

COUNTY SUPERINTENDENT OF SCHOOLS - State appropriation,
applicability to salary under Section 9463 R. S. Mo. 1929.

179.140
179.150

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March 2, 1933.



Hon. J. R. Gideon
Prosecuting Attorney
Taney County
Forsyth, Missouri

Dear Mr. Gideon:

Your letter to the Attorney-General requesting
an opinion on the construction of Section 9463, R. S. Mo.
1929, has been handed the undersigned for attention.
You state that,

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"Section 9463 R. S. Mo. 1929 provides
that the State of Missouri shall appro-
perate annually --- four hundred dollars
to each county for Co. Supt. of schools
and provides that said superintendents
shall receive his salary monthly from
the county revenue fund in the form of
a county warrant drawn upon the county
treasurer.

The county superintendent of Taney county
has requested the county court of said county
to set aside said \$400.00 paid to Taney
county in a special fund and draw warrants
upon said special fund for payment of his
salary. The county court called upon the
undersigned for his opinion whether the law
contemplates that said fund so appropriated
by the state shall constitute a special fund
or be placed in the general revenue fund
upon which superintendent's salary, (as are
other county officers salary) is paid.

My opinion is that said fund should be placed
in the general revenue and that the county
superintendent shall be paid the same as any

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other officer. The county superintendent is not satisfied with my opinion and I would appreciate your opinion upon the question."

From a careful reading of this statutory provision it would appear that you have correctly advised your county school superintendent.

Said section as referred to, after designating the amount to be paid in accordance with the population of the counties, continues,

"****of which the state of Missouri shall appropriate annually out of the general revenue fund of the state of Missouri four hundred dollars to each and every county."

Counties The 2nd, 3rd & 4th classes

The appropriation to be made goes to the county and into the revenue fund thereof. That it was not the intention of the Legislature that such appropriation was to be treated as a sacred fund to be set apart and applied only to the payment of the superintendent's salary, is evidenced by the further provision in said section, to-wit:

"The county superintendent shall receive his salary monthly from the county revenue fund in the form of a warrant drawn upon the county treasurer."

It is the opinion of this department that this section cannot be so interpreted as to give the county school superintendent preference insofar as this particular fund is concerned, but that the appropriation of four hundred dollars goes into the revenue fund of the county; the superintendent draws his warrant against said fund and is paid therefrom as other officers; the county court, therefore, would be without authority in setting it aside as a special fund for the payment of such salary.

Yours very truly,

CARL C. ABINGTON
Assistant Attorney-General.

APPROVED: _____
ROY McKITTRICK
Attorney-General.

CCA:EG