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APPROPRIATIONS:)
ELEMOSYNARY INST TUTIONS:)

House Bill 66. Section 70, reverts
to General Revenue Fund after
expiration of six months.

May 20, 1941

5-20



Mr. Ira A. Jones
President, Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Mr. Jones:

We are in receipt of your request for an opinion
under date of May 15th, wherein you state as follows:

"When Mr. Jameson left this office
it seemed to be his opinion that
the \$12,500 that was in the Omnibus
Bill allotted to the Board of Man-
agers of the Eleemosynary Institu-
tions for WPA work had to have
commitments against it before the
six months elapsed or the funds
would revert to the general fund.
Please give us your opinion on this."

The appropriation to which you refer is found in
Section 70 of House Bill 66, as follows:

"Section 70. State Eleemosynary
Institutions -- For Work Projects.
There is hereby appropriated to the
Board of Managers, State Eleemosynary
Institutions, the sum of Twelve
Thousand Five Hundred Dollars (\$12,500)
chargeable to the General Revenue fund,

May 20, 1941

to be released and expended at the direction of the Governor and to be used in connection with Federal Works Progress Administration or other Federal funds to further projects at the State Eleemosynary Institutions."

A great many sections contained in the above House Bill appropriating funds to various departments and boards are for a "period beginning January 1, 1941 to June 30, 1941." However, no such limitation is found in Section 70, supra.

The title to said House Bill provides:

"To appropriate money for the support of the State Government, its elective officers and the payment of certain contingent and incidental expenses of the several departments, bureaus, boards, educational institutions and commissions for the period beginning January 1, 1941 and ending June 30, 1941 and appropriating funds for other purposes for the period between January 1, 1941 and June 30, 1941."

The title is more restrictive than the Act, and the question arises which is to prevail.

In the case of State v. Murphy, 148 S. W. (2d) 527, 1. c. 532, the court said:

"Section 28 of Article IV of our Constitution requires that the subject of a legislative act shall be clearly expressed in the title. The purpose of this requirement is to prevent surprise

or fraud upon the legislators by barring from the body of a bill everything not indicated by the title. Williams v. Atchison, etc., Railroad, 233 Mo. 666, 136 S. W. 304. If the title is restrictive, the Act must also be restrictive. Hunt v. Armour & Co., 345 Mo. 677, 136 S. W. 2d. 312; Sherrill v. Brantley, 334 Mo. 497, 66 S. W. (2d) 529."

Since the title to the Act limits the appropriation of funds to a period between January 1, 1941 and June 30, 1941, the Act cannot authorize appropriation of funds for a longer period.

We are, therefore, of the opinion that it is necessary that commitments be made against the funds appropriated under Section 70 of House Bill 66 before the six months have elapsed, in order to prevent it from reverting to the General Revenue Fund.

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney-General

APPROVED:

VANE C. FURLO
(Acting) Attorney-General

MW:EG