

CONFEDERATE HOME: Present Board of Trustees continues in charge until effective date of Senate Bill No. 178; there being no appropriation to cover per diem of board members, none can be paid but they may draw mileage for attending meetings.

August 5, 1943

Mr. John C. Croswhite, Superintendent
Confederate Home of Missouri
Higginsville, Missouri



Dear Sir:

This will acknowledge receipt of your letter of July 25th as follows:

"Senate Bill no. 178, passed at the recent session of legislature, and signed July 22 by the Governor, provides in section 1, for abolishing the Board of Trustees of the Confederate Home, and transferring control and management to the Board of Managers of the Eleemosynary institutions. It also provides that the Board of Managers of the Eleemosynary Institutions shall maintain the Confederate Home and Memorial Park at Higginsville for the purpose for which it was established, so long as it shall be needed for the maintenance and care of infirm and dependent ex-Confederate veterans and their widows.

"It further provides that the Board of Managers of the State Eleemosynary Institutions shall have full power to transfer, in its discretion, to the said Home any aged infirm person who now is, or hereafter may be, properly within its jurisdiction as an inmate of any state hospital provided that the said transfer shall not interfere with the purpose for which the Home was established.

"However, House Bill no. 659, designed to finance the transfer of patients from state hospitals, and to provide

for their maintenance here, failed to emerge from the Senate Appropriation Committee.

"This leaves only an appropriation for the Confederate Home as provided in House Bill no. 419, section 33, page 19. Item A. of this bill sets aside under the heading 'Personal Service', the sum of \$15,000.00 for the 'salaries of the caretaker and assistants.' Section 79 of this same bill declares that an emergency exists within the meaning of the Constitution and that the Appropriation bill no. 419, is now effective and in full force, immediately upon final passage.

"Two questions develop from conflicting provisions of Bills no. 178 and 419. They are:

"(1) Which Board has supervision of this appropriation for the 90 day period, before which time Senate Bill no. 178 becomes effective?

"(2) No provision being made in House Bill no. 419, for salaries and per diem and mileage for the Confederate Home Board, since none were contemplated at the time of its passage, can the Confederate Home Board continue to draw from this appropriation for the 90 day period of its existence?

"It is urgent that I know your ruling soon, so that I may make necessary reductions in personnel, in order to stretch the small appropriation as far as possible. Therefore, I shall greatly appreciate your prompt attention."

Directing our attention to your first question, we need to only point out that Senate Bill No. 178 of the 62nd General Assembly does not become effective until ninety days after the passage and approval thereof by the Governor. This bill was approved by the Governor on July 22, 1943, and

until a 90 day period elapses from the date of approval, the Board of Trustees of the Confederate Home is still in existence and has complete charge and control over the Confederate Home at Higginville.

As to your second question, it appears that House Bill No. 419 of the 62nd General Assembly, in Section 33, provides: "A. PERSONAL SERVICE: For salaries of caretaker and assistants \$15,000.00". Compare that with the provisions of Senate Committee Substitute for House Bill No. 50 covering the appropriation to the Confederate Home for the period beginning January 1, 1943 and ending June 30, 1943. It is provided in Section 34 as follows: "A. PERSONAL SERVICE: For salaries of board members and treasurer of board * * * . . . \$8,100.00". Also, it is to be noted that the appropriation for the 1941-1942 biennium, Laws of 1941, page 195, Section 34, provides: "A. PERSONAL SERVICE: For salaries of board members and treasurer of board * * * . . . \$45,000.00".

Thus, comparison of House Bill No. 419, supra, with the previous acts set forth, clearly demonstrates that the salaries and per diem for the members of the Board of Trustees has been eliminated from the appropriation act and that as House Bill No. 419 stands, no money has been provided to pay the salaries and per diem of those officers. That being so, then the funds provided in Section 33 of House Bill No. 419 cannot be used to pay the salaries and per diem of the members of the Board of Trustees under provisions of Article 10, Section 19 of the Constitution of Missouri, which requires every appropriation law to "distinctly specify the amount appropriated and the object to which it is to be applied."

In view of the fact that there have been no funds appropriated with which to pay the salaries and per diem of the Board of Trustees, the members of the Board of Trustees may not continue to draw upon the present existing appropriation during the ninety day period after July 22, 1943, but they remain in existence as a Board and in charge of the Confederate Home.

However, the same rule would not seem to apply to traveling expenses incurred by the Trustees in connection with attending board meetings, et cetera. It appears from examination of Section 34, Laws of 1941, page 195, and

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Section 34 of Senate Committee Substitute for House Bill No. 50 of the 62nd General Assembly that such items of transportation expense for the members of the Board have always been provided for under the item of "OPERATIONS". The operation appropriation, in Section 33 of House Bill No. 419 of the 62nd General Assembly, still provides for travel expense, and we think it is available to cover any items of expense that may be incurred by the members of the Board of Trustees during the ninety day period following July 22, 1943.

Respectfully submitted,

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APPROVED:

ROY McKITTRICK
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