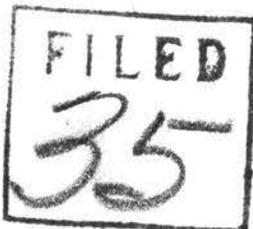


COURT REPORTERS: Sullivan County is required to pay its proportionate
REPORTERS: share of the expenses of the court reporter incurred
in traveling to and attending court in Chariton County
where such reporter does not reside in the latter
county.



November 1, 1956

Honorable G. Derk Green
Circuit Judge
12th Judicial Circuit
Brookfield, Missouri

Dear Judge Green:

Reference is made to your request for an official opinion
of this office which request reads, in part, as follows:

"I wish to request your official opinion
on questions arising in this Circuit re-
garding the payment of expenses of the
Court Reporter as contemplated by Section
485.090, Mo. R. S. 1955.

"The Twelfth Judicial Circuit is composed
of three Counties, Linn, Chariton and
Sullivan. * * * * In Linn County there are
two Circuit Courts, one at Linneus, the
County Seat, and one created by special
legislative act at Brookfield.

"1. Is the Court Reporter living at Brook-
field entitled to reimbursement for expenses
while in attendance at the Court at Linneus.

"2. Is Sullivan County required to pay it's
proportionate part of the expense of the Re-
porter living in Linn County incurred in at-
tending court in Chariton County?* * *"

You first inquire whether the court reporter, who lives in
Brookfield, is entitled to reimbursement for expenses incurred
in attendance at the circuit court at Linneus in the same county.

Honorable G. Derk Green

In reply thereto, I am enclosing herewith a copy of an opinion to the Honorable Louis H. Schult, Judge of the 38th Judicial Circuit, Caruthersville, Missouri, under date of May 15, 1947, which opinion holds that the court reporter is not entitled to be reimbursed for traveling expenses incurred while traveling from his place of residence in the county to the county seat. For the purpose of this question, Section 13347, RSMo 1939, referred to in said opinion is substantially similar to Section 485.090, RSMo Cum. Supp. 1955.

Further, we do not believe that the conclusion reached in said opinion would be altered by the fact that the Legislature has authorized the holding of circuit court in more than one place in the county. Section 485.090 does not purport to allow reimbursement for expenses incurred in travel from place to place within the county and it is a fundamental rule of construction that the right of a public officer to compensation must be founded on statute and such a statute must be strictly construed against the officer. *Smith vs. Pettis County*, 136 S.W. (2d) 282, 345 Mo. 839.

You next inquire whether Sullivan County, one of the counties in the 12th Judicial Circuit, is required to pay a proportionate part of the expenses of the reporter living in Linn County incurred in attending court in Chariton County.

Section 485.090, above noted, provides that where a judicial circuit is composed of more than one county, the county part of the expenses shall be divided among the counties in the manner provided in Section 485.065, RSMo Cum. Supp. 1955. The latter section provides, in part, as follows:

"* * * Where a judicial circuit is composed of more than one county, the county part of the salary shall be divided among the counties and be paid by them proportionately as the population of such county bears to the entire population of the circuit."

These statutory provisions are, we believe, plain and unambiguous. Under such circumstances the statute must be given effect as written, *Woodside vs. Dent County*, 308 Mo. 227, 271 S.W. 766, and all technical rules of interpretation should be rejected. *Norberg vs. Montgomery*, 173 S.W. (2d) 387.

Honorable G. Derk Green

Therefore, it is the opinion of this office that Sullivan County would be required to pay proportionately as the population of such county bears to the entire population of the circuit, the authorized expenses of the court reporter in traveling to and attending court in Chariton County.

CONCLUSION

Therefore, in the premises, it is the opinion of this office that Sullivan County is required to pay its proportionate share of the expenses of the court reporter incurred in traveling to and attending court in Chariton County where such reporter does not reside in the latter county.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Donal D. Guffey.

Very truly yours,

John M. Dalton
Attorney General

DDG:mw:hw

Enclosure