

COUNTIES: : The County Court is required to pay the expenses
 of the County Farm Organization within the limits
 of the provisions of Section 5 of House Bill 744,
 63rd General Assembly.

R. Smith

June 4, 1946

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Honorable Ramey Smith
County Clerk
Douglas County
Ava, Missouri

Dear Mr. Smith:

This will acknowledge receipt of your letter of recent date in which you request an opinion of this department regarding the payment, by the County Court, of monthly installments to the County Farm Organization during a period when a vacancy exists in the office of County Extension Agent. Your specific question reads as follows:

"Is Douglas County, required by Law to furnish the Monthly installments during said period even though a County Extension Agent was not at work in the County?"

We think the answer to your question is contained in the provisions of an Act of the 62nd General Assembly found on pages 319 to 322, Laws of Missouri, 1943. Section 6 of that Act reads as follows:

"For the purpose of carrying out the provisions of this act, all funds appropriated by any county court to a county farm organization shall be used to pay the salaries and necessary expenses of men and women, either or both, trained in agriculture and home economics respectively, to serve as county agricultural agents, county home demonstration agents, and county boys' and girls' club agents, and to provide such clerical assistance and office equipment as may be necessary to the effective conduct through these agents, of such educational activities as are specifically authorized by state and federal legislation providing for cooperative extension work in agriculture and home economics as defined by the Smith-Lever act of congress. The office or headquarters of any county agriculture agent, county home demonstration agent or county

boys' and girls' club agent as provided for in this act shall be maintained at the county seat of each county."

Section 7 of the Act reads as follows:

"Following the close of each month, the secretary of the county farm organization shall requisition the county court for the total amount of the month's expenditures, submitting with such requisition a certified itemized statement of all expenditures covered thereby. Such requisition shall constitute the basis for immediate issuance by the county court, of a warrant covering the requisition in full and drawn in favor of the treasurer of the county farm organization. For the purpose of this section the president and secretary of the county farm organization shall be regarded as certifying officers. Provided, that the requisition for any given month shall not exceed one-twelfth of the total amount appropriated for the year, unless a reserve shall have accumulated as a result of expending less than the aforementioned twelfth portion during one or more preceding months, in which case such reserve shall be constantly available for current expenditures. Provided, further than any unused funds remaining in the appropriation on December 31 shall revert to the county treasury."

It will be noticed that Section 6 provides that the County Court shall appropriate money to pay the salaries and necessary expenses of activities necessary to carry out the provisions of that act. This is a clear mandate that the County Court should pay such salaries and expenses as the Farm Organization incurs. It does not restrict the payment to a time when a County Extension Agent is performing his duty.

Your letter indicates that the County Court of Douglas County has been making monthly payments to the County Farm Organization on a pro rata basis.

Section 7, above quoted, provides that the County Court shall issue a warrant covering a requisition drawn by the secretary of the Farm Organization. Said requisition shall contain the total amount of the month's expenditures of the

County Farm Organization. The statute, therefore, does not require that a certain amount be paid each month, but only that the expenses of the Farm Organization for a given month be paid by the County Court. Section 7 further provides that any unused funds remaining in the appropriation on December 31 shall revert to the county treasury. This is a further indication of the fact that the county is required to pay only the expenses of the County Farm Organization and not that they are to give the County Farm Organization a certain stipulated amount each month.

Section 7 also provides that the requisition for any given month shall not exceed one-twelfth of the total amount appropriated for the year, unless a reserve shall have accumulated as a result of expending less than the one-twelfth portion during the preceding months, and that if a reserve does exist, it shall be available for current expenditures. We think that this provision of the statute was included to meet just such a situation as you mention in your letter. In other words, when the County Farm Organization, by reason of the inability to obtain an adequate staff, does not expend its allotted amount during any one month, it may later use this money for its legitimate expenses. Therefore, the money which was saved by not having to pay the salary of the County Extension Agent can be used to meet current expenses.

The amount to be appropriated by the County Court is governed by Section 5 of the General Act. This section has been amended by House Bill 744, passed by the 63rd General Assembly, and approved by the Governor. This bill, a copy of which we herewith enclose, provides that in counties of the fourth class the minimum appropriation for the County Organization shall be \$1,000.00, and further provides that no county shall appropriate more than 50¢ per capita of the rural population of said county.

We are, therefore, of the opinion that the statutes provide that the County Court should appropriate a certain minimum amount for the purposes of the County Farm Organization, that out of this appropriation the county court is required to pay each month only the expenses of the Farm Organization for that month, and that the Farm Organization may use the money which is left in the appropriation for its future expenses until the appropriation is entirely dissipated.

CONCLUSION

It is, therefore, the opinion of this department that (1)

Hon. Ramey Smith

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the County Court of Douglas County is not required to furnish money in pro rata monthly installments to the County Farm Organization; (2) the County Court of Douglas County is required to pay such expenses of the County Farm Organization as are incurred by the County Farm Organization during the period when a County Extension Agent is not at work in the county so long as these expenses do not exceed, for the entire year, the appropriation made for the County Organization by the County Court, as limited by the terms of the provisions of the 62nd General Assembly, Laws of Missouri, 1943, pages 319 to 322, and House Bill 744 of the 63rd General Assembly, and so long as they remain within the monthly limitations set out in Section 7 of the Act of the 62nd General Assembly.

Respectfully submitted,

SMITH N. CROWE, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

SNC:dc

Encl.