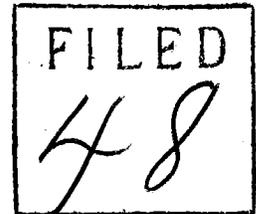


TIME: County officers of Iron County to operate on CST.

May 2, 1946



Honorable John H. Keith
Prosecuting Attorney
Iron County
Ironton, Missouri

Dear Sir:

We hereby acknowledge receipt of your request for an opinion, which reads as follows:

"The City of Ironton has provided by ordinance for daylight saving time.

"The County Court House is in Ironton, and should the county officers office hours conform to the City time or standard time?"

The State of Missouri has no statutory enactment which establishes any particular clock-setting as the official time of the state. However, the time zone as established by the Federal government has been generally adopted throughout the state and has been in use for many years. The zone in which this state is located is the Central Standard Time zone, and, therefore, that is the time which is in general use in this state.

In determining whether Standard Time or Daylight Savings Time is applicable, the courts look to see which of the two is generally in use. As an example of such determination we quote from the case of Anderson v. Cook, 130 P. (2d) 278, 143 A. L. R. 987, wherein it is stated, l. c. 991:

"The case of Salt Lake City v. Robinson, 39 Utah 260, 116 P. 442, 446, 35 LRA (NS) 610, Ann Cas 1913E, 61, is determinative of this question. In that case

it was said: ' . . . When, therefore, the system is and has been in universal use, as in Salt Lake City or as in New York City, as illustrated in the case of Globe, etc., Ins. Co. v. David Moffat Co., supra (2 Cir, 154 F 13), the courts not only may, but should, take judicial notice of that fact; and when time is a material ingredient, at least so far as laws are concerned, courts should apply the time in general use, and not that which by common consent has been discarded and has thus become obsolete.'

"So here, when not only the State of Utah but practically the entire nation entered upon and put into use what we call War Time, and practically all business, public and private, including schools, transportation systems, banks, stores, mail service, etc., operate upon such schedule, it becomes the time in general use, the standard time on which business operates and regulates political as well as social and economic life. Here too, the court having, prior to this statute, laid down the rule for construction of time statutes, it must follow that had the legislature intended some other basis of computation it would have so specified. * * *"

In an annotation to the case of State of Wisconsin v. Badolati, 143 A. L. R. 1234, at page 1241, the general rule is stated as follows:

"The criterion used by the courts generally, at least in the absence of a specifically applicable statutory enactment setting a standard of time, to determine which of two systems or measures of time is applicable to a specific time provision, is whether any particular system is in general use. * * *"

In arriving at this general rule, the following cases were cited: Jones v. Gorman Ins. Co., 110 Ia. 75, 81 N. W. 188; State v. Johnson, 74 Minn. 381, 77 N. W. 293; Soarles v. Avoehoff, 28 Neb. 668, 44 N. W. 872; McFarlane v. Whitney, 134 Tex. 394, 134 S. W. (2d) 1047; Salt Lake City v. Robinson, 39 Utah 260, 116 P. 442.

In line with this general rule, we may look to determine which particular system is in general use in your community. You state in your request that the City of Ironton has adopted an ordinance providing Daylight Savings Time for that city.

As stated hereinbefore the State of Missouri follows Central Standard Time, and under the rule followed by the courts that is the system in general use in this state, excluding a few isolated cases.

The population of the city of Ironton by the 1940 Census was 1,083. The population of Iron County by the same Census was 10,440. We do not believe that it may be said, therefore, that more than one-tenth of the population of Iron County is affected by Daylight Savings Time. The county officers are to give service to the entire population of the county and not alone to those who reside in the city of Ironton. In order to give their service properly these officers should operate on the time in general use in the entire county.

Conclusion

It is, therefore, the opinion of this department that the officers of Iron County should conform to Central Standard Time, since that is the particular system which is in general use in that county.

Respectfully submitted,

J. MARTIN ANDERSON
Assistant Attorney General

APPROVED:

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