

PARK BOARD: Construction of Section 84 of House Bill 581 in regard to appropriations for State park purposes.

June 13, 1942

6-17

Mr. Fred W. Pape
State Park Board
Jefferson City, Missouri



Dear Mr. Pape:

Your request for an opinion from this department has been referred to me. The question is as follows:

"Does Section 84 of House Bill No. 581 of the Laws of 1941 at page 222 include the appropriation as set up in Section 74 of House Bill No. 66 of the Laws of Missouri for 1941 at page 110 pursuant to the provisions of Section 73 of House Bill 581 aforesaid or does the last provision of Section 84 of House Bill 581 exempt Section 74 of House Bill 66 from the provisions of Section 73 of House Bill 581 which tends to include it in Section 84, House Bill 581?"

The sections referred to above should be set out and examined and we therefore cite you to the following sections:

Section 74 of House Bill 66 of the Laws of 1941, at page 110, is as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue fund, the sum of Twenty Thousand (\$20,000.00) Dollars, or so much thereof as may be necessary for the use of the State Park Board for the purpose of securing Federal funds for construction work in State parks, for the period beginning January 1, 1941 to June 30, 1941."

Section 84 of House Bill 581 of the Laws of Missouri for 1941, at page 222, as originally passed, and prior to the Governor's veto, provided as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund the sum of One Hundred Fifty Thous and Dollars (\$150,000.00) to be expended as follows:

"\$100,000.00 to be set aside for the purpose of matching federal WPA funds used in state parks.

"\$50,000.00 to be set aside for the use of securing other federal aid services, and the purchase of additional or adjoining lands for state parks for the years 1941-1942, and that no deduction as provided in Section 73, House Bill 581, shall apply to this appropriation."

Section 84, after the veto of the Governor, is as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund the sum of One Hundred Thousand Dollars (\$100,000.00) to be expended as follows:

"\$75,000.00 to be set aside for the purpose of matching federal WPA funds used in state parks.

"\$25,000.00 to be set aside for the use of securing other federal aid services, and the purchase of additional or adjoining lands for state parks for the years 1941-1942, and that no deduction as provided in Section 73, House Bill 581, shall apply to this appropriation."

Section 73 of House Bill 581 of Laws of Missouri for 1941, provides (p. 219):

"All appropriations made under the provisions of House Bill 581, are subject to all prior appropriations made for State Departments contained in this bill made by the 61st General Assembly and in no event will the total appropriation of such departments exceed the amount set out in House Bill 581."

As can be seen, the appropriation as set out in Section 74 of House Bill 66, cited above, was for the period of January 1, 1941, to June 30, 1941. It was passed for the purpose "of securing Federal funds for construction work in State parks." In order to secure some Federal aid, in many cases, it was necessary that the State do certain things before such Federal grant could be secured. This was not a question of "Matching Federal funds," but was for the purpose of laying certain groundwork which was necessary before the Federal funds could be secured.

Section 84 of House Bill 581, supra, as originally passed provided that one hundred thousand dollars (\$100,000.00) was appropriated for the purpose of "Matching Federal WPA funds used in state parks," and fifty thousand dollars (\$50,000.00) was appropriated to be used for securing "other federal aid services." After this Bill was passed and before it became effective, Governor Donnell vetoed certain amounts in such Bill and reduced it to read as it now is set out in the official Laws of Missouri, 1941, cited above. He deducted twenty-five thousand (\$25,000.00) from the one hundred thousand (\$100,000.00) item leaving an appropriation of seventy-five thousand (\$75,000.00) dollars for "matching WPA funds"; further he deducted twenty-five thousand (\$25,000.00) dollars from the fifty thousand (\$50,000.00) item leaving an appropriation of twenty-five thousand (\$25,000.00) to be used for securing "other federal aid services."

Both Section 74 of House Bill 66 and Section 84 of House Bill 581 appropriate the sums above for the benefit of the state parks under the control of the State Park Board.

Section 73 of House Bill 581, Laws of Missouri, 1941, as cited above, provided that all appropriations made under provisions of House Bill 581 are subject to all prior appropriations made for State Departments contained in Bill 581

made by the 61st General Assembly and in no event was the "total appropriation of such departments to exceed the amount as set out in House Bill 581." In other words, under the strict wording of this general section, the total amount appropriated to the State parks could not exceed the amount set out in House Bill 581, Section 84, to-wit, one hundred thousand (\$100,000.00) dollars, unless there is some other section governing same.

We now call your attention to the last provision in Section 84, House Bill 581, which says "that no deductions as provided in Section 73, House Bill 581, shall apply to this appropriation." This is a specific exception, for a certain appropriation, from Section 73, House Bill 581. In other words, the question is whether or not the general provision in Section 73, House Bill 581, governs the question or whether the last provision of Section 84, House Bill 581, will exempt such section from the provisions of Section 73, aforesaid. The law seems to be that where a general statute and a special statute refer to the same subject matter that the provisions of the special statute will govern. See State ex rel. Equality Sav. & Bldg. Ass'n. v. Brown, 68 S. W. (2d) 55, 334 Mo. 781, following State ex rel. v. Webster Groves Loan & Bldg. Ass'n., 68 S. W. (2d) 60, 334 Mo. 789, State ex rel. R. Newton McDowell Inc. v. Smith, 67 S. W. (2d) 50, 334 Mo. 653.

Conclusion

Therefore, it is the opinion of this department that Section 73 of House Bill 581 of Laws of Missouri, 1941, does not refer to Section 84 of House Bill 581, Laws of Missouri, 1941, since it is a general statute and the last provision of Section 84 of House Bill 581 aforesaid, specifically exempts Section 84 from the provisions of the general provision.

Section 74 of House Bill 66, Laws of Missouri 1941, appropriates for the purpose of "securing federal funds for construction work"; the first provision of Section 84, House Bill 581, appropriates for the purpose of "matching Federal WPA funds" and the last provision of Section 84 of House Bill 581 appropriates for the purpose of "securing other federal

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aid services and the purchase of additional or adjoining lands for state parks for the years of 1941-1942." It is our opinion that these three appropriations refer to three different matters although they are closely connected.

We feel that the appropriation is as follows:
(1) Seventy-five Thousand Dollars (\$75,000.00) for the purpose of matching Federal WPA funds; (2) Twenty-five Thousand Dollars (\$25,000.00) for the purpose of securing other federal services; and (3) Twenty Thousand Dollars (\$20,000.00) for the purpose of securing Federal funds for construction work in State Parks. In other words, the appropriation as made by the 61st General Assembly for the above purposes, subject to the veto of the Governor, was One Hundred Twenty Thousand Dollars (\$120,000.00) to be allotted as set out above.

Respectfully submitted,

JOHN S. PHILLIPS
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General

JSP:EG