

APPROPRIATION:

CANCER COMMISSION: Term "operation," as used in the appropriation act, authorizes expenditures of preliminary expenses.

September 2, 1937.

Dr. Ellis Fischel,
Chairman, State Cancer Commission,
Metropolitan Bldg.,
St. Louis, Missouri.

Dear Dr. Fischel:

We wish to acknowledge your request for an opinion wherein you inquire whether, under the act creating the State Cancer Hospital and the appropriation made for its maintenance, funds may be expended for such preliminary expense as clerical help, postage, etc., and if they may be expended, out of what part of the appropriation act are they to be paid.

The 59th General Assembly created a State Cancer Commission to establish a State Cancer Hospital. Sections 1 and 2 of the Act, to be found in the Laws of Missouri, 1937, page 496, provide as follows:

"Section 1. APPOINTMENT OF COMMISSION AND ADMINISTRATOR, BY WHOM. - The Governor of the State of Missouri is empowered to appoint with the advice and consent of the State Senate a Cancer Commission for the State of Missouri, consisting of four (4) qualified voters of the State. The Cancer Commission shall appoint by and with the consent and advice of the Governor an Administrator to have charge of the operation and conduct of said Cancer Hospital.

"Section 2. COMMISSION EMPOWERED TO ESTABLISH HOSPITAL. - The Cancer Commission of the State of Missouri is hereby empowered and directed to establish a hospital to be known as the State Cancer Hospital".



Section 15 of said Act, Page 500, provides that the General Assembly shall appropriate such sums necessary to establish and maintain the hospital, thus:

"SECTION 15. GENERAL ASSEMBLY SHALL APPROPRIATE SUMS NECESSARY TO ESTABLISH AND MAINTAIN HOSPITAL. - The General Assembly shall appropriate out of the State Treasury such sums of money as is deemed necessary to establish and maintain an Institution to be known as the Missouri State Cancer Hospital".

The General Assembly made the following appropriation for the establishment and maintenance of the hospital (Laws Missouri, 1937, Sec. 145-J, Page 166):

"Section 145-J. CANCER HOSPITAL. - There is hereby appropriated out of the State Treasury, chargeable to the general revenue fund, the sum of Six Hundred Thousand Dollars (\$600,000.00) for the building, equipment, and operation for one year of the Cancer Hospital for the State of Missouri in compliance with the provisions of committee substitute for Senate Bill No. 3, as follows:

For construction of Cancer Hospital,	\$400,000.00
For equipment of Cancer Hospital,	100,000.00
For operation of Cancer Hospital for one year,	100,000.00
Total,.....	<u>\$600,000.00"</u>

One of the meanings of the word "operation", according to the Century Dictionary, is:

"The course of action or series of acts by which some result is accomplished".

By the Standard Dictionary "operation" is defined as:

"A course or series of acts to effect a certain purpose".

Dr. Ellis Fischel,

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The series of acts by which the Cancer Hospital may be established and maintained entails the expenditure of such preliminary expenses as postage, clerical help, etc.

We are, therefore, of the opinion that funds may be expended by the State Cancer Commission for such preliminary expenses as clerical help, postage, etc., and that such expenses are to be paid out of that part of the appropriation act designated "operation".

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney-General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General.

MW/LD