

VITAL STATISTICS. : Local Registrars in cities 10,000
: to 30,000 must supply city Board
: of Registrars monthly list of deaths
: of persons over 21 years of age,
: during preceding month.

June 5, 1944

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Mr. O. S. Hull, Jr.,
Director Vital Statistics
The State Board of Health of Missouri
Jefferson City, Missouri

Dear Mr. Hull:

This will acknowledge the receipt of your letter of May 25, 1944, requesting an opinion of this office, which is as follows:

"I have received the following letter from the local registrar of Adair County:

'Mr. O. S. Hull, Director
Vital Statistics
State Board of Health
Jefferson City, Missouri

'Dear Mr. Hull:

'I have been informed by the City of Kirksville that I should hand them a list of all legal voters who die each month. In fact they are just now asking me to bring it up to date from the time of the last census.

'This is quite a little task and I am wondering if I can legally charge them for this service.'

'Your advice will be appreciated.

Yours very truly,

Mrs. J. L. Wagner.'

"I would like to have an opinion as to whether or not a local registrar is to furnish cities with a list of legal voters who die and if they can make a charge for this service. An early reply will be appreciated."

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Sec. 11947, R. S. Mo., 1939, provides:

"It shall be the duty of the person or official having charge of the vital statistics of any such city to furnish said board of registrars, monthly, a report of the names, sex, color and previous residence of all persons over 21 years of age who have died during the preceding month. Any registrar of vital statistics violating the provisions of this section shall be deemed guilty of a misdemeanor, and fined not less than \$10.00 and not more than \$50.00. (laws 1933, p. 239, Sec. 12.)"

The plain words of this statute require the local registrar to furnish the Board of registrars of cities between 10,000 and 30,000 inhabitants with this information. There is no fee provided in the statute for this service, nor is there any provision in the general statute relative to fees of local registrars, providing a fee for a service of this kind. (Sec. 9780 R. S. Mo., 1939.)

A public official claiming compensation for official duties performed must point out the statute authorizing such payment. Nodaway V. Kidder, 129 S. W. (2d) 857.

CONCLUSION.

It is therefore, the conclusion of this office that the local registrar of vital statistics of cities between 10,000 and 30,000 population must supply the city board of registrars with monthly lists of all over 21 years of age, who died during the preceding month and no fee is provided in the statute for this service.

Respectfully submitted

APPROVED:

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Assistant Attorney General

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