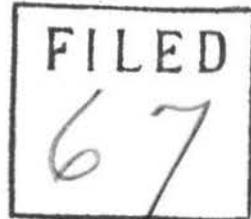


FARM BUREAU: Definition of "rural population" to be used in determining maximum appropriation.

December 30, 1943.



Mr. Robert V. Niedner,
Prosecuting Attorney
St. Charles County,
St. Charles, Missouri.

Dear Sir:

This will acknowledge receipt of your letter of December 21, 1943, as follows:

"I wish to have your opinion concerning the construction of the term 'rural population' as used in the 7th paragraph on Page 321 in the Laws of Missouri for 1943. My question more specifically is whether or not the term rural population as so used includes the population of fourth class cities, villages and towns as defined in Article 9, Chapter 38, and Article 10, Chapter 38, of the Revised Statutes of Missouri for 1939.

"The County Court of St. Charles County is attempting to determine what residents of St. Charles County constitute its rural population for the purpose of determining the County's share of the cost of carrying on cooperative extension work provided in the Act of the General Assembly pertaining to agriculture set out on Pages 319 to 323 of the Laws of Missouri for 1943."

The Act of the General Assembly appearing in Laws 1943, pp. 319-323 relates to support of county farm organization by the various county courts. Section 5 of the Act makes it mandatory upon the county courts to budget for the use of such organizations a fixed minimum sum determined according to the total assessed valuation of the county. It then provides:

"* * * that no county shall appropriate more than twenty-five (25) cents per capita of the rural population as determined by the last federal census:"

It appears to us that since the population figure to be used in determining the maximum appropriation is the rural population "as determined by the last federal census", we must look to the classification or definition of "rural population" used by the United States Census Bureau in taking the 1940 census. To do otherwise would lead to an absurd result. For example, if the U. S. Census Bureau classes all incorporated areas of 2500 or less as rural (we do not know whether it does or not), and we were to say that "rural population", as that term is used in Section 5, means the population residing in fourth class cities (3000 - 500, Sec. 6215 R.S. Mo. 1939), villages (500 or less, Sec. 6216, R.S. Mo. 1939) and unincorporated areas, then any computation of rural population by the county court based on our ruling would not be "as determined by the last federal census"; it would be an enumeration, probably using the census reports of necessity, but classing certain areas different from the classification used by the U.S. Census Bureau when it made up that report. Were that to be done then the result reached would not reflect the rural population "as determined by the last federal census" but rather would reflect the rural population as determined by the county court.

In the reports of the U. S. Census Bureau for 1940 on the State of Missouri, we find that while there is a table showing the rural population for the whole state, no table is given breaking this down by counties. However, provision is made for obtaining such information from the United States Bureau of the Census, Washington, D.C., in 13 U.S.C.A. 218, where it is provided:

"The Director of the Census is authorized at his discretion, upon the written request * * * of a court of record, to furnish such * * * court of record with certified copies of so much of the population * * * returns as may be requested, upon payment of the actual cost of making such copies and \$1 additional for certification; * * *".

The County Court is a court of record (Sec. 1990, R. S. Mo. 1939) and is therefore entitled to receive this information from the Census Bureau.

CONCLUSION.

Therefore, it is our opinion the term of "rural population" as used in Section 5, Laws 1943, p. 321, is that classification or definition used by the U. S. Bureau of Census in taking and compiling the 1940 census. Said figures should be obtained from the Bureau of the Census and be used to determine the maximum appropriation which can be made by the County Court for support of the County Farm Organization.

Respectfully submitted,

LAWRENCE L. BRADLEY
Assistant Attorney-General

APPROVED:

ROY McKITTRICK,
Attorney-General.

LLB/LD