

SOCIAL SECURITY COMMISSION: Construction of Sec. 10 -
Moneys received from other
sources.

July 16, 1937. 7-16



Mr. Geo. I. Haworth,
Acting Administrator,
State Social Security Commission of Missouri,
412 East High Street,
Jefferson City, Missouri.

Dear Sir:

We have your letter of July 15th, 1937,
requesting an opinion on the following question:

"May the State Treasurer make
any disbursements from this
special account which are in
excess of the amounts appropriated
for the use of the State Commission,
which conflicts with or is in ex-
cess of the amounts appropriated
by House Bill 520?"

In answer to your inquiry, we call your
attention to that portion of Section 10 of C.S.S.B.
125, which in part reads as follows:

"For the purpose of establishing
and maintaining county offices, or
carrying out any of the duties of
the State Commission, the State Com-
mission is authorized to enter into
agreements with any political sub-
division of this state, and as a part
of such agreement the State Commis-
sion may accept moneys, services or
quarters as a contribution toward
the support and maintenance of such
county offices. Any funds so re-
ceived shall be payable to the State
Commission and deposited in the proper
special account in the State Treasurer's
office, and become and be a part of
state funds appropriated for the use
of the State Commission.* * *"

We turn to H.B. 520, that being the Appropriation Bill, to ascertain the amount of money appropriated for the use of the Commission. The Appropriation Act appropriates only state and federal funds for administration purposes. The Appropriation Act does not appropriate funds received from any other source.

There are two provisions of the Constitution of Missouri which may be briefly referred to in this opinion.

Article IV, Sec. 43, in part, provides:

"All * * * moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law.* * *"

Section 19 of Article X provides:

"No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law.* * *"

The Supreme Court of Missouri in State ex rel. v. Gordon (1911) 236 Mo. 142, l.c. 158, passed upon the above two constitutional provisions in this language:

"The language of the foregoing provisions of the Constitution is clear and explicit, and forbids the payment of money from the State treasury 'received from any source whatsoever' or 'of any funds under its management' except in pursuance of regular appropriations made by law.* * *"

Mr. Geo. I. Haworth,

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7/16/37.

It is, therefore, the opinion of this office that disbursements from special accounts created by C.S.S.B.125 must be limited to the maximum amount appropriated in the Appropriation Act (H.B. 520).

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General.

APPROVED:

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

FER/LD