:

"All other judges of the circuit courts of this state shall each receive an annual salary of sixteen thousand dollars payable by the state out of the state

Honorable James T. Riley

treasury. If the county courts of all of the counties composing a circuit so order, the judge of that circuit shall receive an additional three thousand dollars per annum to be paid by the counties composing the circuit. The county part of the salary shall be divided among the counties and be paid by them proportionately as the population of each county bears to the entire population of the circuit."

Subsection 1 of Section 1.030 RSMo, states:

"Whenever, in any statute, words importing the plural number are used in describing or referring to any matter, parties or persons, any single matter, party or person is included, although distributive words are not used."

Applying the last quoted section to subsection 3 of Section 478.013 RSMo, the language "if the county courts of all the counties composing a circuit so order, the judge of that circuit shall receive an additional Three-Thousand dollars per annum to be paid by the counties composing the circuit," should be interpreted to read when applied to Cole County, "if the county court of the county composing a circuit so orders, the judge of that circuit shall receive an additional Three-Thousand dollars per annum to be paid by the county composing the circuit."

Therefore, this office concludes that Section 478.013 applies to the circuit judge of Cole County and provides that his salary shall be Sixteen-Thousand dollars per annum payable out of the state treasury and if the county court should so order, an additional Three-Thousand dollars per annum to be paid by Cole County.

You do not ask, we have not considered and do not pass upon the constitutionality of House Bill 390, (Section 478.013 as amended).

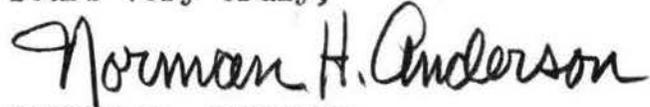
Honorable James T. Riley

CONCLUSION

It is the opinion of the Attorney General that House Bill 390, 73rd General Assembly (Section 578.013 RSMo), applies to the circuit judge of Cole County and provides that his salary shall be Sixteen-Thousand dollars per annum payable out of the state treasury and if the county court should so order, an additional Three-Thousand dollars per annum to be paid by Cole County.

The foregoing opinion which I hereby approve was prepared by my assistant, Donald L. Randolph.

Yours very truly,

A handwritten signature in cursive script that reads "Norman H. Anderson". The signature is written in dark ink and is positioned above the typed name and title.

NORMAN H. ANDERSON  
Attorney General