

STATE MERIT SYSTEM:
FEDERAL SOLDIER'S HOME:

Board of Trustees of Federal Soldiers' Home
at St. James authorized to appoint employees
when conforming with the State Merit System
Act.



October 1, 1952

10-6-V2

Board of Trustees
State Federal Soldiers' Home
St. James, Missouri

Attention: Mr. W. W. Jackson, President

Gentlemen:

This will acknowledge receipt of your request for an
opinion which reads as follows:

"The Board of Trustees of the State
Federal Soldiers' Home request an opinion
setting forth the powers and duties of the
Board of Trustees, stating whether section
212.130 is in full force and effect; or
whether the Merit System Laws supersede
this section."

Section 191.010, RSMo 1949, creates the Department of
Public Health and Welfare, and provides that it shall be com-
posed of three divisions, one being the Division of Welfare.

Section 191.070, RSMo 1949 (Section 191.070, Mo. R. S.
Cumulative Supp. 1951), further provides that all employees of
the Department of Public Health and Welfare, with a few speci-
fic exceptions thereto, shall be selected in accordance with
the State Merit System Act.

Section 207.010, RSMo 1949, Section 1, provides that the
Division of Welfare is an integral part of the Department of
Public Health and Welfare and shall exercise all powers and
duties necessary to carry out effectively the purposes assigned
to it by law. Under Section 2, said Division of Welfare shall
be the state agency to administer and have control of the
Confederate Home at Higginsville, Missouri, but the Board of
Trustees of the Federal Soldiers' Home shall operate and main-
tain said Federal Soldiers' Home. The Board of Trustees and
the Home shall be an integral part of the Division of Welfare
and appropriations for the Home shall be made through the
Department of Public Health and Welfare.

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Furthermore, under Section 212.090, RSMo 1949, said Board of Trustees is required to make annual detailed reports of its work to the Department of Public Health and Welfare.

Under Section 212.030, RSMo 1949 (Section 212.030, Mo. R. S. Cumulative Supp. 1951), the Division of Welfare may employ persons in the same manner as other employees of the Division; however, this authority apparently only applies to employees of the Confederate Home.

Section 212.080, RSMo 1949, creates the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri. Section 212.130, RSMo 1949, subsection 2 thereof, provides that the Board of Trustees shall employ the necessary officers and employees and fix their compensation.

Chapter 36, RSMo 1949, deals with the State Merit System. Subsection 2 of Section 36.030, RSMo 1949, provides that the provisions of said chapter shall apply to all officers and employees of the State Department of Public Health and Welfare.

As we read the foregoing statutes, the question boils down to whether or not such employees of the Federal Soldiers' Home at St. James are in fact employees of the Department of Public Health and Welfare. If they are, then they come under the Merit System; if not, the Merit System will not in any manner affect their employment. The principal function of the Merit System is to examine applicants for certain positions and submit names of the three highest ranking applicants to the party authorized to appoint employees, and in this case, it is the Board of Trustees of said Home who actually select the employees.

One of the primary rules of statutory construction of statutes is to ascertain and give effect to the lawmakers' intent and this should be done from words used, if possible, considering the language honestly and faithfully. (See *City of St. Louis v. Senter Commission Co.*, 85 S.W. (2d) 21, 337 Mo. 238.)

Another well established rule of statutory construction is that statutes relating to the same subject matter are to be considered together and if possible, harmonized and effect given all provisions. (See *Whalen v. Buchanan County*, 111 S.W. (2d) 177, 342 Mo. 33.)

Applying the foregoing rules of statutory construction, we believe that the Board of Trustees of the Federal Soldiers'

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Home at St. James is vested with the power to appoint necessary employees at said Home; however, it is the duty of the Director of the State Merit System to submit names of qualified employees for any vacancy occurring at said Home, and the Board of Trustees may employ anyone whose name is submitted to said Board. In this manner all of the above provisions can be fairly well harmonized and some meaning given to all.

CONCLUSION

Therefore, it is the opinion of this department that the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri, is authorized to make the appointment of employees of said Home. However, such employment must comply with the State Merit System as provided in Chapter 36, RSMo 1949.

Respectfully submitted,

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Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

ARH:VLB