

July 12, 1974

OPINION LETTER NO. 245  
Answer by letter-Nowotny

Mr. Robert L. James  
Commissioner  
Office of Administration  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Mr. James:

This is in reply to your request for an opinion of this office concerning the question of whether the office of Administration, Division of Accounting, has authority to withhold from an employee's compensation an amount for the purchase of credit union shares for any credit union other than the Missouri State Employees' Credit Union, and further asking whether the Office of Administration can make any deduction which is not specifically provided for by statute.

In Opinion Letter No. 190, September 28, 1965, Vaughn, this office held that the State Comptroller did not have the authority to deduct monthly contributions for the United Community Fund from the paychecks of state employees who request such deduction. The basis for this holding was that the Comptroller only has such powers as are expressly granted or necessarily implied. The opinion then recognized that Section 33.103, RSMo, was controlling, in that said statute specifically set out the purposes for which deductions may be made, and the United Community Fund was not included.

Also, in Opinion Letter No. 158, March 25, 1965, Hearnes, we held that absent a statute granting the authority to do so, municipal earnings taxes could not be withheld from the wages of state employees.

Accordingly, it is our opinion that the Office of Administration cannot make any deduction which is not specifically provided for by statute.

Mr. Robert L. James

Since Section 33.103 specifically provides only for deduction for the purchase of shares in the "Missouri State Employees' Credit Union" and for no other, and there are no other statutes that we are aware of allowing deductions for any other credit union, it is the further opinion of this office that the Office of Administration cannot deduct from an employee's compensation an amount for the purchase of credit union shares for any credit union other than the "Missouri State Employees' Credit Union."

Yours very truly,

JOHN C. DANFORTH  
Attorney General