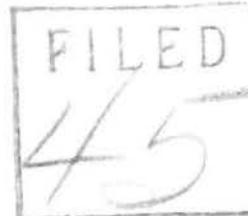


PENSIONS: Old Age Assistance: Costs of investigations payable out of appropriation to State Board; not payable by county.

8-26

August 21, 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 August 14, 1935, in which you request the opinion of this Department on a question therein submitted; which letter of request is as follows:

"The question of 'Who is going to pay the costs of investigating the applicants for old age assistance in the various counties?' has arisen.

"Section 10 of the committee substitute for Senate Bill No. 7 reads as follows:

"Section 10. Whenever an application is made for old age assistance, the county board shall promptly make 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."

"From the above section, it specifically states that the county board shall promptly make investigation of

the facts, etc. I am asking your opinion on the matter as to whether the county or the state will have to pay the costs of these investigations."

Your question is -- "Who is going to pay the costs of investigating the applicants for old age assistance in the various counties?"

We herewith set forth Sections 10 and 11 of Senate Bill No. 7, which are the sections of said Act applicable to your question, as follows:

"Section 10. Whenever an application is made for old age assistance, the county board shall promptly make 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. Upon the request of an applicant, the county board may, if it sees fit, direct a rehearing, of which the applicant shall have at least ten days' notice, and at which he may appear and offer evidence. The decision of the county board shall be forwarded to the state Commissioner who may approve or disapprove, or recommend changes in the decision of the county board. If the state Commissioner and the county board are unable to agree in regard to the allowance, disallowance, or the amount of assistance, the application, along with a record of all the proceedings in regard to it, shall be forwarded to the State Board for review, whose decision shall be final, subject to the

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right of appeal as herein otherwise provided. An applicant whose application for assistance has been rejected may not reapply for assistance until the expiration of twelve months from the date of the previous application, unless the rejection of said application shall be solely for failure to qualify as to age and such applicant has within the 12 months period reached the qualifying age.

"Section 11. For the purpose of any such investigation the state board, the county board, or the state Commissioner shall have the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers. The costs of such hearing to be paid by the State Board out of funds appropriated to such Board. All witnesses shall be examined on oath, and any member of the state board, county board, or the state Commissioner may administer said oath."

From a reading of the above two sections, and when same are read in connection with the other sections of said Act, we are of the opinion that the cost of investigations and hearings in connection with applications for old age assistance are to be paid out of the funds appropriated to the State Board by the Legislature. We do not find anywhere in the Act that the county is liable for the cost of making these investigations. It is, therefore, our opinion that the cost of making investigations of applicants for old age assistance is payable out of moneys appropriated to the State Board by the Legislature for the purpose of administering said Act.

Very truly yours,

APPROVED:

COVELL R. HEWITT
Assistant Attorney-General

JOHN W. HOFFMAN, Jr.
(Acting) Attorney-General

CRH:EG