

BARBERS' BOARD OF
EXAMINERS:
BRANCH OFFICES:

State Barber Board not authorized to
rent branch offices.

January 30, 1940

Barbers' State Board of Examiners
State of Missouri
Hannibal, Missouri

Attention: Mr. Chas. F. Quinlin,
President.

Gentlemen:

This is in reply to yours of recent date request-
ing an opinion on the following statement of facts:

"I am writing you in regards of
Section 13524 in the State Barber
Law. The Section reads, 'The
Board shall annually elect from
its member a president, secretary
and treasurer. Shall have its
headquarters at such place in
the State as the Board may determine.'

"We have our office in St. Louis
and I would like to have an opinion
from you if we are entitled to have
branch offices in other cities, as
there has been an office in Kansas
City, which I have closed since I
have been president of the Barber
Board."

On the authority of the various boards and bureaus
to enter into contracts and incur expenses against the
State, I find that this department, on December 31, 1937,
by an opinion written by Honorable Harry H. Kay, Assist-
ant Attorney General, to Honorable Forrest Smith, State
Auditor, went into this question and I am enclosing a
copy of that opinion for your information. In that
opinion it will be seen that a board or bureau must
have statutory authority to incur such expenses as



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you have mentioned in your letter and an appropriation therefor must also have been made. If such authority is not expressly granted, it cannot be implied unless it is evident from the language of the statutes that the proper exercising of the powers expressly granted would make certain other powers indispensable and the denial of such other powers (not expressly granted) would render ineffectual the powers expressly granted.

With the foregoing rules in mind we will refer to the statutes pertaining to the State Barbers' Board to ascertain what authority it has in reference to renting office quarters and branch office quarters.

Under Section 13524, page 250, Laws of Missouri 1939, it is provided in part as follows:

"The board shall annually elect from its number a president, secretary and treasurer, shall have its headquarters at such place in the state as the board may determine; * * * * *

This section clearly indicates that the lawmakers have intended that the Barber Board have headquarters, but in searching through the laws pertaining to the Barber Board we do not find where the lawmakers have provided for or indicated that they intended that the Barber Board should have and maintain branch offices.

Section 13526, R. S. Missouri 1929, provides as follows:

"Such board shall hold public examinations at least four times in each year, at such times and places as it may deem advisable, notice of such meetings to be given by publication thereof at least ten days prior to such meetings, in at least two newspapers published in this state, in the locality of each proposed meeting."

This section would indicate that it was intended that the Barber Board may hold examinations in other

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places than at its headquarters, but we do not think that the Board, by authority given in this section, would be permitted to establish branch offices.

Looking to the appropriation act for the State Barbers' Board for 1939 to determine whether or not the lawmakers, by the appropriation, had any intention of providing for rent for branch offices, we find subsection D under the heading of Operation of Section 20 at page 112, Laws of Missouri 1939, provides as follows:

"General expense; including communication, printing and binding, insurance and premium on bonds, travel and other general expense, and material and supplies consisting of stationery and office supplies 17,000.00"

While the term "other general expense" in this appropriation act might include the expenses incurred in holding examinations at various places in the State, in the absence of statutory authority to rent branch offices, we do not think that the appropriation act could be considered broad enough to include the expenses necessary in renting and maintaining a branch office.

CONCLUSION.

From the foregoing it is the opinion of this department that the Barbers' State Board of Examiners are not authorized to maintain branch offices in the State and that the appropriation act for 1939 is not broad enough to include the expenses necessary for such maintenance.

Respectfully submitted

APPROVED:

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(Acting) Attorney General

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