

CANCER COMMISSION - County Courts should transmit payment for indigent patients to the State Treasurer, where it becomes a part of the General Revenue Fund

December 22, 1938

State Cancer Commission
3713 Washington Boulevard
St. Louis, Missouri



Gentlemen:

This will acknowledge receipt of your letter of November 17, requesting an opinion from this office as per your letter as follows:

"As per your ruling of July 28, 1938, the Cancer Commission has been billing the various counties for care given patients in the cancer wards now being operated at Fulton and St. Joseph. To date we have received a total of \$425.00 in payment of statements rendered.

"The Cancer Commission fully realizes it cannot expend these funds for any reason whatever. However, the law does not specifically provide for the disposal of these funds. The Cancer Commission is desirous of knowing whether this money should be turned over directly to the State Treasury and put into the General Fund, whether the State Treasurer should set up a separate fund for these payments, designating it as belonging to the Cancer Commission and holding same until the next meeting of the Legislature,

or whether the Commission should deposit all funds in some bank, holding same until the Legislature again meets.

"On November 16th we opened an account at the Mercantile Commerce National Bank in St. Louis, in the name of the Cancer Commission of the State of Missouri, depositing therein all checks received to date. The Commission intends to leave the money in this fund until we receive an opinion from your office as to what we should do with same."

Our opinion of July 28, 1938, to which you refer, we believe very definitely disposes of the question to whom a county court should make payment for treatment of indigent patients, as provided for in Section 11, Laws of 1937, page 499, by the conclusion stated in such opinion, as follows:

"From the foregoing, we are of the opinion that all funds billed by the State Cancer Commission to county courts for patients in state hospitals Number 1 and 2 must, after being allowed by the county court, be paid over to the treasurer of the State of Missouri."

Consequently, the money you have on deposit in the St. Louis bank should be promptly transferred by you to the Treasurer of the State of Missouri, and we believe it would be well for you to hereafter

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direct county courts to make their warrants payable to the State Treasurer and either sent direct to such treasurer or else can be transmitted through you.

Relative to your second question, namely, whether such payments by county courts is to be set up by the treasurer as a separate fund for the benefit of the Commission, beg to say that in view of the absence of any such provision in the Cancer Commission Act such payments, when received by the treasurer, go into the general revenue fund and by reason of Section 15 of the Act the General Assembly can appropriate such funds or any part thereof, together with any other money in the general revenue fund for the use of the Cancer Commission that the Legislature deems advisable.

Very truly yours

J. W. BUFFINGTON
Assistant Attorney General

APPROVED

J. E. TAYLOR
(Acting) Attorney General

JWB LC