

APPROPRIATION ACTS: Construction of Sections 53a and 53b of
H.B. 509.

July 28, 1937



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

Dear Sir:

We have your request of July 20, 1937, for an
opinion, which request is as follows:

"Are the appropriations as made by
Sections 53a and 53b of House Bill
#509 valid appropriations, and
can these appropriations be charged
against the relief appropriation
of \$9,000,000 as provided for in
House Bill #520?"

The Casey Bill (CSSB 125) by Section 20 creates
five special funds in the State Treasurer's office, in-
cluded in which is the "relief fund". The general appro-
priation act H.B. 520, Section 1, appropriates Nine Million
Dollars for "aid or relief in cases of public calamity".

The Legislature took cognizance of the fact that
under the Casey Bill the State Treasurer and the State
Auditor have certain duties to perform in the auditing and
disbursing of these funds, particularly the relief fund.
How the costs of administering the relief fund should be
paid for the special services rendered by the State Treasurer
and State Auditor was purely a matter in the lap of the
Legislature. It was with this idea in mind that the Legis-
lature enacted Sections 53a and 53b of H.B. 509 appropriating

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funds for handling relief accounts to the State Treasurer and the State Auditor and making such funds so appropriated "chargeable to the relief fund". This means that these appropriations must be deducted from the total of Nine Million Dollars for relief purposes appropriated in H.B. 520.

The Legislature has authority to create special funds in the treasury, but no moneys may be withdrawn from such fund except by an appropriation act. State ex rel. vs. Henderson, 160 Mo. 190. State vs. Hackmann, 264 S.W. 266.

It is therefore the opinion of this office that the appropriations made by Sections 53a and 53b of H.B. 509 are properly chargeable against the total sum of Nine Million Dollars provided for in H.B. 520.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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