



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

March 27, 1973

OPINION LETTER NO. 120

Honorable James I. Spainhower
State Treasurer
State Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Spainhower:

This is in response to your request for an opinion as to the legality of the State Treasurer cashing payroll checks for state employees or using state funds to cash personal checks drawn by state employees.

It is our understanding that it has been customary for some years now for the Treasurer's Office to maintain a revolving cash fund for the purpose of cashing state payroll and personal checks for state employees.

Section 30.230, RSMo 1969, dictates that the State Treasurer deposit all state moneys in the state treasury to the credit of the state on demand deposits in banking institutions selected by him and approved by the Governor and State Auditor and to withdraw such moneys thereafter as authorized by law. Section 30.170, RSMo 1969, provides that state moneys shall be disbursed only upon warrants drawn on the treasury according to law. Section 30.180, RSMo 1969, provides that all warrants presented to the State Treasurer shall be converted by the Treasurer into checks or drafts on a designated depository of state funds if the warrant is properly drawn against a legal appropriation, and does not exceed the amount thereof.

It seems clear from the language of these sections that all state moneys are to be deposited by the Treasurer upon receipt in banking institutions and disbursed therefrom only upon warrants drawn on the treasury according to law, with the exception that

Honorable James I. Spainhower

state moneys may be withdrawn for transfer to another bank account or for the purpose of investment by the Treasurer at any time without a warrant. This being so, the act of cashing a payroll check for a state employee or cashing a personal check drawn by a state employee with state moneys maintained in a revolving fund in the Treasurer's Office would constitute an illegal disbursement of state moneys.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General