

COUNTY SCHOOL  
SUPERINTENDENT:  
SECRETARY'S SALARY:

Salary of secretary to county school superintendent is limited to \$1500 per annum. Money provided by law for traveling expenses of superintendent cannot be diverted to payment of secretary's salary.



January 31, 1952

2-1-52

Honorable D. W. Sherman, Jr.  
Prosecuting Attorney  
Lafayette County  
Lexington, Missouri

Dear Mr. Sherman:

We have your letter in which you request an opinion of this department. Your letter is as follows:

"Mr. H. H. Schaeperkoetter, Superintendent of schools of this county, has requested that I write your office and ask for an opinion as to whether the County Court can pay to the secretary of the Superintendent of schools a salary above Fifteen Hundred Dollars (\$1500.00) per year by applying the surplus left from the County Superintendent's expenses for traveling, on said secretary's salary, in accordance with Section 167.230, Mo. R.S., 1949."

We have also read your opinion rendered under date of October 22, 1951, addressed to Honorable H.H. Schaeperkoetter, superintendent of schools of Lafayette County, Missouri in which you held that the salary of the county superintendent of schools cannot exceed the \$125.00 per month fixed by the provisions of Section 167.230 RSMo. 1949, and in which you further held that traveling expense money provided for the county school superintendent by said section cannot be used in part for the salary of the secretary of said superintendent. We have examined the aforesaid section 167.230, supra, which section we quote, in part, as follows:

"The county superintendent of public schools shall be allowed out of the county treasury not to exceed twenty-five per cent of his annual salary for actual and necessary traveling expenses. The county superintendent of public schools shall be permitted to employ clerical assistance, to whom there shall be paid not less than seven hundred and fifty dollars nor more than one thousand five hundred dollars annually to be determined and fixed by the county court, seven

Hon. D. W. Sherman, Jr.

hundred and fifty dollars of which shall be paid by the state out of state school moneys, the same to be included by the state board of education as a part of the apportionment made before August thirty-first of each year. \* \* \*

We suggest the fact that no statute could be more explicit in defining the limits of a salary than is this one in the use of the following language: "\* \* \*to whom there shall be paid not less than seven hundred and fifty dollars nor more than one thousand five hundred dollars annually to be determined and fixed by the county court \* \* \*

We are of the opinion that the above language precludes the payment of more than \$1500 per annum to a secretary for the county school superintendent for work done in that capacity.

We also call attention to the fact that the statute is very specific as to the use of the money provided as expense money for the county school superintendent and limits the use of such money to actual and necessary traveling expenses thereby precluding the possibility of diverting some of it for payment of a secretary's salary.

#### CONCLUSION

We are of the opinion that none of the expense money provided for by said section 167.230 RSMo 1949, may be diverted to payment of the salary of the superintendent's secretary and that said secretary cannot be paid in excess of \$1500 per annum for service rendered the county in her capacity as secretary to the county school superintendent.

Respectfully submitted,

SAMUEL M. WATSON  
Assistant Attorney General

APPROVED:

  
J. E. TAYLOR  
Attorney General

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