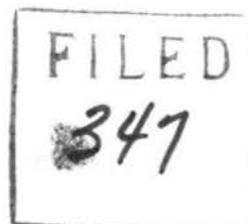


June 18, 1971

OPINION LETTER NO. 347
Answered by Klaffenbach

Honorable E. J. Cantrell
State Representative, 33rd District
306 Capitol Building
Jefferson City, Missouri 65101



Dear Representative Cantrell:

This letter is in answer to your opinion request in which you ask the following:

"Does the Fiscal Affairs Office have any legal authorization under the Statutes, to authorize the request and approve same, for a transfer of funds appropriated under separate sections of the appropriation bills. As an example, the Department of Welfare requests to transfer funds as appropriated from the Old Age Assistance Program to the program for Aid to Dependent Children that would be appropriated under another section of the appropriation bills. Further, I would request an opinion as to the Fiscal Affairs Office's authorization in authorizing any acceleration of the quarterly allotments for any of the other State Programs."

The Committee on State Fiscal Affairs is organized under Sections 21.470, RSMo 1969, et seq. It is composed of seven

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members of the senate and seven members of the house of representatives together with the president pro tem of the senate and the speaker of the house of representatives who are ex officio members.

The duties of the committee are set forth in Section 21.500, RSMo 1969, which provides:

"(1) The committee shall provide fiscal research and analysis service for the appropriation and ways and means committees of the two houses of the general assembly, the committee on legislative research, interim committees and commissions and members of the general assembly on matters relating to revenue, taxation, appropriations and the fiscal and financial affairs of the state.

"(2) The committee shall assume the responsibilities relating to fiscal affairs now assigned to the committee on legislative research by subsection 1 of section 23.050, RSMo, and shall cooperate with the committee on legislative research to obtain information on the needs, organization, functioning, efficiency and financial status of any department, division, institution or agency of state government which is supported in whole or in part by revenue of the state; collect and assemble information concerning the revenue and tax resources of the state and upon any fiscal question of statewide interest which may reasonably become subjects of legislative action or consideration.

"(3) In its research and analysis of state fiscal and financial affairs, the committee shall restrict its interest and activities to matters having an application to the fiscal responsibilities of the general assembly and it shall not duplicate or infringe upon the duties of the state auditor or state comptroller.

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"(4) The committee and its staff may use information and data made available to it by the state auditor and state comptroller and, on written request of the committee, state departments, divisions, institutions and agencies shall provide information and access to their books, accounts, reports, vouchers, correspondence files and all other records and property. The access to such information, records and accounts shall be secondary to their use by the auditor and comptroller in the performance of their official duties, except that the priority of the auditor and comptroller is limited to ten calendar days following a written request for access by the committee."

Subsection 1 of Section 23.050, RSMo, provides:

"(1) The committee may obtain information upon the needs, organization, functioning, efficiency and financial status of any department of state government or of any institution or agency which is supported in whole or in part by revenue of the state; collect and assemble information concerning the revenue of the state and the tax resources of the state and upon questions of statewide interest which may reasonably become subjects of legislative action or of legislative consideration; make available such information as is requested by any member or member-elect of the general assembly."

The clear language of the above sections indicates that the Committee has no authority to authorize a transfer of appropriated funds or to authorize an acceleration of program allotments.

Very truly yours,

JOHN C. DANFORTH
Attorney General