

APPROPRIATIONS:  
PUBLIC PRINTING:

Expenses incident to the publication of Constitutional Amendment No. 1, voted upon January 24, 1956, and not covered by the provisions of Section 12 of House Bill 5 (Special Session), may be paid from funds available for printing under the provisions of Section 4.130 of House Bill 4, adopted by the 68th General Assembly.



June 26, 1956

Honorable Walter H. Toberman  
Secretary of State  
Capitol Building  
Jefferson City, Missouri

Attention: Will Davis, Chief Clerk

Dear Mr. Toberman:

Reference is made to your request for an official opinion of this office, which request reads in part as follows:

"This office respectfully requests an opinion based on the following facts:

"Section 12 of House Bill 5, recently passed in the special session of the 68th General Assembly and subsequently signed by the Governor, appropriated \$24,624.00, '..... for the use of the Secretary of State, for the payment of expenses incident to the publishing of constitutional amendment No. 1 at the Special Election held January 24, 1956, as provided by law, for the period ending June 30, 1957.' (Copy of House Bill 5 is enclosed.) A final tally of affidavits filed by newspapers publishing the text of amendment No. 1 shows the affidavits total \$24,732.00 - or \$108.00 more than Section 12 provides. This amount is exactly the total owed for one additional newspaper publishing two insertions of the amendment as provided by Section 125.010, Revised Statutes of Missouri, 1949. Thus, it is apparent one newspaper was not included for payment in the amount made available by Section 12 of House Bill 5.

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Honorable Walter H. Toberman

"Our question is this: since this office has sufficient money in our regular operation fund to pay the \$108.00 not covered by Section 12, House Bill 5; and in view of the fact we are allowed to pay other printing costs, including those of this Special Election, out of this regular operation fund, may we do so with the approval of the Director of Printing in the State Purchasing Agent's Office?"

Section 4.130 of House Bill 4, enacted by the 68th General Assembly, provides in part as follows:

"Operation:

"General expenses: consisting of communication, printing, binding, transportation of things, travel within and without the state, material and supplies, insurance and premiums on bonds and other miscellaneous expenses, \$80,000.00."

You inquire whether expenses incident to the publication of Constitutional Amendment No. 1, which amendment was voted upon January 24, 1956, may be paid from funds available for "printing" under the provisions of Section 4.130 of House Bill 4, supra.

While the 68th General Assembly, in Special Session, did, as you state, make an appropriation for the payment of expenses incident to the publication of Constitutional Amendment No. 1, we do not believe that such appropriation is exclusive, but was merely a recognition that the funds then available to the office of Secretary of State would be insufficient to meet said expenses.

The provisions of Section 4.130 of House Bill 4, relating to printing, are sufficiently broad to include the printing here referred to, and it is our opinion that any deficiency not covered by Section 12 of House Bill 5 (Special Session) can be paid from said funds.

#### CONCLUSION

Therefore, it is the opinion of this office that expenses incident to the publication of Constitutional Amendment No. 1, voted upon January, 1956, and not covered by the provisions of House Bill 5 (Special Session), may be paid from funds available

Honorable Walter H. Toberman

for printing under the provisions of Section 4.130 of House Bill  
4, adopted by the 68th General Assembly.

The foregoing opinion, which I hereby approve, was prepared  
by my assistant, Donal D. Guffey.

Very truly yours,

John M. Dalton  
Attorney General

DDG/ld