

STATE BOARD OF HEALTH:) Fees earned in the division of
VITAL STATISTICS:) vital statistics to be turned
over to the State Treasurer.

5-3

May 3, 1935.

Hon. E. T. McGaugh
State Health Commissioner
Jefferson City, Missouri



Dear Sir:

This is to acknowledge your letter as follows:

"We are somewhat confused as to where monies received for certified copies should be placed.

"In the 1933 Session Acts, under section 32 Vital Statistics, it states: 'Assistant registrar, Statistician, clerk recording deaths, clerks for routine Vital Statistics work.' They are the ones responsible for collecting this money, and are designated under the Health Department of the State Board of Health.

"In Section 9060, of the Revised Statutes of 1929, this statement is made: 'And any such copy of the record of a birth or death, when properly certified by the State Registrar to be a true copy thereof, should be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received, under these provisions, and turn the same over to the State Treasurer.'

"What I would like to know, and have your opinion, is this: Are these fees for certified

copies to be placed into the Health Department of the State Board of Health, or are they to be placed in the State Treasury? I feel that if the division of Vital Statistics earns these fees that the fees should be returned to the Department of Health, of the State Board of Health, to pay the expenses of the clerks who makes it possible to collect said fees.

"Your immediate opinion will be very much appreciated."

Section 9024, R. S. Mo. 1929, as re-enacted in the Session Laws of 1933, on page 269, provides in part:

"****The Commissioner of Health as hereby constituted shall assume all the rights, powers, privileges and duties heretofore conferred by law upon the Secretary of State Board of Health heretofore authorized by law, which office is hereby abolished. Where any law refers to the Secretary of the State Board of Health as heretofore constituted, same shall, after the passage of this Act, be construed as referring to and meaning the Commissioner of Health as hereby and herein constituted."

Section 9041, R. S. Mo. 1929, provides in part:

"The secretary of the state board of health shall have supervision over the central bureau of vital statistics, which is hereby authorized to be established by said board and shall act as state registrar of vital statistics. ****"

Section 9060, R. S. Mo. 1929, provides as follows:

"The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this article, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by applicant. And any such copy of the record of a birth or death, when proper-

ly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer."

Section 9062, R. S. Mo. 1929, provides in part:

***** The state registrar is hereby charged with the thorough and efficient execution of the provisions of this article **** to the end that all the requirements shall be uniformly complied with. *****

In view of the foregoing statutes, it is the opinion of this department that the Commissioner of Health, when acting as a State Registrar, shall be charged with the carrying out of the provisions of the statutes, in that he shall keep a true and correct account of all fees by him received under the provisions of Section 9060, supra, and turn the same over to the State Treasurer.

We conclude in the construing of Section 9060, supra, that it is mandatory upon the State Registrar to turn the fees received by him or his assistants over to the State Treasurer despite the fact that said fees are earned in the Division of Vital Statistics of the State Board of Health.

Yours very truly,

APPROVED:

ROY McKITTRICK
Attorney-General.

J. E. TAYLOR
Assistant Attorney-General.

RCS/JET:afj