

LEGISLATIVE
RESEARCH
COMMITTEE:

Legislative Research Committee cannot validly pay out of the general appropriation fees of attorneys employed by it to render legal opinions on Attorney General's opinion, nor of secretaries assigned to these attorneys.



Has no authority to pay costs or attorney's fees in a lawsuit filed by a state senator attempting to collect payment of expenses he claims he is entitled to receive for attending Senate Committee Meetings.

December 5, 1956

Honorable Charles H. Pulis
Representative Audrain County
Mexico, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"I would like to have an opinion on the following set of facts. As you are of course aware, sometime ago your department rendered an opinion holding that legislative committees could not be paid for meeting at times when the legislature was not in session. Subsequent to that ruling by you the Legislative Research Bureau employed two attorneys, Jasper Smith and A. L. McCauley, to render an opinion to them regarding the validity of this opinion. This opinion was rendered and the two attorneys mentioned were paid the sum of \$500 each for their legal services. In addition to this, some one hundred dollars in expenses were paid. I would like to have your official opinion as to whether or not this was a proper expenditure by the Legislative Research Committee which paid the above sum of money out of its appropriations.

"I also want to call your attention to this situation, which is that Senator Jack Jones of Carrollton has filed in the Circuit Court of Cole County a suit to test the validity of your opinion. I would like to know whether or

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not the costs of this suit, including payment to attorneys and court costs, can legally be paid out of the appropriations to the Legislative Research Committee."

All references to statutes herein will be to Revised Statutes of Missouri 1949 unless otherwise indicated.

The duties of the committee on legislative research are set forth in Section 23.020 which reads:

"The committee here created shall perform the following services for the members of the general assembly;

"(1) Provide a research and reference service on legislative problems;

"(2) Upon written request, make such investigation into legislative and governmental institutions of this state or other states as would aid the general assembly;

"(3) Upon written request, assist and cooperate with any interim legislative committee or commission created by the general assembly;

"(4) Upon written request, draft or aid in drafting bills, resolutions, memorials, and amendments, and render any other service in connection therewith for any member of the general assembly."

The persons whom the committee may employ are set forth in Section 23.080 which reads:

"The committee is authorized to regularly employ for a period not exceeding two years from date of appointment, and fix the compensation of, a research officer, who shall be competent to assume administration of the necessary activities of the committee under the

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direction of the committee. The committee shall also be authorized to employ such other clerical and research assistance as it may deem necessary within the limits of the appropriation made out of the general revenue of the state for the purpose of carrying out the provisions of this chapter. Said committee shall also fix the compensation of the custodians of the house and the senate and shall make and enforce reasonable rules and regulations for the care of the senate and house chambers, including the bill rooms, and filing room, and the furniture, files, and supplies therein. Said committee is authorized to provide necessary legal reports and other publications to be kept in the library of the committee, and to pay for same out of any appropriations made to such committee. The secretary of state is hereby authorized to furnish the librarian, without charge, such number of Missouri statutes and acts as may be desired by the committee to enable it to exchange such acts for those of other states."

It would seem to us quite clear that the hiring of attorneys Jasper Smith and A. L. McCawley did not come within the purview of Section 23.080, supra. Rendering a legal opinion on an Attorney General's opinion could not be classified as "research assistance." Neither do we believe that any expenditure for secretarial services rendered to Messrs. Smith and McCawley in the preparation of this opinion would be valid because such expense was not incurred in carrying out the purposes for which the legislative research committee was created. But Section 23.080, supra, clearly does not authorize the Legislative Research Committee to hire attorneys to render legal opinions.

CONCLUSION

It is the opinion of this department that the committee on legislative research cannot validly pay out of

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its general appropriation fees of attorneys employed by it to render legal opinions on Attorney General's opinions nor of secretaries assigned to these attorneys. It is the further opinion of this department that the Legislative Research Committee has no authority to pay costs or attorney's fees in a lawsuit filed by a state senator attempting to compel payment of expenses he claims he is entitled to receive for attending Senate Committee Meetings.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton
Attorney General

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