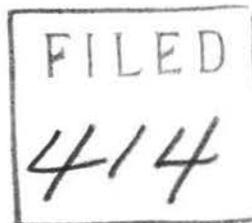


APPROPRIATIONS:  
HOUSE AND SENATE COMMITTEES:  
JOINT COMMITTEES:

Expenses incurred by the Joint  
Committee on Correctional Institutions  
and Problems should be paid from the  
appropriation made under Section 8.020  
in House Committee Substitute for  
House Bill No. 8 and cannot be paid from Section 8.010 of said bill.

December 13, 1963

OPINION NO. 414



Honorable Peter J. J. Rabbitt  
State Representative  
6th District, St. Louis County  
7720 Suffolk  
St. Louis 19, Missouri

Dear Mr. Rabbitt:

Reference is made to your request for an official opinion  
of this department which reads as follows:

"As chairman of the Joint Committee on  
Correctional Institutions and Problems,  
I am faced with a dilemma which calls  
for a legal opinion which I am asking  
at this time.

"The statutory authority as contained in  
Chapter 21 of the Revised Statutes of  
Missouri 1959, §21.445, paragraph 4 states  
that members 'shall be entitled to reim-  
bursement for actual and necessary expenses  
incurred in the performance of their of-  
ficial duties'. Paragraph 21.450 states  
that the Committee may, 'within the limits  
of its appropriation, employ such personnel  
as it deems necessary'. It is my opinion  
that the ordinary expenses of the Com-  
mittee should come from the House Contingent  
Fund appropriation, and not from the ap-  
propriation of the Committee.

Honorable Peter J. J. Rabbitt

"I would appreciate it if your office would make a study of this, and give me an opinion as the appropriation of the Committee itself is so small that it will not even cover the statutory duties imposed on the Committee as to expenses."

The act providing for the Joint Committee on Correctional Institutions and Problems, hereinafter referred to as the Joint Committee, was first enacted in 1957, Laws 1957, page 615. It is now found in Section 21.440 to and including Section 21.465, RSMo 1959. Section 21.455, defining the duties of the Committee, was amended by the 72nd General Assembly. Annotated Missouri Statutes, June 1963.

Section 21.445, RSMo 1959, provides in part for the organization of the committee after it has been appointed, provides for regular meetings at least once every six months, and provides for expenses of its members as follows:

"4. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties."

Section 21.450, RSMo 1959, provides as follows:

"The committee may, within the limits of its appropriation, employ such personnel as it deems necessary; and the committee on legislative research, within the limits of any appropriation made for such purpose, shall supply to the joint committee on correctional institutions and problems such professional, technical, legal, stenographic and clerical help as may be necessary for it to perform its duties."

Honorable Peter J. J. Rabbitt

House Committee Substitute for House Bill No. 8 enacted by the 72nd General Assembly provides in part:

"Section 8.010. To the General Assembly

Salaries of Members . . . . .	\$1,891,200
Mileage of Members . . . . .	84,000
Senate Contingent Expenses . . . . .	300,000
House Contingent Expenses . . . . .	450,000
Joint Contingent Expenses . . . . .	100,000

From General Revenue . . . . . \$2,825,200

"Section 8.020. To the Interim Committees of the General Assembly  
For the following:

Committee on Correctional Institutions and Problems . . . . .	\$3,000
Commission on Atomic Energy . . . . .	5,000
Coordinating Commission for the Handicapped . . . . .	4,000
Commission on Local Government . . . . .	5,000

From General Revenue . . . . . \$17,000"

The question at issue is whether the members of the Joint Committee are entitled to be reimbursed for their actual and necessary expenses as provided under Section 21.445, supra, from the appropriation for contingent expenses in Section 8.010, supra, or from the appropriation for the Committee under Section 8.020, supra.

Article IV, Section 23, Constitution of Missouri, 1945, provides that "Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose."

Article IV, Section 28, Constitution of Missouri, 1945, provides in part that no money shall be withdrawn from the State Treasury unless the comptroller certifies it for payment and the State Auditor certifies that the expenditure is within the purpose of the appropriation.

Honorable Peter J. J. Rabbitt

In State vs. Weatherby, 350 Mo. 741, 168 SW2d 1048, the Supreme Court held that appropriation acts of the Legislature must be strictly construed. Therefore, the appropriation act now under consideration must be strictly construed and nothing can be inferred.

In State ex rel. Jones v. Atterbury, 300 SW2d 806, the Supreme Court considered the authority of the General Assembly to create an interim committee. The resolution passed by the General Assembly creating the committee provided for the members of the committee to be reimbursed for actual and necessary expenses. It further provided that these expenses should be paid from the contingent funds of the Senate and the House. There was no other appropriation made for the committee such as has been made for the committee now under consideration. The manner of the appropriation was not at issue before the court and therefore the decision as such has no bearing in resolving the question now being considered other than we believe it indicates the practice of the Legislature when provision is made for reimbursement of the expenses of the committee from the contingent funds.

We also call your attention to Section 21.183, RSMo 1959, where provision is made for newly elected members of the General Assembly to visit all state institutions before assuming their duties and that they are to be reimbursed for their expenses. This statute likewise provides that the reimbursement shall be made from the contingent fund of the House or Senate.

In Section 21.187, RSMo 1959, provision is made for the new members of the General Assembly to be reimbursed for their expenses in attending any legislative conference, and it also expressly provides that they should be reimbursed from the contingent fund of the House and Senate.

We believe that if the Legislature had intended for the members of the Joint Committee created under Section 21.440, supra, to have their expenses paid from the contingent fund, it would have so stated as was done in connection with other legislative committees.

Section 8.020, supra, expressly states that the appropriation is made for the "Committee on Correctional Institutions and Problems."

Honorable Peter J. J. Rabbitt

The language used in Section 8.020, supra, is not ambiguous and undoubtedly it was intended that it be used to reimburse the members for their expenses as well as other expenses incurred by the committee.

We do not believe the provision of Section 21.450, supra, which provides that the committee may, within the limits of its appropriation, employ such personnel as it deems necessary indicates that such appropriation is limited to the personnel so employed and that it is not to be used for paying the expenses of the members. The same appropriation act, Section 8.020, supra, also makes an appropriation to the Commission on Local Government. The Missouri Commission on Local Government is provided for in Chapter 17, Missouri Revised Statutes Cumulative Supplement, 1961. Provision is made for the members of that Commission to be reimbursed for their necessary expenses. There is no provision, however, for them to employ additional personnel or create any other expenses other than the expenses of the Committee. This appropriation for the Commission on Local Government would be useless if the Committee is to be reimbursed for their expenses from the appropriation for contingent expenses of the General Assembly. Undoubtedly it was to be used to pay the members of the committee and the same is true regarding the appropriation for the joint committee.

#### CONCLUSION

It is our conclusion that the actual and necessary expenses of the Joint Committee on Correctional Institutions and Problems are to be paid under the appropriation made in Section 8.020 of House Committee Substitute for House Bill No. 8 passed by the 72nd General Assembly and that they cannot be paid from Section 8.010 of said bill.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, A. Moody Mansur.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General