

RECORDERS: Recorders allowed additional fee only when certified copy  
VETERANS: of discharge is furnished upon request.

June 13, 1949



Mr. Walter L. Mulvania  
Prosecuting Attorney  
Atchison County  
Rock Port, Missouri

Dear Sir:

This department is in receipt of your recent letter requesting an opinion regarding the construction to be given Section 6a, Laws Missouri 1947, Volume 2, Page 360. Your request reads, in part, as follows:

"\* \* \* \* \*

"The question is whether the recorder is entitled to be paid immediately the sum of fifty cents for each name which the recorder shall append to the alphabetical list and also fifty cents for every certified copy of the discharge made, whether or not requested, to be paid out of the county treasury, or whether the recorder is entitled to the additional fifty cents for the certified copy only when it is furnished upon request.

"\* \* \* \* \*"

Section 6a, supra, reads as follows:

"The circuit clerk and recorder in counties of the Third Class, wherein the offices shall have been combined, as recorder of the county, shall in addition to other duties imposed upon him by law have the additional responsibility to prepare and keep a separate alphabetical list of the names of all residents of the county who have been discharged from the Armed Forces of the United States, which list shall show such veterans' name, post office address, and the branch of service from which he was discharged, the date of his discharge and the date of the recording of same, together with the book and page wherein such discharge is so

recorded, which list shall be maintained by the recorder for public inspection and shall be up to date at all times; and in addition thereto, said recorders in the said counties shall have the additional responsibility of furnishing to all persons who have so reported their discharge from the Armed Forces of the United States one certified copy of such discharge upon request of such veteran, or if such veteran shall have deceased since the recording thereof, then by his heir, executor or administrator. For each name which the recorder shall append to the aforesaid alphabetical list, and for each certified copy of such discharge as he shall furnish, the said recorder shall receive the sum of fifty cents, to be paid out of the county treasury, which fees shall not be deemed to be accountable fees within the meaning of Section 3 of this act: Provided, however, that no such recorder shall be paid for the listing of any nonresident of the county, nor for the listing of any such discharge which has previously been so listed in any county, nor for any additional verified copy after the first. A veteran shall be deemed a resident of the county for the purposes of this section if he shall have resided in the county prior to his induction into the Armed Forces, and shall have returned there upon his discharge, or if he shall have resided in the county for more than ninety days next prior to the recording of such discharge with the intention of making the county his domicile."

This statute provides that the recorder shall be allowed a fee of fifty cents to be paid out of the county treasury for each name which he shall append to the alphabetical list. It is also made the duty of the recorder to furnish to all persons reporting their discharge one certified copy of such discharge upon request of the veteran, or his heir, executor or administrator. The statute also provides for an additional fee of fifty cents payable out of the county treasury "for each certified copy of such discharge as he shall furnish." The question presented is whether the recorder is entitled to this additional fee for every certified copy made by him or only for every certified copy furnished upon request.

It must be remembered that statutes which provide for compensation to public officers must be strictly construed against such officers (See *Nodaway County v. Kidder*, 123 S.W.(2d) 857, 344 Mo.

Under the statute in question it is not made the duty of the recorder to prepare certified copies of all the discharges recorded by him; the duty to prepare and furnish such certified copies arises only upon the request of the veteran, or if such veteran shall have deceased since the recording thereof, then by his heir, executor or administrator. Furthermore, the statute does not allow the fee for the making or preparing of such certified copy but states that it shall be allowed the recorder "for each certified copy of such discharge as he shall furnish." Therefore, since it is not the duty of the recorder to prepare and furnish the certified copies until requested to do so, and since the statute expressly provides that he shall be entitled to the fee for each certified copy furnished, it follows that he is entitled to the additional fee only when such certified copy is furnished on request.

CONCLUSION

Therefore, it is the opinion of this department that the circuit clerk and recorder in third class counties wherein the offices have been combined, as recorder of the county, is allowed the additional fee of fifty cents payable out of the county treasury for the making and furnishing of a certified copy of a veteran's discharge from the Armed Forces of the United States only when such certified copy is furnished upon request. He is not entitled to this additional fee for the mere making of a certified copy of each recorded discharge.

Respectfully submitted,

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APPROVED:

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RHV:mw