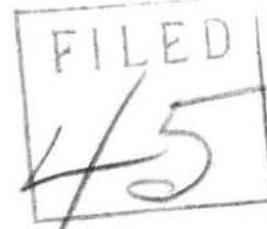


OLD AGE PENSIONS: State Board has right to appoint clerical help for respective county boards.

1.15

July 12, 1935.



Hon. W. Ed. Jameson
President Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Mr. Jameson:

This is to acknowledge receipt of your letter of July 2, 1934, in which you request the opinion of this Department on certain questions submitted therein. Your letter reads as follows:

"The Old Age Pension act provides for the appointment of an Old Age Assistance Board in each county and in the City of St. Louis. It provides no salary but only the expenses of this board.

"Question has come up already in regard to the setup in St. Louis and Kansas City. It is evident that a board working without salary could not handle the affairs in these larger centers without some secretarial and stenographic help.

Please advise if we will be able to supply this help from the funds appropriated for the administration of this act."

Your question is, as we interpret your letter, whether or not you may pay for clerks, stenographers and other employes, selected by you and used by the County Old Age Assistance Board, out of money appropriated by the Legislature for the administration of the Old Age Assistance Law.

Your question relates to Senate Bill No. 7, passed by the 58th General Assembly, approved by the Governor, and which becomes effective August 27, 1935.

Under the provisions of Section 3 of said Act it is provided that a County Old Age Assistance Board shall be established in each county of the State, whose duties are outlined in the act. The members of this board, which shall consist of three persons, are appointed by the respective county courts of the counties, and of the three members, one shall be a woman. However, in the City of St. Louis the Board of Estimate and Apportionment of said city performs the same duties in the City of St. Louis as the county courts do in the other counties of the State.

By Section 3 of said Act it is provided that "the members of the county board shall serve without compensation, except that the necessary expenses incurred while in the performance of their duties shall be paid to them."

Enumerating some of the duties of the county board, we find under Section 7 that it shall be the duty of the county board to appraise the value of the property of persons applying for pensions under this act.

Under the provisions of Section 9 it is provided that the applicant for assistance shall deliver his claim, in writing, to the county board.

Under the provisions of Section 10 it is the duty of the county board to promptly make an investigation of the facts and after hearing the applicant, if it approves the application, shall make a recommendation of the amount of assistance to be allowed, or if it disapprove, make a recommendation that no assistance be allowed. And said section further provides for a rehearing upon proper steps being taken by the applicant, etc.

Under the provisions of Section 11 the county board shall have the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers in their investigation.

Under the provisions of Section 12 it is the duty of the county board to issue to each applicant to whom assistance is allowed, a certificate for one year, stating the amount of each installment.

Under the provisions of Section 13 it is the duty of the county board to issue a certificate for each subsequent year after an investigation, and may make changes in the amount of allowance.

Under the provisions of Section 19 the State Board, if they see fit, may cause a special inquiry to be made by the county board and may suspend payment of any installment, pending inquiry.

Under Section 21 the county board shall stop payment of assistance if one is convicted of a misdemeanor under this law.

Under the provisions of Section 28 it is provided for meetings of the State Board and the respective county boards in such places as may be fixed by the rules of the Board.

It will readily be seen that the county board has many duties to perform and many questions will have to be determined by it in the administration of this Act. Files and records will have to be kept and clerical work will have to be done in all of the counties of the State in the administration of the Act, and a great amount of detail work will have to be done by some member of the board or some clerk or stenographer or other person for the board. The law does not provide that the county board may employ any person to do this clerical or secretarial work. But we think, under the provisions of this Act, that the State Board has the power to employ the necessary help for the county board.

By Section 2 of the Act it is provided that the State Board shall administer the provisions of this Act and may appoint such clerical and office assistance and such deputies as may be appropriated for by the General Assembly.

July 12, 1935.

Turning to House Bill No. 541, Section 46-h and 46-h-1, passed at the same session as the Old Age Assistance Act, we find that a large sum of money was appropriated by the Legislature to administer the Act. And in said appropriation bill, among other things, there is provided for "salaries and wages of accountants, auditors, bookkeepers, inspectors, investigators, stenographers, chief clerks * * * and all other necessary employes." For a proper administration of this Act we think it is within the power of the State Board to employ necessary and competent help to do the secretarial and stenographic work for the respective county boards of the State.

It is, therefore, our opinion that the State Board may appoint such clerical and office assistance for the respective county boards as may be necessary to carry out the Act and expedite the handling of the applications and detail work in connection with the performance of the county boards' duties and their compensation may be paid out of funds appropriated by the Legislature under House Bill No. 541 aforesaid.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General

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