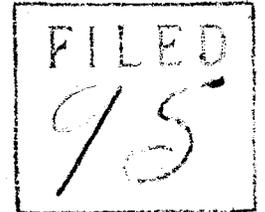


DIVISION OF WELFARE: Federal funds unclaimed by recipients for old
APPROPRIATIONS: age assistance and aid to dependent children
FEDERAL FUNDS: shall not be returned to the general revenue
fund of the State of Missouri.

September 29, 1947



10-8
Division of Welfare
State of Missouri
Jefferson City, Missouri

Attention: Mr. Proctor N. Carter, Director

Gentlemen:

This will acknowledge receipt of your request for an opinion. For sake of brevity we are restating your request. You inquire if federal participation to recipients of old age assistance and aid to dependent children, that may not be presented for payment by said claimants within one year, shall be transferred to the general revenue fund of the State of Missouri as provided under Section 13, page 1981, Laws of Missouri, 1945.

Claimants under both programs in this state, old age assistance and aid to dependent children, receive monthly grants in the form of checks. Both the state and federal government participate in these monthly payments and payments of both federal and state government to each recipient are combined in one check.

It is well established that federal funds granted the State of Missouri solely for participation in the two programs hereinabove mentioned shall be distributed in accordance with the federal act and state plan approved by the federal government, both of which specifically prohibit said federal funds being used for any other purpose. The federal government keeps a constant check on distribution of all federal funds granted this state to determine that same are properly distributed according to law. Should any federal funds granted the State of Missouri for a particular purpose be used for any other purpose, there is no question but that the federal government will reduce the following grant to this state in an amount equal to the amount of federal funds not properly expended. Therefore, while the State of Missouri has custody of said federal funds, they can only be disbursed for the purposes for which they were allocated, and to permit any part of said federal funds to go into the general revenue fund of the state to be used for another purpose would not comply with the law.

Section 13, page 1980-1981, Laws of Missouri, 1945, reads in part:

"* * * Provided, however, that checks or drafts outstanding, if not presented for payment within one year from the date of issuance, shall be void and the state treasurer shall print or cause to be printed upon all checks, drafts or evidence of payment due, the following:

'If not presented for payment within one year from the date of issuance, this(insert draft or check, etc.) shall be void.'

"All outstanding checks or drafts remaining unpaid at the time this act becomes effective, if not presented for payment within one year from the effective date of this act, shall be void.

"All monies set aside to pay any outstanding check or draft which has not been presented for payment as required by this act shall be transferred to the general revenue." (Underscoring ours.)

One of the primary rules of statutory construction is to ascertain the lawmakers intent from words used, if possible, and all other rules of interpretation are to be treated as subordinate to that requiring determination of the legislative intent. See *State vs. Ball*, 171 S.W. (2d) 787, and *Haynes vs. Unemployment Compensation Commission*, 183 S.W. (2d) 77, 353 Mo. 540. It is a well established rule of statutory construction that the Legislature is presumed to be familiar with the law in effect at the time they enact any legislation. See *Smith vs. Pettis County*, 136 S.W. (2d) 282, 345 Mo. 839; also *Howlett vs. Social Security Commission*, 149 S.W. (2d) 806, 347 Mo. 784.

Unquestionably, the Legislature knew that such federal funds granted the State of Missouri solely for participation in the two programs hereinabove mentioned could be used for no other purpose. This has been called to their attention on numerous occasions. Therefore, Section 13, supra, requiring all monies set aside to pay any outstanding check or draft which has not been presented for payment as required by this act shall be transferred to general revenue, must refer solely to money belonging to the State of Missouri and not

federal funds granted the state to be used for a specific purpose.

CONCLUSION

Therefore, it is the opinion of this department that Section 13, supra, is not applicable to federal money unclaimed by recipients for old age assistance or aid to dependent children and that such federal money should be returned to the federal fund account in the state to be used for the purpose for which it was allocated, and that part of payments participated in by the state and unclaimed should be transferred to the general revenue fund as provided in Section 13, supra.

Respectfully submitted,

AUBREY R. HAMMETT, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

ARH:VLM