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ELEEMOSYNARY INSTITUTIONS/ Commission for the Blind transferred
To Board of Managers of Eleemosynary Institutions. Board of
Charities and Corrections abolished--Home at Carrollton placed
under supervision of the Board of Managers of State Eleemosynary
Institutions.

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Hon. W. Ed. Jameson, President
Board Of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Mr. Jameson:

We wish to acknowledge your letter of June 5th, 1933,
which is as follows:

"The Eleemosynary Board is required to meet
twice each year in Jefferson City. The
last Legislature abolished the Commission
for the Blind and substituted the Eleemosy-
nary Board as the Commission for the Blind.
Section 8891 R. S. No. 1929, requires the
Commission for the Blind to meet monthly.
It seems there is some conflict here.
Would it be possible for you to render an
opinion that it is not required of this
Board to meet more than twice each year?
I ask that for the reason the Legislature
failed to make appropriation for the expenses
of more than two meetings per year.

The Legislature also abolished the Board
of Charities and Corrections and substituted
the Eleemosynary Board as the Board of
Charities and Corrections. Is there any-
thing in the Statutes requiring the meeting
of the Board of Charities and Corrections,
referring to their Board meetings, that
would make it mandatory to meet more than
twice each year?"

Section 1 of Senate Bill No. 12, approved March 16,
1933, provides as follows:

"That Sections 8888 and 8892, Chapter 50, Revised Statutes of 1929, be and the same are hereby repealed and two new Sections enacted in lieu thereof, to be known as Sections 8888 and 8892, and to read as follows:"

Section 8888 of the above act provides the following:

"The Missouri Commission for the Blind shall hereafter consist of the Members of the Board of Managers of the State Eleemosynary Institutions as now or hereafter provided for and constituted by Article 1, Chapter 46, Revised Statutes of 1929, and wherever in any law the Commission for the Blind is referred to it shall, after the taking effect of this act, be construed as referring to the members of the said Board of Managers of the State Eleemosynary Institutions, who are by this act designated and constituted the members of said Commission for the Blind. The officers of the Board of Managers of the State Eleemosynary Institutions shall be the officers of the Commission for the blind as herein constituted."

You will observe that the above act merely places the Missouri Commission for the Blind under a new head or commission, namely, the members of the Board of Managers of the State Eleemosynary Institutions, without changing or altering any of the duties now performed by the said Missouri Commission for the Blind. But all duties heretofore performed by said Commission for the Blind will after July 24, 1933, be performed by the members of the Board of Managers in the same manner and way as now performed by the present commission.

Section 8891 R. S. No. 1929, relating, among other things, to the duties performed by the Missouri Commission for the Blind, provides, among other things, the following:

"Said commission etc., * * * * *
it shall hold regular monthly meetings,
etc."

Thus, it is the duty of the Commission for the Blind to hold regular monthly meetings, and, as their duties will be after July 24, 1933, performed by the Board of Managers of the

State Eleemosynary Institutions, such Board of Managers will have to meet monthly as provided in the above section.

We now proceed to the question as to the payment of expenses of the members attending such monthly meetings.

Senate Bill No. 12, supra, also provides:

"Sec. 8892. The officers and members of the Commission hereby created shall receive no salary or other compensation for their services as officers or members of the Commission for the Blind, but their traveling expenses and other necessary expense in the performance of their duties as officers and members of the Commission for the Blind may be allowed and paid them out of any funds that may be appropriated by the State for the use of said Commission."

We now look to the fund appropriated by the Legislature to defray such expenses contemplated by Section 8892, supra.

House Bill No. 659, approved April 28, 1933, is an act appropriating moneys for the use of the Commission for the Blind. This appropriation act contains this provision:

"D. Operation:

General expenses consisting of communication, printing and binding, transportation of things, travel, other general expense, hospital expenses incurred for eye operations, material and supplies consisting of clothing and dry goods, educational, scientific and recreational supplies, light, heat, power, and water supplies, medical, surgical and hospital supplies, small tools, miscellaneous supplies and repairs, stationery and office supplies.39,832"

You will note that travel and other general expense is taken care of in this appropriation and when the Board of Managers meet to perform the duties under the statutes relating to blind persons, their expenses are paid out of same. We call your attention, in support of our opinion, to the latter part of Section 8892, and quote again from it

"* * *but their traveling expenses and other necessary expense in the performance of their

duties as officers and members of the Commission for the Blind may be allowed and paid them out of any funds that may be appropriated by the State for the use of said commission."

And further from Section 8888:

"* * *and wherever in any law the Commission for the Blind is referred to it shall, after the taking effect of the act, be construed as referring to the members of the said Board of Managers of the State Eleemosynary Institutions, who are by this act designated and constituted the members of said Commission for the Blind." * * *

Therefore, if the Commission for the Blind when used in the statutes is to be read as Members of the said Board of Managers of the State Eleemosynary Institutions, then the appropriation act in which the words Blind Commission is used must be read as Members of the Board of Managers of the State Eleemosynary Institutions.

We now proceed to the second paragraph of your letter.

House Bill No. 13, approved April 3, 1933, reads as follows:

"Sec. 1. That Sections 12927, 12928, 12929, 12930, 12931, 12932, 12933, 12934, 12935, 12936, 12937, being all of Article 1, Chapter 90, Revised Statutes of 1929, relating to state board of charities and corrections, be and the same are hereby repealed."

You will note that Article 1, Chapter 90, has been repealed and stricken from the statutes and is no longer in force and effect. It is in this article and chapter that the state board of charities and corrections was created and in said article and chapter the provision was made for its quarterly meetings which are not now in the statutes by virtue of the above act repealing same.

Article 4, Chapter 125, provides for a state home for children which is now located at Carrollton. Section 14096

was repealed and two new sections only enacted in lieu thereof. The rest of the sections were not amended or repealed and they remain part of the statutory law relating to the state home for children.

House Bill No. 7, approved April 3, 1933, which becomes effective July 24, 1933, reads as follows:

"Sec. 1. That Sections 14096 of Article 4, Chapter 125, Revised Statutes of Missouri 1929 be and the same is hereby repealed and the following new sections enacted in lieu thereof, to be known as and numbered '14096' and '14096a' and to read as follows:

Section 14096. The board of managers of the state eleemosynary institutions as now or hereafter constituted (hereinafter referred to as the board) shall have and exercise the general control and management of said home. Said board may take, hold and manage all lands and other property acquired by purchase, gift, donation, devise or bequest for the use of the institution.

Section 14096a. All of the powers and duties heretofore conferred upon and required by law of the State Board of Charities and Corrections with respect to the care, importation, supervision and placing of children, and the Children's Home at Carrollton shall hereafter be exercised and performed by the Board of Managers of State Eleemosynary Institutions until otherwise provided by law. Wherever in any law reference is made to said State Board of Charities and Correction it shall hereafter be held and construed as the Board of Managers of State Eleemosynary Institutions."

Nowhere in Article 4, Chapter 125, is it provided for any meetings to be held by the custodian of the institution, as amended. Now the statute being silent, the Board of Managers of the State Eleemosynary Institutions may in their discretion hold a meeting or when meeting for any other purpose may discuss the problems and affairs of the Children's Home at Carrollton. We call your

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attention however to Section 8573 R. S. Mo. 1929, which provides for a meeting at least twice each year for the Board of Managers of the State Eleemosynary Institutions which now has the care and control of the Children's Home at Carrollton, and it provides as follows:

"The board of managers shall meet at least twice each year, during the months of June and December, at such time as said board may decide; said regular meetings shall be held at the capital of the state, and said board shall meet at such other times and places as may be directed by the governor or president thereof."

Therefore, it is our opinion that the Board of Managers of the State Eleemosynary Institutions does not have to meet at any time on matters relating to the Children's Home at Carrollton, but such meetings may be held at their discretion, if at all, or that when the board meets twice each year as required by Section 8573, supra, then those meetings may also include for its purpose the Children's Home at Carrollton.

Respectfully submitted,

JAMES L. HORNOSTEL,
Assistant Attorney General.

APPROVED

(Acting)
Attorney General.

JLH:MM