

COUNTY WELFARE OFFICE: When county court appoints county welfare director as its agent to disburse county pauper fund under court's directions, fund does not lose identity, and does not become money contribution for support and maintenance of county welfare office within the meaning of Section 207.060, RSMo 1949. Fund shall be paid to county welfare director and not to state collector of revenue. Contributions of services or quarters for support and maintenance of county welfare office are not money contributions within meaning of Section 207.060, RSMo 1949, and shall not be paid to state collector of revenue. County Court authorized to pay same directly to persons performing services or furnishing quarters for county welfare office.

June 14, 1956

Honorable Proctor N. Carter
Director, Division of Welfare
Jefferson City, Missouri



Dear Mr. Carter:

This department is in receipt of your recent request for our official opinion, which reads in part as follows:

"It has been called to my attention that in an opinion rendered by your office under date of April 5, 1956, it was ruled that the county courts were authorized to contribute to the support and maintenance of county welfare offices, and that funds contributed should be paid to the State Collector of Revenue and not to the personnel of the county welfare office. This opinion has been interpreted by several county courts as requiring that all funds made available by the county court for the support and maintenance of the welfare office, as well as expenditures made by the welfare office in the distribution of the county pauper fund, be paid to the Collector of Revenue.

"Inasmuch as the opinion of April 5, 1956, has been interpreted by some counties as meaning that all contributions made by the county court should be paid to the State Collector of Revenue, we would appreciate receiving an opinion from you as to whether funds expended by the county welfare director as an agent of the county court for the care of sick and indigent persons have to be paid to the State Collector of Revenue, and whether contributions for services and quarters made by the county court

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for the benefit of the county welfare office can be paid for by the county clerk, or do these funds have to be paid to the State Collector of Revenue."

From said inquiry two questions have been propounded which are: (1) Whether funds expended by the county welfare director, as agent of the county court for the care of sick and indigent persons, have to be paid to the state collector of revenue. (2) Whether or not contributions for services and quarters made by the county court for the benefit of the county welfare office can be paid directly to the persons furnishing said services or quarters, or do these funds have to be paid to the ~~state~~ collector of revenue.

In our opinion rendered to Honorable Samuel E. Semple, Prosecuting Attorney of Randolph County, on November 19, 1952, it was held that a county court may appoint the county welfare director as its agent in carrying out the ministerial functions relating to distribution of the pauper fund, under direction of the county court. On page 3 of said opinion the question mentioned above was discussed more in detail as follows:

"While under the above rule the duty of providing for the poor of the county is imposed upon the county court, still the carrying out of the ministerial functions of such duty may be delegated to an agent of the county court. Therefore, if the county court desires to designate a county welfare director as its agent in carrying out such functions, then such delegation is proper and legal. The moneys so spent at no time become state moneys, but remain county moneys to be spent under the supervision of the county court by the county welfare director."

You call attention to our opinion of April 5, 1956, and state that said opinion has been interpreted by some county courts as meaning that all contributions of the county court to the county welfare office must be paid to the state collector of revenue.

Our attention is also called to an opinion of October 4, 1938, to the state social security commission. Among other things said opinion holds that the county is authorized to furnish persons to serve in the state social security commission county office and to pay compensation directly to such persons, in the amount

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agreed upon between the county and such individuals. The effect of our holding in the opinion of April 5, 1956, is that under the provisions of Section 207.060, RSMo 1949, if the county court contributes county funds for the support and maintenance of the county welfare office, such funds shall be paid to the state collector of revenue and not to personnel of the county welfare office. No statements or inferences were made in said opinion that all contributions, i.e., those of every kind or class made by the county court for the benefit of the county welfare office, could be made only to the state collector of revenue. If such a construction has been reached, it is incorrect. The opinion dealt only with money contributions made for the purpose mentioned, and had no reference to any funds involved in the former opinions of this office mentioned above, and that we believe said opinion is fully in accord with the earlier ones.

It is believed that in view of the holding of our opinion of November 19, 1952, that when the county court appoints the county welfare director as its agent, and then pays the pauper funds to such agent to distribute among the indigent of the county, as directed by the county court, said funds are to be used only for the purposes stated and cannot be legally used for any other purpose. Funds thus paid are not for the purpose of supporting and maintaining the local welfare office and are not required to be paid to the state collector of revenue, hence, our opinion of April 5, 1956, is in accord with that of November 19, 1952, and fully answers your first inquiry. A copy of said opinion is herewith enclosed.

The second inquiry is whether or not contributions for services and quarters made by the county court for the benefit of the county welfare office can be made directly to the persons furnishing the services or quarters, or do these funds have to be paid to the state director of revenue. In this connection, we call attention to subsection 2 of Section 207.060, RSMo 1949, which reads as follows:

"For the purpose of establishing and maintaining county offices, or carrying out any of the duties of the division of welfare, the director of welfare may enter into agreements with any political subdivision of this state, and as a part of such agreement, may accept moneys, services, or quarters as a contribution toward the support and maintenance of such county offices. Any funds so received

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shall be payable to the state collector of revenue and deposited in the proper special account in the state treasury, and become and be a part of state funds appropriated for the use of the division of welfare."

From this section it is noted that three distinct kinds or classes of contributions for support and maintenance of the county welfare office may be made by the county court, which are, moneys, services, and quarters. From the context in which they are used, it appears that these terms are not synonymous in meaning, or that one class of contributions could be substituted for another. As evidence of the legislative intent in this respect, for some reason best known to the law-makers, they have expressly stated in the section that all money contributions for the benefit of the county welfare office shall be made to the state collector of revenue. No such provisions have been made with reference to the other classes of contributions, and they are not required to be made to the state collector of revenue.

It is further noted that Section 207.060, supra, does not prohibit the county court from making contributions of services or office space to the county welfare office. It is believed that the court would be authorized to give its permission for county employees to perform services in the county welfare office, or the court might furnish office space, rent free, in the courthouse or any other county building, to the welfare office. In the alternative, the county court would be authorized to furnish county funds with which to pay the compensation of persons serving in the county welfare office, and to pay such compensation directly to those individuals performing the services. Such was the conclusion reached in our opinion to the state social security commission, previously referred to herein, and a copy of same is enclosed. For the same reasons given in the last-mentioned opinion, it is further believed that instead of furnishing office space to the welfare office, the county court is authorized to expend any available county funds for the rent of suitable quarters for the welfare office, and to pay said funds to the owner, or other person furnishing said quarters.

In the event the county court spends money for services or quarters, such contributions do not lose their identity as contributions for services or quarters, and do not become fund contributions within the meaning of Section 207.060, supra.

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However, we desire to point out that while such funds can properly be paid directly to those furnishing the services or quarters, said funds cannot be paid to personnel of the county welfare office, and such personnel are unauthorized to spend same for services or quarters, as it is obvious such a procedure would violate the legislative intent and purpose as expressed in the statute.

In view of the foregoing, it is our thought that contributions for services or quarters for the support and maintenance of the county welfare office, under provisions of Section 207.060, RSMo 1949, are not money contributions, and are not required to be made to the state collector of revenue. Any county funds expended by the county court for such purposes may be paid directly to the persons performing the services, or to those furnishing quarters for the county welfare office.

CONCLUSION

It is, therefore, the opinion of this department that when the county court appoints the county welfare director as its agent, to disburse the county pauper fund under direction of the county court, said fund does not lose its identity and does not become a money contribution for the support and maintenance of the county welfare office, within the meaning of Section 207.060, RSMo 1949. Said fund shall be paid to the county welfare director and not to the state collector of revenue.

It is further the opinion of this department that contributions of services or quarters for the support and maintenance of the county welfare office are not money contributions within the meaning of Section 207.060, RSMo 1949, and shall not be paid to the state collector of revenue. In making all such contributions, the county court is authorized to pay same directly to the persons performing the services or to those furnishing quarters for the county welfare office.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Very truly yours,

John M. Dalton
Attorney General

PNC:ld:gm

Enclosures:

Opinions

11/19/52 to Samuel E. Semple
10/4/38 to State Soc. Sec. Comm.