

DEVISION OF WELFARE: Under sections 9759.31 and 9759.32, Mo. R.S.A.,
OLD AGE PENSIONS: the Division of Welfare is a single state
agency designated to administer the state
social security act and federal social security
act pertaining to the payment of old age as-
sistance and aid to dependent children.

May 20, 1947



Division of Welfare
Dept. of Public Health and Welfare
Jefferson City, Missouri

Attention: Mr. Proctor N. Carter, Director
Division of Welfare

Gentlemen:

This will acknowledge receipt of your request for an official opinion. Restating your request for sake of brevity, you inquire whether the Division of Welfare or the State Department of Public Health and Welfare is a single state agency under sections 31 and 32 of Senate Bill 349, passed by the 63rd General Assembly, designated to administer the state social security plan and Federal laws pertaining to the payment of old age assistance and aid to dependent children.

The primary rule of statutory construction is to ascertain, if possible, the intent of the Legislature in passing such a law from the words used and give it that effect. See *City of St. Louis v. Pope*, 126 S.W. (2d) 1201, 344 Mo. 479.

Prior to the enactment of Senate Bill 349, supra, the State Social Security Commission was a single state agency under the state plan for administering state and federal aid to applicants for old age assistance and aid to dependent children.

Section 9759.31, Mo. R.S.A., transfers all authorities and duties formerly vested in the State Social Security Commission to the Department of Public Health and Welfare, however, it further provides such authority and duty shall hereinafter be assigned to the Division of Welfare. Also, that the state agency, as the term may be used in any federal act and not otherwise specifically provided for by state law, shall mean the Department of Public Health and Welfare. Said section reads:

"All powers and duties heretofore under
control and administration of the state

social security commission and the offices thereof shall hereafter be under the control and administration of the state department of public health and welfare and shall be assigned to the division of welfare within the department, together with all other powers and duties which may herein or hereafter be so assigned. In all laws of Missouri, wherever the term state social security commission or state commission used in such connection shall occur, the term department of public health and welfare shall be substituted and understood; and wherever the term commissioner in such connection shall occur, it shall be understood to mean the director of the division of welfare; the term person shall include corporation, partnership or association; state agency as that term may be used in any federal act and not otherwise specifically provided for by state law shall mean the department of public health and welfare; the singular shall include the plural and the masculine shall include the feminine."

Section 9759.32, Mo. R.S.A., specifically provides that the Division of Welfare shall be vested with and exercise all powers and duties necessary to carry out all purposes of said act, and furthermore, that said Division of Welfare shall be the state agency to administer state plans and laws involving old age assistance and aid to dependent children. Said section reads:

"The division of welfare as an integral part of the department of public health and welfare shall be vested with and shall exercise all the powers and duties necessary to enable it to carry out fully and effectively the purposes enumerated in this act or in amendatory acts, and shall be the state agency to administer state plans and laws involving: pensions or assistance to persons over sixty-five years of age, who are incapacitated from

earning a livelihood or are without means of adequate support; aid to dependent children; aid or relief in cases of public calamity; aid for direct relief; child welfare services; pensions and services as heretofore administered by Missouri Commission for the Blind; any other duties relating to social security which may herein or hereafter be imposed upon the department of public health and welfare. The division of welfare shall also have control and administration over the confederate home near Higginsville, and the inmates thereof, in the same manner and to the same extent as has heretofore been lawfully exercised by the board of managers of the state eleemosynary institutions. The board of trustees of the federal soldiers' home as established in Article II of Chapter 124, Revised Statutes of Missouri, 1939, as amended, shall continue to operate and maintain the federal soldiers' home at St. James as now by law provided, but said board of trustees and said home shall be a part of the division of welfare and appropriations for said home shall hereafter be made through the department of public health and welfare, and reports of said board of trustees shall hereafter be made to said department, any other act to the contrary notwithstanding."

Furthermore, Section 9759.33, Mo. R.S.A., provides that the Department of Public Health and Welfare through and on behalf of the Division of Welfare shall cooperate with the United States government pertaining to any duties wherein the department and division are acting as a state agency. And concludes by stating that all powers and duties of the department shall, so far as applicable, apply to the administration of any other law or state law wherein duties are imposed upon the department or division, or the department or division is acting as a state agency.

The foregoing provisions, to say the least, are ambiguous, and there is plenty of room for construction. The Federal Social Security Act, Title 42, Section 302 (a), subdivision (3) thereof, specifically requires a state plan for the administration

of old age assistance, and reads:

"(a) A State plan for old-age assistance must * * * * (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan;"

The Department of Public Health and Welfare is specifically made the state agency as that phrase is used in the Federal Statutes when not otherwise provided by law. (See Section 9759.31, Mo. R.S.A., supra.) However, it is otherwise provided by law. (See Section 9759.32, Mo. R.S.A.) The foregoing provision makes the Division of Welfare under said Department of Public Health and Welfare the single state agency to administer the state social security act, and, therefore, is the single state agency required to be established under the federal social security act. Furthermore, Section 9759.33, Mo. R.S.A., supra, requires the Department of Public Health and Welfare through the Division of Welfare to cooperate with the federal government in many ways.

CONCLUSION

From the foregoing provisions, it is the opinion of this department that the Legislature has created the Department of Public Health and Welfare and places under its supervision many divisions, among them is found the Division of Welfare. It is apparent that the Division of Welfare under the foregoing statutes is the single state agency required to administer all laws pertaining to the payment of old age assistance and aid to dependent children.

Respectfully submitted,

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APPROVED:

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