

STATE ATHLETIC COMMISSION: It is unlawful to pay members of Commission personally \$25.00 per month as office expense, but the Commission with consent of Governor may appoint assistants whose salary shall not exceed \$5.00 per day

June 10, 1935.



Honorable Forrest Smith,
State Auditor,
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of June 6, 1935 requesting an opinion as to the following state of facts:

"Section 12998, R.S. Mo. 1929 provides that every commissioner (meaning Athletic Commissioner) shall serve as such without salary.

The Commissioners in their meeting on July 5, 1933 passed a motion to pay each commissioner \$25.00 a month for office expense.

I would like an opinion from your office as to whether this \$25.00 a month can be legally paid to the commissioners of this commission."

Section 12998, R.S. Mo. 1929 specifically provides that every commissioner shall serve as such without salary; however, Section 13001, R.S. Mo. 1929 provides:

"The athletic commission shall, with the consent of the governor, appoint a secretary at a salary of five dollars (\$5.00) per day while engaged in carrying out the provisions of this chapter and such other employes and clerical assistants as they may deem necessary to discharge the duties of the commission. The salary of each such employe or

Assistant shall not exceed
five dollars (\$5.00) per day
while engaged in carrying out
the provisions of this chapter.
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CONCLUSION

It is the opinion of this department that it would be unlawful to pay to the members of the Athletic Commission of the State of Missouri personally \$25.00 per month as office expense. Nevertheless, the Athletic Commission may, with the consent of the Governor, appoint employees or assistants whose salary shall not exceed \$5.00 per day, and payments to these employees or assistants may be legally made upon warrants drawn on the State Treasurer and approved by the State Auditor.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

JWH:AH