

CORONERS:  
COUNTY CORONERS:  
FEES, COMPENSATION,  
AND SALARIES:

A coroner of a second class county is paid an annual salary in lieu of fees and is required to collect on the behalf of the county all fees for official services except such fees as are chargeable to the county.

OPINION NO. 444

August 14, 1970



Honorable Fred W. Meyer  
State Representative  
104th District  
Route #3  
Wentzville, Missouri 63385

Dear Representative Meyer:

This opinion is in response to your question concerning whether or not the coroner of St. Charles County can charge and retain fees for official services.

In this respect we call to your attention Section 58.090, RSMo 1969 with respect to second class counties which states:

"In all counties of the second class, the coroner shall receive an annual salary of two thousand six hundred dollars for his services. The salary is in lieu of all fees, charges, emoluments, and money due to, or receivable by the coroner, by virtue of any statute, for services rendered."

In addition, we call to your attention Sections 50.350 and 50.360, RSMo 1969. Section 50.350, RSMo 1969 states:

"1. It shall be the duty of every county officer, in all counties of the second class, who shall be paid an annual salary in lieu of all fees, penalties, commissions, charges, emoluments, and moneys due him or his office for any service performed, to

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charge, collect and receive, upon behalf of the county, every fee, penalty, commission, charge, emolument and money that accrues in his office for any service rendered, by virtue of any statute of this state, except such fees as are chargeable to the county.

"2. Subsection 1 shall not be construed to prohibit the retention of the commission allowed to the collector in counties having less than one hundred thousand inhabitants for collection of levee and drainage district taxes as provided in section 52.275, RSMo."

Section 50.360, RSMo 1969 states:

"Every such officer shall, at the end of each month, pay over to the county treasury all moneys collected by him from the above sources. He shall take two receipts therefor, and one of such receipts he shall file immediately with the county court. He shall also, at the end of each month, make out an itemized and accurate list of fees, penalties, commissions, charges, emoluments, and moneys accruing in his office for services rendered, which have been collected by him, and one of all fees, penalties, commissions, charges, emoluments, and moneys accruing in his office for services rendered, which have not been collected, giving in both instances the name or names of the person or persons paying or owing the same, and stating, with reference to any money uncollected, that he has been unable, after the exercise of due diligence, to make collection thereof. The aforesaid itemized list shall be signed by the officer and verified by his affidavit, and filed with the county court, and such officer shall be liable on his official bond for all money collected and not accounted for and paid into the county treasury as herein provided. It shall be the duty of the county court to cause any money, shown by the officer's report to be due and unpaid, to be collected by law, and the same, when collected, to be paid into the county treasury."

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It is therefore clear from the foregoing sections that the coroner of St. Charles County, a second class county, is paid an annual salary in lieu of all fees receivable by him for services rendered and that all such fees due him or his office for services rendered are required to be collected on behalf of the county except such fees as are chargeable to the county.

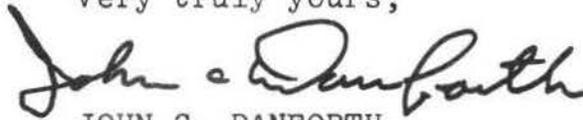
Accordingly, such a coroner is without authority to charge the county for official services.

CONCLUSION

It is, therefore, the opinion of this office that a coroner of a second class county is paid an annual salary in lieu of fees and is required to collect on the behalf of the county all fees for official services except such fees as are chargeable to the county. Accordingly, such a coroner is without authority to charge the county for official services.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John C. Klaffenbach.

Very truly yours,

  
JOHN C. DANFORTH  
Attorney General