

COUNTY BUDGET ACT: Cost of administering Federal relief on part of county may be classified as Contingent and Incidental expenses or expense of paupers not otherwise classified and paid out of Class 5.

March 16, 1935



Hon. Casey Rose,
Prosecuting Attorney,
Unionville, Missouri.

Dear Mr. Rose:

Some time ago this department received a request from you for an opinion regarding the County Budget Act, as follows:

"In a number of counties in this state I am advised that the counties are paying a part of the cost of administering federal relief agencies as a part of the cost of relieving poor persons.

The county court here has requested me to write and ask you what classification this expense should come under in the county budget."

The two sections of the Act, Laws of Mo. 1933, p. 341 relating to paupers which we think are broad enough to include relief are Class 1, which is as follows:

"The county court shall set aside and apportion a sufficient sum to care for insane pauper patients in state hospitals. Class 1 shall be the first obligation against the county and shall have priority of payment over all other classes",

and Class 5 (Laws of Mo. 1933, p. 342), which is 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."

It is obvious that this fund could not be placed in Class 1, as that class deals solely with insane pauper patients in state hospitals. Class 5 contains this sentence: "From this class the county court may pay contingent and incidental expenses and expense of paupers not otherwise classified", which would include the relief you mention.

Class 4 of the County Budget Act (Laws of Mo. 1933, p. 341-342) provides:

"The county court shall next set aside the amount required to pay the salaries of all county officers where the same is by law made payable out of the ordinary revenue of the county, together with the estimated amount necessary for the conduct of the offices of such officers, including stamps, stationery, blanks and other office supplies as are authorized by law. Only supplies for current office use and of an expendible nature shall be included in this class. Furniture, office machines and equipment of whatever kind shall be listed under Class six."

We quote the above class for the reason that you refer, we assume, to the cost of administering Federal relief agencies, which would include salaries, wages and office expense of those administering the relief, and said Class 4 is the only class that has any reference to salaries of county officers. Those administering Federal relief could not be paid out of the funds in that class, because those administering Federal relief are not county officers as contemplated by the Budget Act.

CONCLUSION

It is the opinion of this department that the cost of administering Federal relief on the part of the county could be classified as Contingent and Emergency or Incidental Expense, as set forth in Class 5, as well as indirect expense of paupers not

otherwise classified. Of course, any funds which remain or come into Class 6 may be used for the cost of administering Federal relief, as Class 6 contains this provision: "After having provided for the five classes of expenses heretofore specified, the county court may expend any balance for any lawful purpose.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

ROY MCKITTRICK,
Attorney General

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