

OLD AGE ASSISTANCE:) County Courts do not have authority to
) contribute to the support of an associa-
COUNTY COURTS:) tion of Old Age Assistance Boards

12-10
December 10, 1936.

Colonel Allen M. Thompson
Commissioner
Old Age Assistance Division
Jefferson City, Missouri



Dear Mr. Thompson:

This will acknowledge receipt of your letter of recent date requesting an opinion from this office which reads as follows:

"We have an inquiry from a member of one of our County Old Age Assistance Boards, seeking information relative to the justification of his county court's subscribing \$25.00 to the support of an organization to be known as the Missouri Association of Old Age Assistance Boards.

"We have had numerous requests, and I would like an opinion from you relative to the information which I should give in replying to them."

Section 3 of the Old Age Assistance Act, Laws of Missouri, 1935, page 309, provides that in every county there shall be established a county old age assistance board to consist of three persons to be appointed by the County Court. The members of the county board serve without compensation except the necessary expenses incurred in the performance of their duties are paid to them.

There is no provision found in the Act or elsewhere requiring said county boards to form an association of Old Age Assistance Boards and there is, of course, no

provision authorizing the county courts to contribute \$25.00 or any other amount to the support of such an organization.

The powers of the county court are limited and defined by law. A county court only has such authority as is expressly granted to them or which can be implied to carry out authority expressly granted.

In the case of King v. Maries County, 249 S. W. 418, the Court at loc. cit. 420 said:

"It has been held uniformly that county courts are not the general agents of the counties or of the state. Their powers are limited and defined by law. They have only such authority as is expressly granted them by statute. Butler v. Sullivan County, 108 Mo. 630, 18 S. W. 1142; Sturgeon v. Hampton, 88 Mo. 203; Bayless v. Gibbs, 251 Mo. 492, 158 S. W. 590; Steines v. Franklin County, 48 Mo. 167, 8 Am. Rep. 87. This is qualified by the rule that the express grant of power carries with it such implied powers as are necessary to carry out or make effectual the purposes of the authority expressly granted. Sheidley v. Lynch, 95 Mo. 487, 8 S. W. 434; Walker v. Linn County, 72 Mo. 650; State ex rel. Bybee v. Hackmann, 276 Mo. 110, 207 S. W. 64.

"In this case there is no claim that there was any statute which expressly gave to the county court power to employ the plaintiff in the capacity here involved. If such power existed at all, it must be looked for among those powers which can be implied only as being essential to effectuate the purpose manifested in an express power or duty, conferred, or imposed upon the county court by statute. If such a power existed, it must be one related to the subject with which the court was attempting to deal, and necessary to be exercised by the court in the discharge of a duty imposed by law upon that body. *****"

In view of the provisions of section 47 of Article IV. of the Constitution of Missouri, which provides in part, "The General Assembly shall have no power to authorize any county, city, town, or township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, to lend its credit, or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company:" we doubt if the Legislature could lawfully authorize the county courts to contribute to the support of an association of old age assistance boards. However, since the Legislature has not authorized the county courts to do so, it is not necessary to decide this question.

CONCLUSION.

In view of the above, it is the opinion of this department that a county court does not have the authority to subscribe \$25.00 or any other sum to the support of an association of Old Age Assistance Boards.

Respectfully submitted,

J. E. TAYLOR
Assistant Attorney-General.

APPROVED:

ROY MCKITTRICK
Attorney-General.

JET/afj