

OLD AGE ASSISTANCE: Interpretation of appropriation Act.

10-21

October 18, 1935.



St. Louis Old Age Assistance Board  
154 Municipal Courts Building  
St. Louis, Missouri

Attention of Doctor R. Emmet Kane,  
Chairman.

Gentlemen:

Acknowledgment is herewith made of your request for an opinion of this office on the following matter:

"I have the honor to direct your attention to the following provision contained in Section 46H of the Appropriation Bill for the Support of Departments, Relief, Pensions, Deficiencies, etc., as the same appears on page 179 of the Laws of Missouri 1935: 'General expenses consisting of communications, postage, stationery, books, binding and printing, office supplies, office rent, travel, expenses of each County Old Age Assistance Board and Board of Estimate and Apportionment of the City of St. Louis and other general and miscellaneous expenses, \$135,000.'"

Will you please advise me as Chairman of the Old Age Assistance Board of the City of Saint Louis whether in your opinion salaries of office personnel can be construed as coming within the designation 'expenses of each County Old Age Assistance Board and Board of Estimate and Apportionment of the City of Saint Louis and other general and miscellaneous expenses.'"

October 16, 1935.

You have requested an interpretation of Section 46H of House Bill 541, Fifty-Eighth General Assembly, as found at page 178, Laws of Missouri 1935. This Section reads as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue fund, the sum of Two Hundred and Thirty Thousand Dollars (\$230,000.00) to the Board of Managers of the Eleemosynary Institutions as a State Board to administer the Old Age Assistance Law, for the payment of salaries, wages and per diem; for the original purchase of transporting and conveying equipment and for the original purchase of all necessary office furniture and equipment; for the repair and replacement of property and for the operative expenses and other general and miscellaneous expenses; for the purpose of administering the Old Age Assistance law passed by the Fifty-eighth General Assembly, during the years 1935 and 1936, as follows:

A. Personal Service:

For salaries and wages of accountants, auditors, bookkeepers, inspectors, investigators, stenographers, chief clerk, clerks, State Old Age Assistance Commissioner, Assistant Commissioner, janitor, services of members of State Board, and all other necessary employees.....\$85,000.00

B. Additions:

Original purchase of transporting and conveying equipment and original purchase of all necessary office furniture and equipment for the administration of the Old Age Assistance Act..... 10,000.00

C. Operations.

General expenses consisting of communications, postage, stationery, books, binding and printing, office supplies, office rent, travel, expenses of each county old age assistance board and Board of Estimate and Apportionment of the City of St. Louis and other general and miscellaneous expenses.....\$135,000.00."

This appropriation is of course to be interpreted in connection with the Old Age Assistance Law, referred to in the appropriation, for the administration of which the funds are appropriated. The phrase "expenses of each county Old Age Assistance Board" should be taken in conjunction with the provisions of the Old Age Assistance Law and have interpretation given it consistent with the legislative intent as shown by the Old Age Assistance Law and the Appropriation Act. It is of course the first rule of construction that we should ascertain the legislative intent by their expressions upon the subject.

Section 3 of the Old Age Assistance Law, page 309, Laws of Missouri 1935, provides in part:

"The members of the County Board shall serve without compensation, except that the necessary expenses incurred while in the performance of their duties shall be paid to them."

No provision is to be found authorizing the County Board to employ assistants or clerks. In view of these two salient features it seems clear that the "expenses of each county Old Age Assistance Board" refers to those expenses which each member of the board personally incurs in performance of the duties placed upon him by the Act and could not contemplate the payment of salaries to employees, the hiring of which the law does not authorize.

This conclusion is entirely consistent with the entire appropriation act for it is to be noted that the phrase "expenses of each county Old Age Assistance Board" occurs under the heading of "operations" which includes general traveling and personal expenses.

October 16, 1935.

The appropriation act contains a specific subdivision entitled "Personal Service", which division it is certain that the Legislature intended to include the payment of all salaries and wages to officers and employees performing services under the provisions of the Old Age Assistance Law. In other words, by the placing of the phrase "expenses of each county Old Age Assistance Board" under the heading of "operations" rather than placing it under the heading of "personal service" the Legislature has expressed an intention that such "expenses be confined to those expenses other than salaries and wages to officers and employees.

The term "other general and miscellaneous expenses" found in Subdivision C of Section 46H, means general and miscellaneous expenses of the same type and character as those enumerated immediately preceding the phrase. Under this general clause it was intended that other expenses similar to stationery, books, binding, postage, etc. should be paid from this appropriation of \$135,000, but the phrase could not by any rule of construction be extended to include salaries and wages which clearly are governed by Subdivision A of said Section.

CONCLUSION.

It is therefore the opinion of this office that the term "expenses of each county Old Age Assistance Board and Board of Estimate and Apportionment of the City of St. Louis and other general and miscellaneous expenses" found in Subdivision C of Section 46H, page 178, Laws of Missouri 1935, was not intended to include salaries of office personnel of the County Old Age Assistance Board or the Board of Estimate and Apportionment of the City of St. Louis.

Respectfully submitted,

HARRY G. WALTNER, Jr.,  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK,  
Attorney General

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