

OLD AGE PENSIONS: Members of Old Age Assistance Board only entitled to necessary expenses actually incurred, not to exceed for board and lodging the amount fixed by Old Age Assistance Division. Not to receive over five cents per mile for using their own car.

March 13, 1936

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Mr. Wm. McClanahan
Chairman County Old Age Assistance Board
Sullivan County
Milan, Missouri

Dear Sir:

This will acknowledge receipt of your letter requesting an opinion from this office, which reads as follows:

"Mr. George Rinehart, representative of Sullivan County, has informed us that members of the Old Age Assistance Board are entitled to 10 cts per mile and \$1.25 a day for expenses.

"We have been shortchanged if this be true. I have even been out money in making an honest effort to do what is required under the law. I will appreciate it if you will advise me at once how much each member may expect to draw under the law.

"I am writing for all members and thank you for a reply. "

Section 3 of the Old Age Assistance Act, Laws of Missouri, 1935, page 309, provides:

"In every county there shall be

established a County Old Age Assistance Board, to consist of three persons domiciled in the county, each of whom shall have been a resident taxpaying citizen of the county for a period of five years prior to his or her appointment at least one of whom shall be a woman, who shall be appointed by the county court for a term of four years, except that of the members first appointed, one shall be appointed for a term of two years, and one for a term of three years. Vacancies shall be filled in the same way in which the original appointment was made. The members of the county board shall serve without compensation, except that the necessary expenses incurred while in the performance of their duties shall be paid to them."

Section 11405, Revised Statutes Missouri 1929, regulates the expense accounts of persons traveling on business for the State. Said Section reads as follows:

"Whenever any official, employe or any other person shall travel at the public expense of the state and is paid or reimbursed from any public funds derived from taxes, fees, licenses, or in any other manner prescribed by law, the provisions herein set forth shall govern and no other.

"(a) Before any person shall travel at the public expense as herein provided, such person shall have from the head of the department on whose account the travel is made a written authority stating the nature of the duty to be performed and the counties or places to be visited, provided

that in the case of a person whose general duties require traveling a general authority for one year may be issued stating the general duties of such employe.

"(b) This written authority shall state the maximum amount per diem that may be expended for board and lodging. The head of the department shall fix this amount at a just and reasonable figure based upon the duties of the person traveling and the nature of the duties to be performed and the state auditor in auditing such an account is hereby authorized to pass upon the reasonableness of the amount allowed by the authority.

"(c) Before any payment or reimbursement is made to any person on account of any traveling expenses, the original written authority provided herein shall be filed with the state auditor. All claims for reimbursement shall be submitted to the state auditor upon a form approved by him, which form shall contain the information herein provided. It shall be made out in duplicate and the original shall be sworn to by the person claiming payment or reimbursement, and the original shall remain in the files of the state auditor and the duplicate shall be retained in the files of the department granting the authority. The form shall contain the following information and in addition such other information as the state auditor may deem necessary and shall be uniform for all departments; Date and place expense was incurred. If account is for more than one day, it shall be itemized showing the amount of each day's expense and the purpose for which each day's expense was incurred. Transportation charge, sleeping-car fare, lodging and meals shall each be shown as separate items and the amount for each stated. If any item of expense exceeds

one dollar (\$1.00), it shall be supported by a sub-voucher or receipt signed by the person to whom payment was made by the official, employe or person traveling at the public expense as herein provided and such sub-voucher or receipt shall show in detail the information required by this section. Also the place and date. No official, employe or person traveling at the public expense shall submit any voucher or claim for partial payment or reimbursement on account of traveling expenses but such a voucher or claim must contain all and every expense incurred within the time it purports to cover. The oath or affirmation of the official, employe or person traveling at the public expense shall be in the following form:

"I, _____, do solemnly swear, 'or affirm' the above claim is correct and just, that no part of the same has been paid, that the expense was necessary to the public business of the state, that payment was made out of personal funds and that I have not been reimbursed therefor, and I have not received and will not receive from any source whatever any payment of any part thereof except as provided by law. "

From your letter it appears that you assume that you are entitled to a specified amount for expense incurred while performing the duties of your office, and also a certain amount per mile for traveling expense. A reading of the above sections will show you that this is not true. All that a member of the County Old Age Assistance Board is entitled to receive is the necessary expenses actually incurred by him while performing his duties.

Sub-section (b) of Section 11405, supra, makes it the duty of the head of a department to fix the amount to be expended for board and lodging by a person traveling at the State's expense. The Old Age Assistance Division,

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according to our information, fixed the maximum amount to be expended by a member of the County Old Age Assistance Boards for meals at one dollar (\$1.00) per day. In an opinion given by this department to Mr. Arthur C. Mueller, Prosecuting Attorney, Hermann, Missouri, under date of October 10, 1935, we ruled:

"the members of the County Old Age Assistance Board are only entitled to the necessary expenses incurred for meals while performing their duties not to exceed the maximum amount fixed by the Old Age Assistance Division."

A copy of said opinion is herewith inclosed.

The maximum amount which the auditor's department will allow a person traveling at the State's expense in his own car is five cents a mile; this amount has been ruled by them to be the reasonable amount of expense incurred by a person so traveling.

In view of the above, it is the opinion of this department that a member of a County Old Age Assistance Board is only entitled to the necessary expenses actually incurred by him while performing his duties.

It is our further opinion that the Old Age Assistance Division has a right to fix the maximum amount to be expended by such members for meals and lodging, and that the maximum amount which they are entitled to receive for traveling expenses while using their own car is five cents per mile.

Yours very truly,

J. E. TAYLOR
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

JET:LC