

County Budget Act: Warrants for pauper patients confined in state insane asylums by the court are to be paid from class one. Warrants for children confined in the State Home at Marshall and Carrollton are to be paid out of funds in class five.

January 16, 1942

Mr. Ira A. Jones, President,
Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri



Dear Sir:

This Department is in receipt of your letter of January 9, 1942, wherein you make the following inquiry:

"Some time last year the state auditor instructed all county clerks to pay the State School at Marshall and the Mount Vernon Sanatorium out of Class 5 Warrants, ruling that these two institutions were not insane institutions and could not be paid with Class 1 warrants.

"Under your ruling of January 2nd, on another opinion you have said that the State School at Marshall 'was a lunatic asylum.' If this is true, and in my opinion it is, shouldn't we be paid out of Class 1 warrants for the Missouri State School at Marshall and School #2 at Carrollton?"

We have considered our opinion of January 2, 1942, which appears to refer to an entirely different matter than the question you present. In that opinion Sections 9634 and 9635, Laws of Missouri, 1941, page 320, were considered from the viewpoint of whether or not the Missouri State School at Carrollton meets the requirements in so far as fireproof buildings were concerned under Section 14950, R. S. Missouri, 1939.

The instant question which you present will have to be considered from the standpoint of the county budget act, as amended by the 1941 General Assembly, Laws of Missouri, page 650. Section 10911, Laws of Missouri, 1941, page 651, contains a provision with reference to Class 1, which is as follows:

"The court shall classify proposed expenditures in the following order:

"Class 1. The County court shall set aside and apportion a sufficient sum to care for insane pauper patients in state hospitals. Class 1 shall be the first obligation against the county and shall have priority of payment over all other classes."

Section 10914, Laws of Missouri, 1941, page 652, referred to as the Class 1, which is as follows:

"The court shall show the estimated expenditures for the year by classes as follows:

"Class 1. Care of paupers declared by lawful authority to be insane (in state hospitals)."

Sections 9634 and 9635, as amended by the Legislature in 1941, page 320, refer to the Home for Feeble-minded and epileptic for children and places the institution at Carrollton and Marshall under the Board of Managers of the State Eleemosynary Institutions.

We are of the opinion that the state auditor was correct in instructing the county clerks to pay the warrants for children confined in the Homes at Marshall and Mount Vernon, likewise Carrollton, from warrants out of Class 5, as clearly under the budget act the care and upkeep of patients in insane

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asylum, under Class 1, refers to the institutions so designated for that purpose, and refers further to such pauper patients as have been declared insane by the county court.

Respectfully submitted,

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APPROVED:

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