

MISSOURI MANUAL:
SECRETARY OF STATE:

Exact salaries of all employees of the State must be given to the Secretary of State at the time he requests the information. Bracketing or giving or salary ranges will not suffice.

September 9, 1941

Mr. Elmer John Keitel, Sr.
Chairman
Unemployment Compensation Commission
Jefferson City, Missouri



Dear Mr. Keitel:

This department acknowledges receipt of your letter of September 8, 1941, wherein you make the following inquiry and wish our official opinion:

"We wish to request the opinion of your department as to the application of House Bill No. 230 which was recently passed by the Sixty-first General Assembly to the publication of salary schedules of the personnel of the Unemployment Compensation Commission."

"Under the system adopted by the Commission in collaboration with the Federal Social Security Board, salary schedules for the various classes of employees have been established and there is a minimum and maximum salary for each class of employees. The question we desire answered is: Does House Bill No. 230 require that the salary actually being received at the present time by each individual employee be shown after the name of the employee, or may the Commission show the salary range for various classes, and list below the names of the employees, showing the actual position held by each but not the actual salary now being received?"

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"In view of the fact that this information is required to be submitted to the Secretary of State's office by September 10, we would appreciate receiving your opinion thereon as soon as possible."

Chapter 120 of Article 2, R. S. Mo. 1939, refers to the Missouri Manual and state publications. We are primarily interested in the Missouri Manual. Under Section 15000, it is the duty of the Secretary of State biennially, as soon as practicable after the organization of each General Assembly, to prepare 25000 copies of the Missouri Manual. In 1939 and 1941, the General Assembly amended Section 15002 relating to certain information to be published in the official manual. Originally this section required the name, post office address and previous occupation of every official and employee of the State. As amended by House Bill No. 230 the section now reads as follows:

"There shall be published in said manual the name, salary and post office address, and previous occupation, including street and number, of every officer and employee, of this state, and it shall be unlawful for any officer of this state to pay or authorize the payment of a salary to any appointee or employee unless he shall first file with the secretary of state, for publication in the manual, the name, salary, post office address and previous occupation of such employee."

It will be noted that the last portion of the section, quoted supra, prohibits payment of a salary to an appointee or employee unless such data be filed with the Secretary of State. We have examined the House journal with reference to the legislative debates on the question which you present and we have come to the conclusion that the very purpose of the amendment was to compel the printing of the exact salary of every employee and appointee of the State. It is universally held by the courts that the intention of the legislature is the paramount guide to interpreting a statute. We think the

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statute is plain and unambiguous, and the manner of giving the information on the salaries of your department which you propose would constitute a direct evasion of the statute.

We are, therefore, of the opinion that you cannot comply with the terms of Section 15002, as amended, by simply bracketing or giving the salary ranges of certain employees in a given class or classes, but must give the actual salary each and every employee is receiving in your department at the time that you comply with the request of the Secretary of State for such information, as well as all other information exactly as required by the statute.

Respectfully submitted,

OLLIVER W. NOLEN
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

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