

Opinion No. 47 (1962) answered by this letter
447 (1961)

January 9, 1962



Mr. Roderic R. Ashby
Prosecuting Attorney
Mississippi County
Charleston, Missouri

Dear Mr. Ashby:

This is in response to your recent inquiry as to whether the \$319.90 received by Mississippi County for its share in the distribution of federal surplus commodities may properly be ordered by the county court into your county's highway department funds. We understand that the reason the court desires to do this is to reimburse the highway department for expenditures it had made up to and through the month of September 1961 in carrying out the distribution of surplus commodities.

A reading of Senate Bill 147 of the 71st General Assembly reveals that it authorizes a county to establish surplus commodities distribution program and, to that end, grants powers which are extremely broad. Such a legislative approach is indicative of an intent that the distribution to needy persons be expedited without undue concern for technical niceties. In consonance with that approach, we fail to see any legal barrier to the placing of the funds into the highway department's account on a dollar-for-dollar basis in the amount of expenses incurred by that department in assisting in the county's program.

We do not, of course, in this letter pass in any way on the authority of the county court to use the county highway department and county highway department funds for the distribution of surplus commodities.

Yours very truly,

THOMAS F. EAGLETON
Attorney General