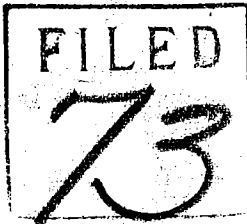


STATE HOSPITALS:

APPROPRIATIONS:

The expense of a survey of the 5 State Mental Hospitals by the Central Inspection Board of the American Psychiatric Association is not comprehended within "ordinary and necessary operating expenses" or "ordinary and necessary expenses" within the meaning of the appropriations for "operations" contained in House Bill No. 383, 67th General Assembly.



May 5, 1954

Honorable B. E. Ragland  
Director  
Division of Mental Diseases  
Department of Public Health and  
Welfare  
State Office Building  
Jefferson City, Missouri

Dear Sir:

We render herewith our opinion based upon your request of April 22, 1954, which request reads as follows:

"This division is contemplating requesting the Central Inspection Board of the American Psychiatric Association to make a survey of the five state mental hospitals in the division, namely: State Hospital No. 1, Fulton, State Hospital No. 2, St. Joseph, State Hospital No. 3, Nevada, State Hospital No. 4, Farmington, and the St. Louis State Hospital, St. Louis.

"I request an official opinion on the following question:

"Can the expense of this survey be paid out of the appropriation for 'Operations' made to the several state hospitals?

"I would appreciate an early reply to this request."

In answering your request it is necessary to refer to the Appropriation Bills by which appropriations for "operations" are made to the several state hospitals. The appropriations for the hospitals are made by House Bill No. 383, 67th General Assembly.

Honorable B. E. Ragland:

The appropriation for State Hospital No. 1 is contained in Section 5.110 thereof. The "operation" item reads as follows:

"Operation:

"General expense: communications, printing, and binding, other operative expenses, materials and supplies for operation of hospitals, farms and dairies connected therewith, travel within and without the state and other ordinary and necessary expense . . . . . 955,000.00"

The same section further appropriates from the Hospital Fund a further operation item reading as follows:

"Operation:

"General expense: communications, printing and binding, travel within and without the state, materials and supplies for operation of hospitals, and other ordinary and necessary expense . . . . . 675,000.00"

The appropriation for State Hospital No. 2 is contained in Section 5.120 thereof. From the General Revenue Fund the "operation" appropriation is expressed in these words:

"Operation:

"General expense: communications, printing and binding, insurance and premiums on bonds, travel within and without the state, and other operating expenses, materials and supplies for operation of hospitals, and farms and dairies connected therewith, including labor at dairy and farms . . . 947,000.00"

From the Hospital Fund the appropriation is expressed in these words:

Honorable B. E. Ragland:

"Operation:

"General expense: including communication, printing and binding, insurance and premiums on bonds, travel within and without the state, and other operating expenses, materials and supplies for operation of hospitals and farms and dairies connected therewith, and other ordinary and necessary expense . . . . 578,000.00"

Section 5.130 appropriates to State Hospital No. 3 out of the General Revenue Fund for "operation" as follows:

"Operation:

"General expense: including communication, printing and binding, material and supplies for operation of hospitals and farms and dairies connected therewith, travel within and without the state, and other ordinary and necessary expenses . . . . . 916,000.00"

From the Hospital Fund the "operation" appropriation is worded as follows:

"Operation:

"General expense: communication, printing and binding, travel within and without the state, materials and supplies for operation of hospitals and farms and dairies connected therewith, and other ordinary and necessary expenses . . . . . 490,000.00"

Section 5.140 appropriates to State Hospital No. 4 out of the General Revenue Fund for "operation" as follows:

"Operation:

Honorable B. E. Ragland:

"General expense: communication, printing and binding, materials and supplies for operation of hospitals and farms and dairies connected therewith, and other ordinary and necessary operating expenses . . . . . 721,000.00"

From the Hospital Fund the "operation" appropriation is worded as follows:

"Operation:

"General expense: communication, printing and binding, travel within and without the state, and supplies for operation of hospitals, farms and dairies connected therewith, and other ordinary and necessary expenses . . . . . 575,000.00"

For the St. Louis State Hospital by Section 5.160 the "operation" appropriation from the General Revenue Fund is worded as follows:

"Operation:

"General expense: communication, printing and binding, travel within and without the state, materials and supplies for operation of the hospital and other ordinary and necessary expenses . . . 1,415,000.00"

From an examination of these appropriations we see that the survey which you contemplate having made is not specifically covered in any of these items. The question then is whether it would come within "other ordinary and necessary expenses" or "other ordinary and necessary operating expenses", some such phrase appearing in each "operation" appropriation.

We believe that the expense of the contemplated survey would not properly be considered a necessary or ordinary operating expense within the meaning of the language of this Bill.

Honorable B. E. Ragland:

In construing such general terms found in the statutes the Courts hold that they are limited by specific words. The rule is thus stated in 50 Am. Jur. Stat., Section 249:

"\* \* \* Similarly, in accordance with what is commonly known as the rule of ejusdem generis, where, in a statute, general words follow a designation of particular subjects or classes of persons, the meaning of the general words will ordinarily be presumed to be, and construed as, restricted by the particular designation and as including only things or persons of the same kind, class, character, or nature as those specifically enumerated. The general words are deemed to have been used, not to the wide extent which they might bear if standing alone, but as related to words of more definite and particular meaning with which they are associated. In accordance with the rule of ejusdem generis, such terms as 'other,' 'other thing,' 'other persons,' 'others,' 'otherwise,' or 'any other,' when preceded by a specific enumeration, are commonly given a restricted meaning and limited to articles of the same nature as those previously described. \* \* \*."

You will note that the "operation" item in each section of House Bill No. 383, 67th General Assembly, specifically mentions communication, printing and binding, travel, materials and supplies and other items. The survey which is contemplated is not of the same general nature as the items specifically mentioned.

#### CONCLUSION.

We conclude therefore that the expense of a survey of the five State Mental Hospitals by the Central Inspection Board of the American Psychiatric Association

Honorable B. E. Ragland:

is not comprehended within "ordinary and necessary operating expenses" or "ordinary and necessary expenses" within the meaning of the appropriations for "operations" contained in House Bill No. 383, 67th General Assembly.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. W. Don Kennedy.

Yours very truly,

JOHN M. DALTON  
Attorney General

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