

AGRICULTURE:	:	The commissioner of agriculture
COMMISSIONER OF AGRICULTURE:	:	may fix the salary of the state
VETERINARIAN:	:	veterinarian at an amount greater
OFFICERS:	:	than the salary of the commis-
SERVICES AND SALARY.	:	sioner of agriculture.
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February 28, 1955

Honorable L. C. Carpenter  
 Commissioner  
 Department of Agriculture  
 State of Missouri  
 Jefferson City, Missouri

Dear Mr. Carpenter:

Your letter bearing date of February 2, 1955,  
 requesting an official opinion is as follows:

"You will find attached hereto a copy of  
 a letter we received from a Committee ap-  
 pointed by the President of the Missouri  
 Veterinary Medical Association.

"This Committee is recommending an in-  
 crease in the salary of Dr. L. A. Rosner,  
 State Veterinarian. I am entirely in  
 sympathy with their proposal regarding  
 Dr. Rosner and his technical staff, that  
 they should receive more remuneration.  
 Of course this would be contingent upon  
 availability of funds.

"There is another matter however on which  
 I think it advisable for you to give us  
 an interpretation, and that is, 'does the  
 salary limitations established by law on  
 the Commissioner's salary have any effect  
 on the salaries of other staff members in  
 the Department?'

"May I hasten to say that I certainly  
 would be glad for Dr. Rosner to be draw-  
 ing a salary greater than my own as Com-  
 missioner, providing it is legal to do so  
 and providing the funds are available.

Honorable E. G. Carpenter:

We shall take no further action upon this matter until we have been advised of your ruling."

The pay of the state veterinarian is provided for by Section 267.060, RSMo 1949. That section reads:

"The state veterinarian, deputy state veterinarians and livestock inspectors, shall receive salaries fixed by the state commissioner of agriculture and necessary traveling expenses in the discharge of official duties, payable out of the funds provided for the maintenance of the veterinary service. The state veterinarian, deputies and livestock inspectors shall each render an itemized account to the said commissioner of agriculture of all the traveling and incidental expenses incurred in working under this chapter. Said account or accounts shall be audited, and if found correct, shall be allowed as is now or may hereafter be provided by law."

(Emphasis ours.)

The pay of the commissioner of agriculture is provided for by Section 261.010, RSMo 1949. That section reads:

"There is hereby created a state department of agriculture, the main office of which shall be in Jefferson City in quarters provided by the division of public buildings. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of agriculture who shall be a practical farmer, well versed in agricultural science and who shall serve at the pleasure of the governor. The commissioner shall be in charge of the state department of agriculture. He shall receive an annual salary of six thousand five hundred dollars, payable monthly, and traveling and other expenses necessarily incurred in the performance of his duties."

(Emphasis ours.)

Honorable L. C. Carpenter:

Your request inquires whether you may set the salary of the state veterinarian at a sum in excess of your salary.

We are unable to see anything prohibiting you from fixing the salary of the state veterinarian at a greater amount than your salary. Section 267.060, RSMo 1949, places within your sound discretion and good judgment the determination of the salary of the state veterinarian. There is no specific limitation on the amount that he may be paid. The limit is to be determined by you, keeping in mind the appropriation available for salary purposes. It is probable that the Legislature was aware that the services of a trained professional man might be difficult to get at a low salary, and for that reason left it to you to fix the salary at a reasonable amount sufficient to obtain the services of a competent state veterinarian.

#### CONCLUSION.

In the premises, therefore, it is the opinion of this office that the commissioner of agriculture may fix the salary of the state veterinarian at an amount greater than the salary of the commissioner of agriculture.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON  
Attorney General

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