

OLD AGE ASSISTANCE: 5% grant from Federal Government under Sec. 3a of Federal Act may be applied for administrative expenses in the same proportion as funds applied in State Appropriation Act.

3-4  
March 4, 1936.



Hon. Richard R. Nancy,  
State Treasurer,  
Jefferson City, Mo.

Attention: Mr. H.S. Johnson

Dear Sir:

This department is in receipt of your letter of February 26, requesting an opinion as to the following:

"I am in receipt of a check from the Treasury of the United States, dated February 14, 1936, in the sum of \$315,000.00, object for which drawn #1119774 Social Sec. BD.

"The assumption is that the above check is for the Old Age Assistance, and I desire your official opinion as to just how this \$315,000.00 should be handled by this department. "

Section 3a of the Federal Act providing for grants to states for Old Age Assistance provides in part as follows:

" \* \* \* and (2) five per centum of such amount which shall be used for paying the costs of administering the state plan or for old age assistance, or both, and for no other purpose."

It is our understanding that the fund recently received from the Treasurer of the United States represents a grant of \$300,000.00 for old age assistance plus 5% of that amount, or \$15,000.00 to be used as provided in Section 3a, as set out above.

If this be correct, the \$15,000 in question may be used either for administration purposes or for old age assistance, or both.

Section 46-H, Laws of Missouri, 1935, p. 178, making appropriation for administration of the Missouri Old Age Assistance Act appropriates \$230,000, to be divided as follows:

- A. Personal Service.....\$85,000.00
- B. Additions.....10,000.00
- C. Operations.....135,000.00"

Section 46-H-1, Laws of Missouri, 1935, p. 179 provides:

"There is hereby appropriated out of the State Treasury, chargeable to any funds paid into the State Treasury by the Board of Managers of the Eleemosynary Institutions, known as the State Board, out of any federal contributions and allotments, for the purposes set forth in Section 46-H, of this act, and in addition to appropriations made by Section 46-H of this act, the sum of One Hundred and Twenty-five Thousand Dollars (\$125,000.00), or so much thereof as may be necessary, for the purposes set forth in Section 46-H, and the said amount shall be applied to the purposes and in apportionment as funds appropriated by said Section 46-H are applied; during the years 1935 and 1936."

By reason of this section of our laws, if the Board of Managers of the Eleemosynary Institutions determine to use the 5% heretofore referred to for administration purposes, said 5% must be used in apportionment as the funds appropriated by Section 46-H are applied. In other words 85/230 of said funds may be used for personal service, 10/230 may be used for additions and 135/230 may be used for operations.

Respectfully submitted,

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

APPROVED:

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ROY MCKITTRICK,  
Attorney General.

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