

VISION: County Old Age Assistance Board entitled to necessary expenses for meals not to exceed the amount fixed by Old Age Assistance Division.

10-11

October 10, 1935.

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Mr. Arthur C. Mueller  
Prosecuting Attorney  
Gasconade County  
Hermann, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion, which reads as follows:

"According to Bulletin #4 dated September 21, 1935, issued by the Old Age Assistance Division at Jefferson City, the members of the County Old Age assistance board are allowed only \$1.00 per day for meals, which of course is inadequate. Section 3 of the law provides for the payment of the necessary expenses.

"Will you kindly give me your opinion in this matter as to whether the \$1.00 ruling or actual expenses incurred will be taken as the basis for payment to the members of the County board."

Section 3 of the Old Age Assistance Act, Laws of Missouri, 1935, page 309, reads as follows:

"In every county there shall be established a County Old Age Assistance Board, to consist of three persons domiciled in the county, each of whom shall have been a resident taxpaying citizen of the county for a period of five years prior to his or her appointment at least one of whom shall be a woman, who shall be appointed by the county court for a term of four years, except that of the members

first appointed, one shall be appointed for a term of two years and one for a term of three years. Vacancies shall be filled in the same way in which the original appointment was made. 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."

It is plain from the above section that members of the county board serve without compensation except that the necessary expenses incurred while engaged in the performance of their duties are to be paid them. The Old Age Assistance Division, in limiting the members of the county board to \$1.00 per day for meals, undoubtedly took into consideration the fact that it would be unnecessary for the members of the board to be away from home for more than one or two meals a day. Undoubtedly, they also took into consideration the fact that the appropriation for administering this Act is very limited. Regardless, however, of their reason for limiting the members to \$1.00 per day for meals, we think under the provisions of Section 11405, R. S. Mo. 1929, they had full authority to do so. Section 11405, supra, reads as follows:

"Whenever any official, employe or any other person shall travel at the public expense of the state and is paid or reimbursed from any public funds derived from taxes, fees, licenses, or in any other manner prescribed by law, the provisions herein set forth shall govern and no other.

"(a) Before any person shall travel at the public expense as herein provided, such person shall have from the head of the department on whose account the travel is made a written authority stating the nature of the duty to be performed and the counties or places to be visited, provided that in the case of a person whose general duties require traveling a general authority for one year may be issued stating the general duties of such employe.

"(b) This written authority shall state the maximum amount per diem that may be

expended for board and lodging. The head of the department shall fix this amount at a just and reasonable figure based upon the duties of the person traveling and the nature of the duties to be performed and the state auditor in auditing such an account is hereby authorized to pass upon the reasonableness of the amount allowed by the authority."

Under the above section, the head of a department has the right to fix the amount a person traveling at public expense may expend for board and lodging. The amount, of course, should be just and reasonable and the State Auditor is authorized to pass upon the reasonableness of the amount allowed by the head of a department.

CONCLUSION.

In view of the above, it is the opinion of this department that the members of the County Old Age Assistance Board are only entitled to the necessary expenses incurred for meals while performing their duties not to exceed the maximum amount fixed by the Old Age Assistance Division.

Yours very truly,

J. E. TAYLOR  
Assistant Attorney-General.

APPROVED:

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

JET/afj