

CONFEDERATE SOLDIERS' HOME - Compensation of treasurer of board
of trustees.

12-27
December 18, 1934.

Mr. Roy D. Williams,
Boonville, Missouri.



Dear Sir:

A request for an opinion has been received from you under date of November 23, 1934, such request being in the following terms:

"The Board of the Confederate Home has asked me to propound to your office the following question.

Can the Board fix the salary of the treasurer unhampered by statute?

In explanation I will say that the 1933 law revamped the law applicable to the Confederate Home and this question has arisen."

I

RIGHT OF TREASURER TO COMPENSATION

R. S. Missouri, 1929, Sections 13928 and 13929, as repealed and re-enacted by Laws of 1933, page 393, relate to the organization and powers of the board of trustees of the confederate soldiers' home. In Section 13929 it is provided that the board of trustees "shall elect a * * * treasurer from their number", but there is no provision fixing any definite compensation for such treasurer. However, it is apparent that this statute contemplates that the treasurer shall receive some compensation for it provides that "the treasurer shall also act as secretary, without additional compensation therefor."

This conclusion is not impugned by another provision of Section 13929 which provides that "the members of the board of trustees shall receive no compensation" except necessary hotel and traveling expenses. This prohibition against compensation for their services as trustees could hardly mean that a member of the board could not receive any compensation for his services as treasurer in view of the provision of such section quoted in the preceding paragraph hereof.

2. Mr. Roy D. Williams.

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II

BY WHOM COMPENSATION OF TREASURER TO BE FIXED

Since the statutes fix no definite compensation for the treasurer and since he may be entitled to compensation, some person or entity must be authorized to fix the amount thereof, and that this power is in the board of trustees of the confederate soldiers' home is indicated by the following statutory provisions governing the powers of such board, which are sufficiently broad to encompass such power in the absence of any specific statute:

"The control and management of the confederate soldiers' home, located at Higginville, shall be vested in the board of trustees," (Sec.13928)

"Said board of trustees shall have power and authority to make all necessary rules and regulations for the control and maintenance of said home" (Sec.13929)

In answer to your question as to whether or not the Board could fix the compensation of the treasurer "unhampered by statute" our conclusion is that no general statute would hamper the exercise of such power, but, of course, it would be subject to the qualifications that (1) an appropriation is necessary for the payment of such compensation (note the appropriation made by the Fifty-seventh General Assembly, Laws of 1933, page 75, in which the salary of the treasurer is specifically mentioned), and (2) such compensation must be reasonable in the light of the office involved.

In conclusion it is our opinion that the treasurer elected by the board of trustees of the confederate soldiers' home may receive compensation for his services as treasurer, that the amount of such compensation is not fixed by statute, but is to be fixed by the board of trustees of the confederate soldiers' home, subject to the limitation that the amount be reasonable.

Very truly yours,

EDWARD H. MILLER
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General