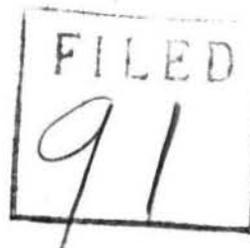


January 6, 1939.



United States Treasury Department
Washington, D. C.

Gentlemen:

Pursuant to Paragraph 11 of "Information for State Agencies Regarding the Unemployment Trust Fund, etc." issued December 1, 1936, I advise that upon the adoption of a proper regulation by the Commission, it is my opinion that the Chairman of the Commission, or in his absence, either of the other members of the Commission, may be by such regulation designated as the individuals to execute such requisitions, and it is my opinion that when so designated any of them have duly constituted authority under the Missouri Unemployment Compensation Law to execute such requisitions.

Committee Substitute for Senate Bill No. 36, passed by the 59th General Assembly and approved by the Governor on June 17, 1937, provides for a system of Unemployment Compensation and Employment Service. By Sec. 4 (a) it is provided:

"There is hereby created a commission to be known as the Unemployment Compensation Commission of Missouri."

By Sec. 3 (e) it is provided:

"'Commission' means the Unemployment Compensation Commission established by this Act."

Sec. 5 (a) provides:

"It shall be the duty of the commission to administer this Act. * * *"

By Sec. 12 (c) it is provided:

" * * * The Commission shall from time to time requisition from the Federal Unemployment Trust Fund such amounts, not exceeding the amounts standing to the Missouri account therein, as it deems necessary for the payment of benefits for a reasonable future period. * * *"

Section 5 (d) of the Missouri Unemployment Compensation Law provides in part:

" * * * The commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks thereunder. * * *"

The persons there referred to are identified in the preceding sentence as "officers, accountants, attorneys, experts, and other persons as may be necessary * * * under this Act." The specific duty of actually executing the requisition for funds is but one of the many steps in the proper administration of the Missouri Unemployment Compensation Law, and under the foregoing provision authority to execute such requisitions may be delegated by the Commission to a given officer or employee.

If by regulation the Commission by a proper vote authorizes and directs the Chairman of the Commission, a member of the Commission, or any officer of the Commission, to execute such requisitions, it is my opinion that such individual is the proper individual to execute requisitions for funds.

I have examined the regulation of the Commission forwarded to me, a copy of which is hereto attached and made a part of this opinion, and am of the opinion that it is sufficient to designate the Chairman of the Commission, or, in his absence, either of the other members of the Commission, as the proper individuals to execute such requisitions.

Respectfully

Roy McKittrick

REGULATION NO. _____

REQUISITION OF TRUST FUNDS

Section 5 (a) of the Missouri Unemployment Compensation Law provides:

"It shall be the duty of the Commission to administer this Act; and it shall have power and authority to adopt, amend, or rescind such rules and regulations * * * as it deems necessary * * *."

Section 12 (c) of said law provides:

"Moneys shall be requisitioned from the Missouri account in the Federal Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission."

Whereas, it is necessary that the individuals authorized to execute requisitions from the Unemployment Trust Fund be designated. The Commission accordingly prescribes that

(1) The Chairman of the Commission is hereby authorized to execute requisitions for trust funds from the Treasury Department at such times and in such amounts, not exceeding the amounts standing to the credit of the Missouri Account in the Federal Unemployment Trust Fund as will be necessary to pay benefits for a reasonable future period on such forms as are approved by the Secretary of the Treasury of the United States.

(2) In the event of the absence of the Chairman of the Commission, either of the other two Commissioners are hereby authorized to execute such requisitions.

Approved for adoption this _____ day of December, 1938.

