

COUNTY BUDGET ACT: LIQUOR CONTROL ACT: Funds derived from sale of county licenses to be paid into General Revenue Fund and appropriated to the different classes according to requirements of the budget.

3-22

March 19, 1934



Honorable Robert W. Hawkins
Prosecuting Attorney Pemiscot County
Caruthersville, Missouri

Dear Mr. Hawkins:

This Department is in receipt of your letter of March 12, 1934, in which you request an opinion as to the following state of facts:

"The County Court is desirous of knowing how the License money collected under and by virtue of the Liquor Control Act shall be used? That is, could the court apply the money to the fund or class most in need; or would the County Court have to pro-rate the money to the various funds or classes?"

Under the new Budget Law as passed by the 57th General Assembly of the State of Missouri, Laws Missouri 1933, page 340, all receipts of the County are credited to the general fund with two exceptions. Section 10 of the Budget Act provides in part:

"That the annual budget of any county shall present a complete financial fund for the ensuing budget year."

It further provides:

"That all receipts of the county for operation and maintenance shall be credited to the general fund."

The two exceptions to this are, the special fund for the special tax levy for roads and bridges, and

the different funds for receipts from the sale of bonds or for the retirement of bond issues.

The financial set-up under the Budget law begins with a General Revenue Fund. The county court then, by virtue of Section 2 of the Budget Act, sets aside sufficient sums for the proposed expenditures in the different classes.

Class Six provides:

"After having provided for the five classes of expenses heretofore specified, the county court may expend any balance for any lawful purpose. Provided, however, that the county court shall not incur any expense under class six unless there is actually on hand in cash funds sufficient to pay all claims provided for in preceding classes, together with any expense incurred under class six."

The Liquor Control Act of the State of Missouri went into effect January 13, 1934. The County Budget Law requires that on the first day of February of each year the clerk of the county court shall prepare certain information of which the following is a part:

"Estimated receipts:

Other revenue (each source shall be stated separately) estimated.

Total estimated county revenue for the current year from all sources.

Ten per cent shall be deducted from total for delinquent taxes to get the net amount estimated for purposes of budget.

The court must balance its estimated budget for the year from the first five classes on the net estimate."

March 19, 1934

Section 8 of the Budget Law provides,

"That it is the duty of the county court at its regular February term, to go over the estimates and revise and amend the same in such way as to promote efficiency and economy in county government."

Section 10 of the Budget Act provides in part,

"That the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures."

Inasmuch as the Liquor Control Act of Missouri became law on the 13th day of January, 1934, the income to the county by reason thereof must have been included in the budget required of each county as anticipated income.

It is therefore impossible for this department to say for which class of proposed expenditure the county court intended in its budget to use the funds derived from the sale of county licenses. However, there is no doubt but that this money should be paid into the General Revenue Fund and appropriated from that source to the different classes according to the requirements of the budget.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.
Assistant Attorney General,

APPROVED:

ROY McKITTRICK
Attorney General.

JWH:AH