

UNEMPLOYMENT COMPENSATION  
COMMISSION-

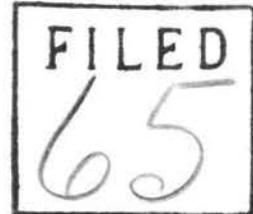
Subject to Purchasing Agent  
Act, Printing Commission, etc.

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July 15, 1937

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Honorable Andrew J. Murphy  
Chairman, Unemployment  
Compensation Commission  
Jefferson City, Missouri



Dear Mr. Murphy:

You have requested the opinion of this office as to the applicability of the State Purchasing Agent Act, the Printing Commission Law, the Executive Budget Act, the statutes respecting the travel by state officers and employees, the statutes respecting the duties of the State Auditor and the State Treasurer to the Unemployment Compensation Commission, its officers and employees.

Your request covers a considerable amount of law, and we assume that you do not desire a detailed examination of each of these laws, but that a general opinion will be sufficient. We shall, therefore, deal with this problem in as general terms as possible.

An examination of the Unemployment Compensation Law identified as Committee Substitute for Senate Bill No. 36, adopted by the 59th General Assembly and approved by the Governor on June 16, 1937, reveals that that law, consisting of 25 sections, is a complete system of unemployment compensation and employment service. It provides for the establishment of an organization to administer the laws, provides for the levy of a tax to pay the benefits, provides for the making and approving of claims, it establishes the qualifications of recipients of benefits or the disqualification of certain applicants. Without making a detailed analysis of the law we may state that it is complete within itself, and places the

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administration thereof in the Unemployment Compensation Commission of Missouri, a part and parcel of the Executive Department of our State Government. Such being the case it necessarily follows that the usual and general statutory provisions apply to the various departments, likewise apply to the Unemployment Compensation Commission, its officers and employees. You are particularly concerned with the application of the designated laws to the "Unemployment Compensation Administration Fund", which is established in Section 13 (a) of the law. If there could be any possible doubt as to the correctness of the foregoing conclusion the following part of Section 13 (a) allays any such fears or doubts. This sentence reads as follows:

"All moneys in this fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury."

The fund therein referred to is the Unemployment Compensation Administration Fund, and by this specific provision it is our opinion that the deposit, administration and disbursement of this fund is subject to the general statutory provision which applies alike to funds administered by other State Departments.

For your convenience we supply you with the citations to the following laws:

Purchasing Agent Act, page 410,  
Laws of Missouri 1933. Special  
attention is directed to Sections  
2, 3, 5, 6, 8 and 11 of this Act.  
Pursuant to Section 8, rules and

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regulations have been adopted by the State Purchasing Agent. Printed copies of these rules and regulations are available at the office of the Purchasing Agent.

State Printing Commission Laws, Article 1, Chapter 115, R. S. Missouri 1929, and particularly Sections 13782, 13783, 13784, 13790, 13793, 13795, 13799, 13804 and 13806 thereof.

Executive Budget Act, page 459, Laws of Missouri 1933. We direct particular attention to Sections 2, 4, 5, 10, 11, 12 and 15 thereof.

Travel regulations. Sections 11405 and 11406, R. S. Mo. 1929. The State Auditor from time to time lays down rules to be followed in the approval of expense accounts. These rules are not in any available form, but an example is the limit of five cents per mile for all transportation expenses when private cars are used on official business.

Duties of State Auditor and State Treasurer. Chapter 72 R. S. Mo. 1929 has specific reference to the State Treasury and Auditing Departments. We direct particular attention to the following Sections in reference to the duties of the State Auditor: Sections 11399, 11404, 11407, 11416, 11418, 11420, 11421. We direct particular atten-

Honorable Andrew J. Murphy

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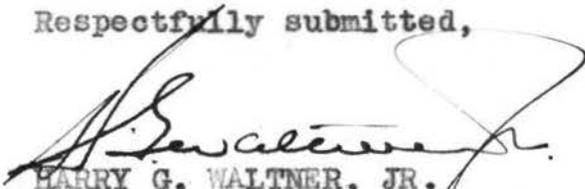
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tion to the following Sections which have direct bearing upon the duties of the State Treasurer: Sections 11425, 11428, 11429, 11430, 11465 and 11469. See also Sections 11465 and 11469 enacted by 59th General Assembly and identified as Senate Bill 98, and approved May 18, 1937, and effective September 6, 1937.

CONCLUSION.

It is the opinion of this Department that the Unemployment Compensation Commission of Missouri is a part of the Executive Department of the State Government, and as such is subject to the provisions of the general law applicable to other departments, and is therefore subject to the provisions of the State Purchasing Agent Act, State Printing Commission law, the Executive Budget law, the statutes regulating travel by state officers and employees, and the statutes respecting the duties of the State Auditor and the State Treasurer as the same may be applied to the deposit, administration and disbursement of the Unemployment Compensation Administration Fund.

Respectfully submitted,

  
HARRY G. WALTNER, JR.  
Assistant Attorney General

APPROVED:

  
J. E. TAYLOR  
(Acting) Attorney General