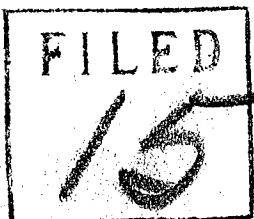


DEPARTMENT OF CORRECTIONS:
MISSOURI STATE PENITENTIARY:
APPROPRIATIONS:

Construing House Bill 588, Sec. 13850,
appropriation for Missouri State
Penitentiary.

November 29, 1955



Colonel James D. Carter
Director, Department of Corrections
State of Missouri
Jefferson City, Missouri

Dear Colonel Carter:

This will acknowledge receipt of your request for an opinion,
which request reads:

"I respectfully request an opinion as to my ability to expend monies from the Department of Corrections Post War Funds (Industrial Buildings and Equipment), to purchase printing plant equipment for installation at the Intermediate Reformatory.

"This equipment will be used to establish a vocational training program in the printing arts, however, in planning a long range program, this equipment and the trainees developed thereby could be used as an industrial activity for Department and State printing requirements."

You refer in said request to an appropriation under House Bill 588, passed by the 68th General Assembly of the State of Missouri and particularly Section 13.850 of said appropriation bill. This particular appropriation reads:

"There is hereby appropriated out of the State Treasury, chargeable to the Post War Reserve Fund, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the use of the Missouri State Penitentiary for Additions, Repairs and Replacements, for the period beginning July 1, 1955 and ending June 30, 1957, as follows:

"Additions, Repairs and Replacements:

"For constructing and equipping buildings \$1,500,000.00."

Colonel James D. Carter

It is a well established principle of construction that if possible the statutory intent should be determined from the words which have been used, considering the language honestly and faithfully, to ascertain its plain and rational meaning and to promote its objects and manifest purposes, and when no technical language is employed in a statute the words used will be construed in their ordinary sense and with the meaning commonly attributed to them unless such construction will defeat the manifest intent of the Legislature. State ex rel. Allman vs. Hawk, 228 S.W. 785, 360 Mo. 490. See also Riley vs. Holland, 243 S.W.(2d) 79, 362 Mo. 682.

In State v. Moore, 69 N.W. 373, 376, 50 Neb. 88, 61 Ann. St. Rep. 538, the court held that, in view of the origin and history of appropriations, as well as the general lexicographic meaning of the word, "to appropriate" is to set apart from the public revenue a certain sum of money for a specific object in such manner that the executive officers of the government are authorized to use that money, and no more, for that object, and for no other.

Said appropriation is not made to the Department of Corrections but is made for the use of the Missouri State Penitentiary, one unit of the Department of Corrections. While it is true that the Department of Corrections under Sections 216.010 and 216.020, VAMS, is vested with authority to supervise, manage, have control and jurisdiction over all penal, correctional and reformatory institutions of this state, as well as the real estate, buildings, equipment and facilities belonging to such institutions, it has been the practice of the General Assembly heretofore to appropriate to each separate institution, and this practice was followed by the 68th General Assembly, for instance, under House Bill 5, Section 5.020, passed by said Assembly, we find an appropriation for money out of the state treasury chargeable to the General Revenue Fund and also chargeable to the earning fund solely for the use of the state penitentiary. Under Section 5.030 of the same Bill we find another appropriation out of the state treasury solely for the use of the state penitentiary chargeable to the State Penitentiary Revolving Fund. Under Section 5.040 of the same Bill is another appropriation for money out of the state treasury chargeable to the General Revenue solely for the use of the Intermediate Reformatory at Algoa.

As we recall, the particular time this appropriation bill was under construction, the main reason for the General Assembly passing such bill was for the purpose of relieving the condition, and the tension, existing at the state penitentiary resulting from the recent riot, fire and damage caused at said penitentiary and to afford the administration at the penitentiary an opportunity to immediately begin a rehabilitation program and at the same time teach the inmates a trade.

Colonel James D. Carter

CONCLUSION

Therefore, it is the opinion of this department, that under the appropriation bill passed by the 68th General Assembly, State of Missouri, Section 13.850, House Bill 588, for funds out of the Post War Reserve Fund, such funds may be used only for the Missouri State Penitentiary and cannot be used by the Intermediate Reformatory to purchase printing plant equipment.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

John M. Dalton
Attorney General

ARH:mw