

COUNTY BUDGET LAW: It is not in conflict therewith for the County Court to contract and make an appropriation for three years for extension work in the county.

3-2
March 1, 1934.



Mr. Arlie Lake,
New London, Missouri.

Dear Sir:

This department acknowledges receipt of your letter of February 6, which is as follows:

"Ralls County is under the budget plan for financing the county, and the County Court has agreed to furnish funds satisfactory for the support of Extension work in the county by the year.

Under the Smith-Lever Act, which provides for the national part in the financial program in Extension Service in the county, courts are required to sign a three-year contract. Is there a conflict in requirements of these two laws? Please advise me if it is possible, under the budget plan, for the county court to contract for three years."

You, no doubt, refer to Sec. 12623, which provides as follows:

"County courts appropriating funds under this article shall make such appropriation for a period of not less than three years nor more than four. Any county court may, on petition or on its own initiative, appropriate funds in support of a county farm bureau prior to the final completion of the bureau organization, but no money shall be paid out until the county farm bureau shall have met the conditions set forth in section 12619 of this article."

March 1, 1934.

Sec. 12623, R.S. Mo. 1929 appears to make it mandatory on the county court to appropriate funds for not less than three years. We interpret this section to mean that the county court makes the appropriation for three years but only pays one-third of the amount so appropriated annually.

In applying this to the new budget law, Laws of Mo. 1933, p. 346, the first nine sections inclusive deal with the budget in counties within which Ralls County, according to its population is classified. Bearing in mind that the appropriation is made for three years and one-third paid annually, it is then possible that the annual appropriation could be paid under Class 5, page 342, Laws of Mo. 1933, County Budget Law, which provides as follows:

"The county court shall next set aside a fund for the contingent and emergency expense of the county, which shall in no case be more than one-fifth of the anticipated revenue. From this class the county court may pay contingent and incidental expenses and expense of paupers not otherwise classified. No payment shall be allowed from the funds in this class for any personal service, (whether salary, fees, wages or any other emoluments of any kind whatever) estimated for in preceding classes."

CONCLUSION

In view of the above, it is the opinion of this department that the county court can contract and make the appropriation for three years and the same would not be in conflict with the County Budget Law.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General

APPROVED:

ROY McKITTRICK,
Attorney General