

LEGISLATURE:  
GENERAL ASSEMBLY:  
MILEAGE:  
LEGISLATIVE COMMITTEES:  
EXPENSE ACCOUNTS:

Members of Interim Committee on Labor created by House Concurrent Resolution No. 13, 70th General Assembly, are entitled to mileage at 7 cents per mile.

November 6, 1959



Honorable Thomas A. Walsh, Member  
Missouri House of Representatives  
70th General Assembly  
2735A North Spring Avenue  
St. Louis 13, Missouri

Dear Mr. Walsh:

We have received your request of October 5, 1959 for an opinion of this office, which request reads as follows:

"Will you please furnish me with a memo with regard to the amount of mileage a legislator is allowed for trips to and from Jefferson City for work on interim committees.

"The Missouri Constitution allows ten cents per mile once a session; and Section 33.090 states that the State Comptroller is empowered to set rules and regulations governing the incurring of travel expenses on behalf of the state, which amount has been set at seven cents per mile."

The request is so phrased as to include all interim committees of the General Assembly, however, as you are Chairman of the Interim Committee on Labor, we have assumed that you are interested in the mileage allowance so far as it affects that committee, and this opinion has been prepared accordingly.

Section 16, Article III, Constitution of Missouri, 1945, provides for the compensation and mileage allowance for members of the General Assembly and reads as follows:

"Senators and representatives shall receive from the state treasury as salary the sum of one hundred and twenty-five dollars per month, and upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as

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to the respective members thereof, the state auditor shall audit and the state treasurer shall pay such compensation without legislative enactment. Senators and representatives shall receive one dollar for every ten miles traveled in going to and returning from their place of meeting, once in each session, on the most usual route."

The portion of Section 16, Article III, Constitution of Missouri, 1945, relating to mileage allowance is implemented by Section 21.140, RSMo 1949, which reads as follows:

"Senators and representatives shall receive one dollar for every ten miles traveled, and an amount for travel for any fractional part of ten miles at the same rate, in going to their place of meeting in Jefferson City from their place of residence, and returning from their place of meeting in Jefferson City to their place of residence, once in each regular session and once in each special session, on the most usual route."

It is to be noted that Section 16, Article III, Constitution of Missouri, 1945, and Section 21.140, supra, both of which are set out hereinabove, authorize members of the General Assembly to be paid mileage at the rate of ten cents per mile from their place of residence to Jefferson City and returning from Jefferson City to their place of residence once during each regular session and once during each special session of the General Assembly.

In view of the fact that Section 16, Article III, Constitution of Missouri, 1945, and Section 21.140, supra, limit the ten cents' mileage allowance to one round trip for each session, it is necessary to look elsewhere for authorization to pay travel expenses of members of the interim committees of the General Assembly.

In reviewing the statutes we are unable to find any statute which allows members of interim committees any specific amount per mile for attending meetings of the committee. House Concurrent Resolution No. 13 which created the Interim Labor Committee provides that members of the committee are to be reimbursed for their actual and necessary expenses but it does not specify the amount per mile they are to be allowed. The pertinent portion of this resolution reads as follows:

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"BE IT FURTHER RESOLVED that the members of the Committee be reimbursed for their actual and necessary expenses while attending meetings of the committee or any subcommittee thereof, to be paid from the joint contingent fund."

Section 23.070, MoRS Cum. Supp. 1957, provides that members of the Legislative Research Committee are entitled to mileage (the amount allowed is not set out in the statute) and necessary expenses incurred while attending meetings of the committee within the state; however, said expenses are limited to \$250.00 for any period of two calendar years. Section 16.080, RSMo 1949, provides that the members of the Missouri Commission on Interstate Cooperation, which is composed in part of members of the House and Senate Committees on Interstate Cooperation, shall serve without compensation but shall be paid their necessary expenses in carrying out the duties of the commission. Section 21.445 provides that the Joint Committee on Correctional Institutions and Problems shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

None of the above-cited sections, which relate to permanent interim committees of the General Assembly, specify the amount per mile that the members are entitled to for traveling to and from hearings of the committees. Sections 16.080 and 21.445, supra, provide that the committee members are to be reimbursed for actual and necessary expenses. Section 23.070 does provide that the members shall be entitled to mileage and necessary expenses incurred while attending meetings of the committee but the amount per mile is not specified.

Section 33.090, RSMo 1949, authorizes the Comptroller to establish rules and regulations governing expenses incurred on behalf of the State of Missouri and reads as follows:

"The comptroller shall be empowered to promulgate rules and regulations governing the incurring and payment of reasonable and necessary travel and subsistence expenses actually incurred on behalf of the state, which rules and regulations shall take effect not less than ten days after the filing thereof in the office of the secretary of state."

Under the authority conferred by Section 33.090, supra, the Comptroller has promulgated rules and regulations governing

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travel and subsistence expenses incurred on behalf of the State of Missouri. These rules and regulations are entitled, "Regulations for the Guidance of Officials and Employees of the State of Missouri while Traveling on Official Business." Rule 9 of the regulations, as amended, reads as follows:

"Allowance for travel by privately owned automobiles will be at a rate not to exceed seven cents per mile, unless State laws make other provisions. Only the owner of the automobile receives mileage. (That is, if two or more people travel in the same automobile only 7¢ per mile is paid to one employee.) Mileage allowance outside the State of Missouri is not reimbursable unless travel by such means is advantageous to the State. Parking and toll charges will be allowed when the official or employee is engaged in compensable travel."

It would appear that the travel of members of the Interim Labor Committee in connection with their committee assignment is expense incurred on behalf of the State of Missouri, and in absence of statutory authority to the contrary, which we have been unable to find, the members of the committee would be governed by the rules and regulations promulgated by the Comptroller under the provisions of Section 33.090.

#### CONCLUSION

Therefore, it is the opinion of this department that members of the Interim Committee on Labor are entitled to receive an allowance of seven cents per mile for travel in connection with their committee assignment.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Calvin K. Hamilton.

Yours very truly,

JOHN M. DALTON  
Attorney General

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