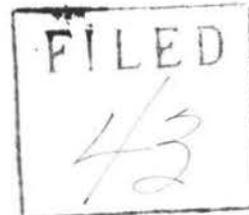


PENAL INSTITUTIONS: Salaries of Director and Commissioners;
effective date of reduction of salaries.

8319 Laws 33

August 1, 1933. 8-2



Hon. Stephen B. Hunter
Director
Department of Penal Institutions
Jefferson City, Missouri

Dear Mr. Hunter:

This Department is in receipt of your letter of July 29th, with request for an opinion as to the salaries of members of the Commissioners of the Department of Penal Institutions, which letter is as follows:

"The laws of Missouri of 1933, Section 8319, relating to the compensation of members of the Penal Board, provide that the salary of the Director shall be \$3600 and the salary of each of the other members shall be not more than \$3200. This is less than the salaries provided for in the section repealed.

Please advise us if this section is now in force and if the compensation of the present Board shall be as indicated in Section 8319 of the laws passed by the recent Legislature.

The present Board has five members. Section 8319 of the Laws of 1933 provides a Board of three members. Up to this time, so far as we are advised, the Governor has not reorganized the Board. Therefore, the old members are continuing to function until their successors are appointed and qualified, and the point we want to know is: Do the salaries of the old members reduce in accordance with Section 8319 from the time the new laws take effect, or do they continue at the old figure until the Governor reorganizes the Board? "

Replying thereto will say that Sections 8316, R. S. 1929, provided for the creating of the Department of Penal Institutions, 8317 provided for the appointment of five commissioners by the Governor, 8318 designated where the permanent office of the board should be, and 8319 provided for the salaries of the director and commissioners. These four sections were repealed by Laws of Missouri, 1933, at pages 327 and 328 and four new sections were enacted in lieu thereof to be known as 8316, 8317, 8318 and 8319.

The section, according to your letter, in which you are particularly interested at this time is 8319, shown at page 328, Laws of Missouri, 1933, which section is as follows:

"COMPENSATION OF MEMBERS.--The director of penal institutions shall receive an annual salary of not more than thirty-six hundred dollars, and such railroad fare and other traveling expenses as may be incurred while traveling in the discharge of official duty. Each member of the commission of the department of penal institutions, other than the chairman thereof, shall have and receive an annual salary of not more than thirty-two hundred dollars, and in addition thereto shall be reimbursed for all railroad fare and other expenses incurred while traveling in the discharge of official duty."

The answer to your question asked in the second paragraph of your letter is: That new Section 8319, pertaining to salaries, became effective July 24th, 1933, or ninety days after the adjournment of the General Assembly.

It is, therefore, the opinion of this Department that from and after July 24th, 1933, the effective date of the last above named section, the Director and Commissioners of the Department of Penal Institutions should receive their salaries under new Section 8319 and not under Section 8319 R. S. 1929.

We hope that the above sufficiently answers your question.

Yours very truly,

COVELL R. HEWITT
Assistant Attorney-General.

APPROVED: _____

ROY McKITTRICK
Attorney-General.