

NEPOTISM:
LIBRARIES:
COUNTY SUPERINTENDENTS
OF SCHOOLS:
COUNTY LIBRARY DISTRICT:
OFFICERS:

Section 182.050, RSMo, forbid-
ding employment of relatives of
trustee by county library board
of trustees or librarian is ap-
plicable to relatives of county
superintendent of schools, an
ex officio member of the board
of trustees.

November 17, 1960

Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri



Dear Mr. Paul:

The original of your letter of September 24, 1960, requesting an opinion from this office apparently was never received, but we now have before us a copy of the letter, which reads as follows:

"Will you please furnish this office as soon as possible with an opinion interpreting the provisions of Section 182.050 of the Revised Statutes of the State of Missouri as amended by the laws of 1955 as to whether the law of nepotism as defined in said section applies to a relative of the County Superintendent of Schools who is by said section made a mandatory member of the County Library District.

"It would appear to this office that the intent of the Legislature would be that the law of nepotism would apply to the appointed members but not to the mandatory ex officio member."

Section 182.050, RSMo, mentioned in your letter, reads as follows:

"For the purpose of carrying into effect sections 182.010 to 182.120, in case a county library district is

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established and a free county library authorized as provided in section 182.010, within sixty days after the establishment of the county library district, there shall be created a county library board of trustees, which shall consist of the county superintendent of schools, and four other members, none of whom shall be elected county officials. The members shall be appointed by the county court for terms of four years each, except that as to the members of the first board, one shall be appointed for one year, and one each shall be appointed for two years, three years, and four years, respectively, from the first day of July following their appointment; and annually thereafter before the first day of July the county court shall appoint successors. Vacancies in the board occasioned by removals, resignations or otherwise shall be reported to the county court and shall be filled in like manner as original appointments; except that if the vacancy is an unexpired term, the appointment shall be made for only the unexpired portion of that term. No member of the board shall receive compensation as such. No person shall be employed by the board of library trustees or by the librarian who is related within the third degree by blood or by marriage to any trustee of the board." (Underscoring supplied.)

The pertinent statutory provision, underscored above, does not distinguish between the county superintendent of schools, who is an ex officio member of the county library board of trustees, and the other members of the board; and, in fact, it uses the explicit language, "any trustee." This provision is clear and unambiguous, and there appears to us to be no basis, under accepted rules of statutory construction, for construing it in any manner other than exactly as it reads. Hence, we believe that it must be construed

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to apply to the employment of relatives of the county superintendent of schools.

CONCLUSION

It is the opinion of this office that Section 182.050, RSMo, forbidding employment of relatives of a trustee by a county library board of trustees or librarian is applicable to relatives of a county superintendent of schools, an ex officio member of the board of trustees.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Baumann.

Very truly yours,

John M. Dalton
Attorney General

JCB:lc