

COUNTIES:  
DIVISION OF WELFARE:  
FOOD STAMPS:

A county or City of St. Louis cannot participate in food stamp program until approved by federal Department of Agriculture.

OPINION NO. 341

November 14, 1968



Honorable Richard M. Webster  
State Senator - 32nd District  
Missouri Senate  
1725 South Garrison  
Carthage, Missouri

Dear Senator Webster:

This is in response to your letter of July 13, 1968, in which you enclosed a letter of July 3, 1968, which reads in part as follows:

"The Missouri State Association of Community Action Agencies is much interested in implementation of the Federal Food Stamp plan throughout Missouri.

"During the 74th general assembly, House Bills 181 and 522 and Senate Bill 238 were introduced to provide statewide consideration, but all died in committee. We have been told that such new legislation is necessary. We question whether this is the case however, in view of Section 205.960, Missouri revised statutes (Supplement 1965)."

Distribution of surplus agricultural commodities and food stamps is provided for under Section 205.960, RSMo Supp. 1967, which reads as follows:

"1. Any county or any city not within a county may establish a program for the acquisition, storage and distribution of surplus agricultural commodities or for the sale and issuance of food stamps to participating families and needy persons pursuant to acts of the congress of the United States, and may rent, lease or otherwise provide the necessary storage and distribution facilities and administrative personnel therefor. The county or city may enter into contracts or agreement with

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any other county or city not within a county for the establishment and operation of a joint program or for the joint use of facilities or services.

"2. The director of the division of welfare of the department of public health and welfare shall make and promuglate necessary and reasonable regulations for the administration of the programs established pursuant to subsection 1, and for the certification of the eligibility of recipients of the commodities. The division of welfare shall be the certifying agency responsible for certifying households as eligible for the issuance of food stamps, if required by federal law or regulation.

"3. The division of welfare of the department of public health and welfare shall, on or about the fifteenth day of each month, reimburse any county or city not within a county in an amount equal to fifty per cent of the sum expended by the county or city for the acquisition, warehousing and necessary cold storage, safekeeping, maintenance of proper records, issuance of food stamps and distribution of surplus agricultural commodities during the preceding month; provided the expenditures have been approved by the division of welfare."

Under Section 205.960, supra, any county or city not within a county may establish a program for the distribution of surplus agricultural commodities or for the sale or issuance of food stamps pursuant to the acts of Congress. It must comply with the acts of Congress and the rules and regulations issued by the federal authorities.

The act of Congress establishing the food stamp program is found in Chapter 51, Section 2011 to and including Section 2025, 7 USCA. Section 2013 provides for the Secretary of Agriculture to issue such rules and regulations as he deems necessary or appropriate for the effective and efficient administration of the food stamp program.

Pursuant to the above statutes, the Secretary of Agriculture issued Rule and Regulation No. 1600.2, Title 7, Code of Federal Regulations which provides in part:

" 'Eligible household' means a household that lives in a project area and whose income and resources are determined to be a substantial limiting factor in the attainment of a nutritionally adequate low-cost diet.

\* \* \* \*

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" 'Project area' means the political subdivision within a State which has been approved for participation in the Program by the Department."

Under the above statutes and regulations, before a county or a city not within a county can participate in the food stamp program, it must be approved for participation by the Department of Agriculture. When it is approved then under Section 205.960, supra, the State Division of Welfare has authority to make the necessary rules and regulations for the administration of the program for issuing food stamps as required by federal law and regulation and in performing the necessary duties placed upon the Division of Welfare under said statute.

#### CONCLUSION

It is the opinion of this office that the State Division of Welfare is not required to comply with the provisions of Section 205.960, RSMo Supp. 1967, which provides that the Division shall certify households as eligible for food stamps and reimburse the county or city not within the county fifty per cent of the sum expended by the county or city for issuance of food stamps, until the county or city not within a county has been approved for participation in the federal food stamp program by the federal Department of Agriculture.

The foregoing opinion, which I hereby approved, was prepared by my Assistant, Moody Mansur.

Yours very truly,

  
NORMAN H. ANDERSON  
Attorney General