

DEPARTMENT OF AGRICULTURE:

STATE VETERINARIAN APPROPRIATIONS: The State Veterinarian may expend available funds out of the appropriation to his department for the purpose of enforcing the provisions of the law relating to the disposal of diseased animals and carcasses of same.

January 16, 1942

Hon. John W. Ellis
Commissioner of Agriculture
State Office Building
Jefferson City, Missouri



Dear Mr. Ellis:

This is in reply to your letter of recent date wherein you inquire of this department whether or not the State Veterinarian may use funds appropriated to his department for the purpose of administering the Dead Animal Disposal Act passed by the 61st General Assembly, Laws of Missouri 1941, page 290. You further state that the General Assembly failed to make an appropriation specifically for the purpose of carrying out the provisions of said Dead Animal Disposal Act.

Referring to the Dead Animal Disposal Act, it will be seen that the lawmakers intended to enact a law, the purpose of which was to protect the health and safety of livestock in this state. Section 14493-ee, page 293, Laws of Missouri 1941, of the Act provides for the collection of fees for licenses to operate under the Act. These fees are deposited with the State Treasurer to the credit of the "Disposal Plant Fees Fund", subject to the appropriation by the General Assembly.

Evidently there was an oversight on the part of the General Assembly, in that no appropriation was made under this Act. The lawmakers clearly indicated by this Bill, however, that they intended for the State Veterinarian to proceed with the enforcement of the Act when it became effective, which was ninety days after General Assembly adjourned. The State Veterinarian is placed in a peculiar position here because the lawmakers have directed him to do certain things and, by oversight, have failed to appropriate funds to pay for doing such things.

To institute the administration of this Act, expenditures for printing, blanks, licenses, inspections, etc. will be necessary. In the absence of a specific appropriation to carry out the provisions of this Act, and to avoid charging the legislature with doing a useless thing, we look to other statutes pertaining to the duties of the State Veterinarian for the purpose of obtaining some light on this question. Section 14190, R. S. Mo. 1939, provides that the Commissioner of Agriculture shall appoint a Veterinary-Surgeon to aid and assist in developing and protecting the livestock interests of the state.

The said Dead Animal Disposal Act of 1941, pertaining to the disposition of dead animals, is for the same purpose, namely the protection of livestock against contagious diseases, the ultimate result of which is to protect livestock interest of the state. Therefore, if the appropriation to the State Veterinarian is broad enough, we think you would be authorized to expend funds out of the appropriation under that Act for the purpose of carrying out the provisions of said Dead Animal Disposal Act.

Section (d) of Section 19, page 188, Laws of Missouri, 1941, which is a part of the appropriation to the State Veterinarian, reads as follows:

"D. Operation:

General expense: including communication, transportation of things, travel within and without the State, printing and binding, supplies, stationery, office supplies, premiums on bonds, and other necessary expenses --
-----\$12,500.00 "

Out of the funds appropriated to the State Veterinarian under said Section 19, we think he would be authorized to expend any moneys necessary for the protection of the live stock interests of the state. By said subsection (d), supra, it will be seen that moneys may be expended for printing, binding, supplies, stationery, etc.

In the case of *Bowers v. Missouri Mut. Ass'n.*, 62 S. W. (2d) 1058, a rule of construction of the statutes is announced which might be applied here. At l. c. 1063 the court said:

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"Laws are passed in a spirit of justice and for the public welfare and should be so interpreted if possible as to further those ends and avoid giving them an unreasonable effect.
* * * *"

Applying this rule to the Dead Animal Disposal Act and to the Veterinarian (State), we think the ends of public welfare would be furthered by giving an instruction that a part of said appropriation to the State Veterinarian may be used for the purpose of administering the Dead Animal Disposal Act, because the ultimate purpose of the Dead Animal Disposal Act is the same as the purpose for which the State Veterinarian is appointed and for which the appropriation to his department is made, that is "for the protection of the livestock interests of the state."

CONCLUSION

It is, therefore, the opinion of this department that the expenses of administering the Dead Animal Disposal Act of 1941 may be paid out of the appropriation to the State Veterinarian, because such funds have been appropriated for the purpose of protecting the livestock interests of the state.

Respectfully submitted,

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APPROVED:

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