

COURT REPORTERS:
COUNTY COURTS:

County courts not required to defray any costs of supplies used by court reporter in preparing transcripts called for in Section 485.100, RSMo 1949.



January 11, 1954

Honorable Raymond H. Vogel
Prosecuting Attorney of
Cape Girardeau County
Cape Girardeau, Missouri

Dear Sir:

The following opinion is rendered in reply to your request reading, in part, as follows:

"The former Court Reporter for the 28th Judicial Circuit made certain bills in 1951 for paper clips, envelopes for transcripts and paper. Apparently all of these supplies were to be used in the preparation of transcripts for which the Reporter is paid according to the provisions of Section 485.100 V.A.M.S. Is Cape Girardeau County liable to pay its proportional share, according to population, of these expenses?"

Section 485.100, RSMo 1949, A.L. 1951, H. B. 255, provides a definite fee as compensation to a Court Reporter for preparing a transcript of testimony. No reference is made in such statute to any allowance to be made to the Reporter for actual expense incurred in preparing such transcript. Sections 485.090 and 485.095, RSMo 1949, A. L. 1951, H.B. 38, are the only statutes we have discovered which relate specifically to allowance to a Court Reporter for money actually expended by him in carrying out his statutory duties. Such statutes read as follows:

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"485.090. Certain reporters allowed actual expenses attending court.-- Every official court reporter of a circuit or criminal court of a judicial circuit comprised of two or more counties shall be allowed and paid all sums of money actually expended only in necessary hotel and traveling expenses while engaged in attending any regular, special or adjourned term of court at any place in the judicial circuit in which he is appointed; other than the county of his residence, or while engaged in going to and from any such place for the purpose of attending such terms of court. Such moneys shall be paid out of the county treasuries of the respective counties in said judicial circuit in proportion to their respective population."

"485.095. Expenses of reporter when transferred.--Whenever any official court reporter of any circuit court or a court of common pleas shall be temporarily transferred, as provided in section 485.055, he shall, in addition to the salary provided by law, be reimbursed for his actual and necessary travel and other expenses incurred in the performance of such temporary duty. Such expenses shall be paid out of the state treasury upon certification by such transferred official court reporter, and approval by the chief justice of the supreme court."

A reading of the statutes quoted above discloses that the allowance to be made to the Court Reporter, referred to therein, only comprehends necessary hotel and traveling expenses.

CONCLUSION

It is the opinion of this office that Circuit Court Reporters are required to furnish, at their own expense, supplies required in the preparation of transcripts called for by Section 485.100, R. S. Mo. 1949, A.L. 1951, H. B. 38, and County Courts are not required to defray any portion of the cost of such supplies.

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The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Julian L. O'Malley.

Yours very truly,

JOHN M. DALTON
Attorney General

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