

SCHOOLS:)
COUNTY SUPERINTENDENT OF SCHOOLS:)

County Superintendent of Schools is entitled to only actual expenditures for traveling expenses and clerical hire and when the bill is presented to the county court the county court must draw a warrant for same just so long as the maximum amount allowed has not been exceeded.

October 13, 1936.

10-14



Hon. Omer Foley
County Superintendent
Howard County Public Schools
Fayette, Missouri

Dear Mr. Foley:

This is to acknowledge your letter dated October 10, 1936, as follows:

"In re. Section 9467 R. S. Mo., 1929:

"If a county superintendent of schools had one hundred teachers in his county under his supervision he would be entitled to \$300 annually, under the above section, for clerical hire and travelling expenses.

"In your opinion, do you think it would make any difference whether it was paid as the expenses occurred each month according to miles travelled and help employed, which might mean \$15.00 some months, \$25.00 another and \$30.00 still another, or do you think it could be paid in twelve monthly payments of \$25.00 each?

"I had one fellow to tell me that if my monthly average was \$25.00, and I had an expense for one month for \$20.00, the \$5.00 difference could not be made up and I could never put in my bill for over \$25.00. I think he is wrong. Please let me know."

Section 9467, R. S. Mo. 1929, referred to in your letter, reads as follows:

"That the county superintendent of public schools shall be allowed out of the county treasury not to exceed twenty-five per cent. of his annual salary for traveling expenses and necessary clerical assistance, provided such allowance shall not exceed three dollars (\$3.00) annually for every teacher under his jurisdiction. The county court shall, upon presentation of his bill properly setting forth his actual expenditures for traveling expenses and clerical hire, draw a warrant upon the county treasury for the payment of same: Provided, when the county superintendent shall furnish his own conveyance, the rate allowed for mileage shall be four cents per mile for each mile actually and necessarily traveled."

You will note that Section 9467, supra, is divisible into three distinct parts: (1) The amount of allowance the superintendent of schools is permitted for traveling expenses and necessary clerical assistance; (2) the authorizing of the county court to pay for actual expenditures for traveling and clerical hire of the superintendent of schools and the drawing of a warrant on the county treasury; (3) the allowance of four cents per mile to the superintendent when he furnishes his own conveyance.

Your question pertains to the second classification. The second classification reads as follows:

"The county court shall, upon presentation of his bill properly setting forth his actual expenditures for traveling expenses and clerical hire, draw a warrant upon the county treasurer for the payment of same."

The above provision is unambiguous and is couched in words which should be given their usual and ordinary meaning. The county superintendent does not receive expenses for traveling or clerical help unless he travels or has clerical assistance. In other words, the county superintendent has no vested right to receive compensation for traveling or clerical assistance unless the superintendent travels or hires clerical help. The Legislature placed a maximum amount that the superintendent could receive. In the illustration you give the maximum amount the county superintendent could receive is \$300.00 annually. If the county superintendent did not use the \$300.00 for traveling or clerical assistance he would not be entitled to it. The superintendent, if he only used \$200.00 of the \$300.00, would only be entitled to the \$200.00.

Section 9467 does not state when the county superintendent shall present his bill, namely, whether daily, weekly, monthly, semi-annually or annually. But when the superintendent presents his bill it must be for actual expenditures for traveling expenses and clerical hire. Therefore the county superintendent could wait till the end of the year and present his bill in one sum, or if the county court desires a monthly bill presented, then he could present it monthly. But the bill presented must be for actual expenditures. Thus, if in one month the county superintendent had \$25.00 for traveling expenses and clerical hire, that would be presented; the next month it might be \$50.00 and the next month \$10.00, and some months no dollars. However, the bill presented must be for actual expenditures.

It is our opinion, from the above and foregoing, that the county superintendent of schools is entitled to only actual expenditures for traveling expenses and clerical hire, and when the bill is presented to the county court the county court must draw a warrant for same just so long as the maximum amount allowed has not been exceeded.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

APPROVED:

J. E. Taylor,
(Acting) Attorney-General.

JLH:EG