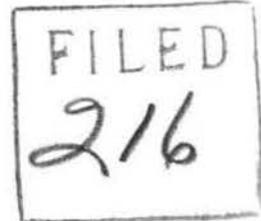


July 13, 1964



Honorable Gladys B. Stewart
Prosecuting Attorney
Douglas County
Ava, Missouri

Dear Mrs. Stewart:

This letter is in response to your requests of June 3, 1964, and June 16, 1964, for information regarding office and travel expenses of the county superintendent of Douglas County. In your letter of June 3, 1964, you inquire:

"The County Court of my county would like to know just exactly what expenses they must pay for the County Superintendent of Schools, particularly in connection with mileage and office. There is only one three-director district in the county and two reorganized grade districts and one reorganized high school district. The last three districts are six-director districts. The court needs to know what, if any, expenses incurred by the County Superintendent of Schools in the six-director districts are expenses they should pay from county revenue."

Your inquiry lacks specificity as to what items of office or travel expense are in question. However, we will attempt to point out some of the laws generally applicable to office and travel expense of the county superintendent of Douglas County. We note that Douglas is a county of fourth class.

As to the office expenses of county superintendents in a fourth class county: Clerical assistance expense is paid by the state up to \$750.00. Amounts over \$750.00 must be paid by

Honorable Gladys B. Stewart

the county. Clerical supplies must be furnished by the county. Section 167.030, RSMo 1959, provides:

" * * * He shall keep his office at the county seat, or at some other place in the county where a court of record is held, and the county court, by order of record, shall designate where the superintendent shall keep his office, and for this purpose the county shall supply him with a suitable room, properly furnished, wherein all records, books, papers, furniture and other property thereto belonging shall be securely kept; and at the expiration of his term of office he shall turn the same over to his successor in good condition, and said county court shall supply the superintendent with all necessary record books, stationery and postage stamps for properly conducting the business of his office, and shall allow all necessary printing of notices and circulars of information, the same to be paid for by warrant drawn upon the county treasurer."

As to mileage and travel expenses of the county superintendent in a fourth class county: As stated in Section 167.270 quoted *infra*, when a county superintendent furnishes his own conveyance mileage shall be seven cents per each actual and necessary mile traveled. Enclosed herewith is Opinion No. 75 (2-19-48) to James T. Riley which holds that necessary meals and lodging are to be considered as part of travel expense.

Traveling and clerical assistance expenses of county superintendents of fourth class counties are provided for in Section 167.270, RSMo 1959 which states:

"The county superintendent of public schools shall be allowed out of the county treasury not to exceed twenty-five per cent of his annual salary for actual and necessary traveling expenses. The county superintendent of public schools shall be permitted to employ clerical assistance, to whom there shall be paid not less than seven hundred and fifty dollars nor more than one

Honorable Gladys B. Stewart

thousand five hundred dollars annually to be determined and fixed by the county court, seven hundred and fifty dollars of which shall be paid by the state out of the state school moneys, the same to be included by the state board of education as a part of the apportionment made before August thirty-first of each year. The county court shall, upon presentation of his bill properly setting forth his actual and necessary expenditures for traveling expenses draw a warrant upon the county treasury for the payment of same. The county treasurer shall upon presentation of a proper bill by such clerical employee, or employees, such bill having been approved by the county superintendent and audited by the county court, draw a warrant each month for payment of same out of moneys provided by the state for such purpose, and the county court shall upon presentation of a proper bill by such clerical employee, or employees, such bill having been approved by the county superintendent, draw a warrant each month upon the county treasury for that part of the compensation for such purpose in excess of that provided by the state; provided, when the county superintendent shall furnish his own conveyance, the rate allowed for mileage shall be seven cents per mile for each mile actually and necessarily traveled; provided further, that all warrants in payment for clerical hire shall be drawn in favor of the person or persons who render such services, and in no case shall the county superintendent personally receive any part thereof."

From your letter it appears you are also concerned with the effect reorganization of school districts has upon the duties and compensations of county superintendents. Enclosed herewith is Opinion No. 56 (4-4-61) to Elva D. Mann. From this opinion you will note the following: The county superintendent has the duty to supervise transportation of only common school districts. Section 167.050, RSMo 1959. He has

Honorable Gladys B. Stewart

no duty to supervise transportation in any other type district. The duty of the county superintendent to supervise the preparation of budgets extends only to districts that do not employ a superintendent who devotes at least one-half of his time to the direct work of supervising. Sections 167.240, 167.040, RSMo 1959.

Your county superintendent is to be paid out of the county treasury for all "actual and necessary traveling expenses". Section 167.270. Generally speaking, your county superintendent is entitled, within the limits of Section 167.270 to actual and necessary travel expenses which are incurred in the performance of his official duties. As to those school districts where the county superintendent has no duty to supervise transportation or the preparation of budgets, obviously he could not incur any "necessary traveling expenses" as supervisor of transportation or budget preparation and thus not entitled to any payment. However, so far as the county superintendent is acting in the performance of his official duties he would be entitled to reimbursement for actual and necessary travel expense within the limits of Section 167,270.

If the above information is insufficient to answer the particular questions before you, we will be happy to consider specific questions.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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Enclosures(2)