

COUNTY CLERK:
FINANCIAL STATEMENT:

Can only receive compensation for
making one copy of statement for
the publisher

September 13, 1937.



Mr. Elvin R. Lehman,
Clerk of County Court,
California, Missouri.

Dear Sir:

This department acknowledges receipt of your letter of September 3rd, relating to charges for the preparation of the County Financial Statement. Your letter is as follows:

"The question has arisen as to the Fee properly chargeable for the preparation of the County Financial Statement.

"While the States' Auditors i. e. H. F. Scoffield and J. E. Sanders were auditing the various County Offices in Moniteau County, and at the time when I arranged my Bill for the Statement of Receipts and expenditures of 1935 by and with the advice of Mr. Scoffield I made a Charge for Two copies at 10¢ per Hundred words and Figures, because as he said, (and possibly having been advised by your Office) it was necessary for the Printers to have a Copy for use in printing, and we needed another copy for the information of the Court and for proof-reading purposes etc., therefore I made the above charge.

"Since that time the question was raised as to whether the Statutes would bear us out in making said charge; and I would therefore appreciate it if you would give me your opinion in this matter (with due respect to the opinion of Mr. Scoffield) as I want to be sure before I make my Charge for making the Statement for the year 1936.

"Thanking you in advance for an early reply, I am,"

The form of statement and the compensation is govern by Section 12166 Laws of Missouri 1933, page 356. The pertinent part of said Section is, in part, as follows:

"The statement shall be set in the standard column width measure that will take the least space and the publisher shall file two proofs of publication with the county court and the court shall forward one proof to the state auditor and shall file the other in the office of the court. The county court shall not pay the publisher until said proof of publication is filed with the court and shall not pay the person designated to prepare the statement for the preparation of the copy for said statement until the state auditor shall have notified the court that said proof of publication has been received and that it complies with the requirements of this Section. The statement shall be spread on the record of the court and for this purpose the publisher shall be required to furnish the court with at least two copies of said statement that the same may be pasted on the record. For the preparation of the copy for the statement the court may allow not to exceed the price per hundred words and figures permitted to the clerk of the court for the writing of the record and no pay shall be allowed for pasting printed copy in the record. In submitting bill to the county court the person preparing the statement and the publisher shall itemize the amount as properly chargeable to the several funds and the county court shall pay out of each fund in the proportion that each item bears to the total cost of preparing and publishing said statement and shall issue warrants therefor."

Mr. Elvin R. Lehman.

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September 13, 1937.

Analyzing this Section, it appears the publisher must file two proofs of publication with the county court. The section refers frequently to "the preparation of the copy for the statement". We assume that you, as County Clerk, will be designated to prepare a financial statement in the manner and form as set forth in Section 12165. The statute uses the expression:

"For the preparation of the copy for the statement the court may allow not to exceed the price per hundred words and figures permitted to the clerk of the court for the writing of the record and no pay shall be allowed for pasting printed copy in the record."

We call your attention to the fact that the statute uses the word "copy" and not "copies", in other words, the singular and not the plural.

CONCLUSION.

Therefore, we are of the opinion that in the absence of statutory authority entitling you to the same, that you are only entitled to charge for one copy for the statement. We realize that the additional copy is useful and, no doubt, needful but for the reasons stated above, we think the statute only allows you to charge a fee for one copy.

Respectfully submitted,

OLLIVER W. NOLEN
Assistant Attorney General.

APPROVED:

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