

COUNTY WELFARE OFFICE: The county court is under no obligations to
: furnish quarters or give support to the
COUNTY COURTS: : county welfare office but may make con-
: tributions for the maintenance of such of-
: fice.

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9-18-51

Honorable Edwin F. Brady
Prosecuting Attorney
Benton County
Warsaw, Missouri



Dear Mr. Brady:

We have given careful consideration to your recent request for an official opinion, which request is as follows:

"It is requested that I be informed what the obligation, if any, of the county court is to furnish money, services or quarters for a county welfare office. It is noted that section 207.060 empowers the director of welfare to accept such money, services or quarters.

"It is further requested that I be informed what the authority, if any, of the county court is to furnish money, services or quarters for a county welfare office. It is noted that section 49.510 requires the county to provide offices or space for the officers of the county and maintain, furnish and equip said offices with stationery, supplies, equipment, appliances and furniture.

"In other words, what is the county court supposed to do toward the support of the county welfare office?"

Section 207.060, RSMo 1949, is as follows:

"1. The director of welfare shall establish a county office in every county, which shall be in the charge of a county

welfare director who shall have been a resident of the state of Missouri for a period of at least five years and whose salary shall be paid from funds appropriated for the division of welfare.

"2. For the purpose of establishing and maintaining county offices, or carrying out any of the duties of the division of welfare, the director of welfare may enter into agreements with any political subdivision of this state, and as a part of such agreement, may accept moneys, services, or quarters as a contribution toward the support and maintenance of such county offices. Any funds so received shall be payable to the state collector of revenue and deposited in the proper special account in the state treasury, and become and be a part of state funds appropriated for the use of the division of welfare.

"3. Other employees in the county offices shall be employed with due regard to the population of the county, existing conditions and purpose to be accomplished; and shall be residents of the county where qualified under the regulations of the division, and shall be paid as are other employees of the division of welfare."

This statute makes it the duty of the state director of welfare to establish and maintain an office in every county in the state, and he is authorized to accept funds, services, or quarters as a contribution from any political subdivision of the state. The county is under no obligations to support the program. But the county court may in its discretion contribute moneys, services, or office space in order to assist the division of welfare in carrying on its work.

Section 49.510, RSMo 1949, declares it to be the duty of the county to provide offices for the officers of the county. This mandate, however, applies only to the regular county offices. The welfare office in fact is not a county office. It is simply a branch office of a state agency and

is not included in this section of the law.

The Supreme Court of Arkansas supported this view in the case of McDaniel vs. Moore, 118 S.W. (2d) 272. In the course of that opinion, on page 275, the court said:

"We are of the opinion that the trial court was correct in holding that county departments of Public Welfare are mere geographical subdivisions of a single State Department of Public Welfare, and that county departments are mere agencies of the State Department. When the whole Welfare Act is considered, this conclusion is inescapable. * * * ."

The meaning of "county officers," as defined by the Supreme Court of Missouri, seems to be in accord with this principle. In the case of State ex rel. vs. Imel, 242 Mo. 293, l.c. 300, the court said:

"The words 'county officers' have two well defined meanings. In their most general sense, they apply to officers whose territorial jurisdiction is co-extensive with the county for which they are elected or appointed. In a more precise and restricted sense, those words mean officers 'by whom the county performs its usual political functions, its function of government.' (Sheboygan County v. Parker, 70 U.S. 93, l.c. 96.)"

CONCLUSION

It is the opinion of this office that the county court is under no obligations to furnish quarters or give support in any way to the county welfare office. The court may in its discretion, however, contribute funds, services, or quarters toward the support and maintenance of such office.

Respectfully submitted,

APPROVED:



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