

STATE BOARD OF EDUCATION: Duly authorized agency to receive Federal Social Security Funds for health work in Mo.

March 12, 1936.

3-12



Miss Katharine F. Lenroot,
U.S. Department of Labor,
Children's Bureau,
Washington, Missouri.

Dear Miss Lenroot:

This department is in receipt of your letter requesting an opinion as to the following state of facts:

"You are familiar with the recent correspondence by letter and by telegraph between this office and yours with reference to the question of the State agency in Missouri which is authorized to receive Federal funds for administration, under title V of the Social Security Act. I have been advised that it is your opinion that the State Board of Education is constituted by law as the duly authorized agency for receiving and disbursing such funds on the request of that Department charged with immediate administration of the particular plans.

"The Solicitor of Labor has asked for a copy of your opinion or opinions on this question. I should like further to ask you directly whether in the face of section 543 of the Act of March 18, 1933 and section 1 of the Act of May 2, 1933, the State Board of Education or any other state agency has the power to receive and to disburse Federal funds on the voucher of other State departments."

Section 1, Laws of Mo. 1933, p. 415, to which you refer in your letter, is not, in our opinion, pertinent to the question here under consideration, as that section has to do with fees, funds and moneys received by any department or board by virtue of any law, rule or regulation made in accordance with any laws of the State of Missouri, and does not apply to funds derived by devise, bequest, donation, gift or assignment.

Section 643, Laws of Mo. 1933, p. 252 provides:

"Whenever any devise, bequest, donation, gift or assignment of money, bonds or choses in action, or of any property, real, personal or mixed, shall be made or offered to be made to this state, the State Board of Education, as constituted by law, shall be and are hereby authorized to receive and accept the same on such terms, conditions and limitations as may be agreed upon between the grantor, donor or assignor of said property and said officials constituting said Board, so that the right and title to shall pass to and vest in this State; and all such property so vested in this state and the proceeds thereof when collected, may be appropriated for educational purposes, or for such other purposes as the legislature may direct. The intention of this act is to abolish the commission heretofore created to accept devises, bequests, donations, gifts or assignments of money, bonds or choses in action, or of any property, real, personal or mixed, and to transfer such duties to the State Board of Education."

It is this section of our laws that we deem to be pertinent to the situation here presented. It will be noticed that in this statute it is provided that "and all such property so vested in this state and the proceeds thereof when collected, may be appropriated for educational purposes, or for such other purposes as the legislature may direct". This is not a mandatory provision, however, and it is our opinion that the State Board of Education as constituted by law is the duly authorized state agency to receive the Federal Social Security Funds for health work in Missouri.

It is our further opinion that these funds should be accepted by the State Board of Education subject to the plan for maternal and child health in Missouri, and disbursed by said Board according to said plan.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:

ROY MCKITTRICK,
Attorney General.

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