

GENERAL ASSEMBLY:
HOUSE OF REPRESENTATIVES:
OFFICERS:
FEES, COMPENSATION
AND SALARIES:

Under provisions of Section 16a, Article III of the Constitution, representative entitled only to maximum of Ten Dollars per day reimbursement for actual expenses of such day.

JOHN M. DALTON
XXXXXXXXXXXX

February 9, 1953



J. C. JOHNSEN
XXXXXXXX

Hon. Christian F. Stipp
Majority Floor Leader
House of Representatives
Jefferson City, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"I respectfully request an opinion concerning the construction and interpretation of Constitutional Amendment No. 1 adopted at the General Election on November 7, 1952.

"Your attention is invited to House Resolution No. 30 found on page 149 of the Journal of the House of Representatives.

"I desire to know whether or not, in your opinion, said House Resolution complies with the provisions of said Constitutional Amendment No. 1.

"I offer the following example:

"In the event a representative incurs expenses of \$30.00 on Monday and answers roll call on that day and then incurs expenses of \$5.00 on Tuesday and answers the roll call on that day, the question is: under the provisions of Constitutional Amendment No. 1, is such representative entitled to receive \$20.00 or is he entitled to receive \$15.00?"

Hon. Christian F. Stipp

Section 16a of Article III of the Constitution of Missouri, adopted November 4, 1952, as part of Constitutional Amendment No. 1, submitted at the election held on that date, provides as follows:

"Each senator or representative shall be reimbursed from the state treasury for the actual and necessary expenses incurred by him in attending sessions of the General Assembly and which do not exceed the sum of ten dollars (\$10.00) per day for each day on which the first roll call, following the opening prayer, in the Journal of the Senate or House respectively, shows the presence of such senator or representative. Upon certification by the president and secretary of the Senate and by the speaker and chief clerk of the House of Representatives as to the respective members thereof, the state comptroller shall approve and the state treasurer shall pay monthly such expense allowance without legislative enactment. No such reimbursement shall be paid to any senator or representative for any day of a regular session after May 31 following the convening of the General Assembly in regular session on the first Wednesday after the first day of January following each general election, nor for any day after the sixtieth calendar day following the date of its convening in special session."

(Emphasis ours.)

House Resolution No. 30, to which you refer in your letter, as appearing on page 149 of the House Journal, reads as follows:

"BE IT RESOLVED, that, in order to comply with the provisions of Constitutional Amendment No. 1 adopted on November 7, 1952, each member of the House of Representatives of the Sixty-Seventh General Assembly of the State of Missouri certify to the Speaker and Chief Clerk of the House, at the

Hon. Christian F. Stipp

conclusion of each calendar month during the session of the Legislature, that he or she has incurred actual and necessary expenses on each day on which he or she answered the first roll call of the House following the opening prayer in excess of ten dollars, or such amount as is actually and necessarily incurred if less than ten dollars, and that the Speaker and Chief Clerk of the House make such certification as is required by said Constitutional Amendment."

We believe that provisions of Section 16a of Article III of the Constitution, quoted supra, to be clear in providing that the actual and necessary expenses of a representative are to be allowed him for each day he answers the first roll call, but that a limitation of Ten Dollars expenses for each day is to be allowed.

Therefore, we believe that each day's expense must stand by itself and that a representative cannot carry over from one day to another as a credit the difference between his actual expenses and Ten Dollars when such actual expenses are less than Ten Dollars.

CONCLUSION

It is the opinion of this department that under the provisions of Section 16a of Article III of the Constitution of Missouri that a representative who answers the first roll call is to be reimbursed for his actual and necessary expenses in a sum not to exceed Ten Dollars for each day he so answers, and that a representative whose expenses are less than Ten Dollars for any one day cannot add the difference between Ten Dollars and his expenses on such day to the amount he is allowed for any other day, that is, he cannot add such an amount to the sum of Ten Dollars for some other day.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. C. B. Burns, Jr.

Yours very truly,

JOHN M. DALTON
Attorney General

CBB:lrt