



JOHN C. DANFORTH
ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

September 16, 1974

OPINION LETTER NO. 162

Mr. Robert L. James, Commissioner
Office of Administration
State Capitol Building
Jefferson City, Missouri 65101

Dear Mr. James:

This letter is in response to your question asking:

"Can the Federal Soldiers' Home under authority of 191.160, RSMo. 1969, provide a cash payment directly to the Superintendent and Assistant Superintendent for 'board and living quarters' or may board and living quarters be provided only?"

Section 191.160, RSMo 1969, provides:

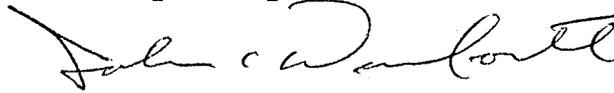
"The department of public health and welfare may provide any employee in any institution under its control with board and living quarters in addition to salary, or wages, when the director shall determine that it is for the best interest of the state to do so."

This provision, then, authorizes living quarters for such employees when it is determined that it is for the best interest of the state. In our view this does not authorize cash in lieu of living quarters. This view is based on and consistent with our holding in Opinion No. 94, dated June 26, 1953, to Weber, in which we held that a county court had statutory authority (under a now repealed statute) to furnish living quarters for a sheriff but that the sheriff

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could not be paid cash in lieu of living quarters. We still adhere to this opinion and that conclusion is applicable here. Accordingly, cash in lieu of living quarters cannot be paid under Section 191.160.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General