

September 4, 1973

OPINION LETTER NO. 222
Answer by letter-Nowotny

Honorable Christopher S. Bond
Governor of Missouri
Executive Office
State Capitol Building
Jefferson City, Missouri 65101



Dear Governor Bond:

This is in reply to your request for an opinion of this office concerning the authority of the Office of Administration to authorize expenditures from appropriations in accordance with directives received from the Committee on State Fiscal Affairs contrary to the provisions of an appropriation act.

You state that the Office of Administration periodically receives copies of correspondence from the Committee on State Fiscal Affairs to various state agencies approving requests to pay certain costs by ignoring appropriation objects. Such approvals are normally given with prior verbal or written approval of the Budget Division. An example of such correspondence is a copy of a letter enclosed with your opinion request dated May 17, 1973, from Mr. John E. Hayes, Director of the Committee on State Fiscal Affairs, to Mr. Edward G. Farmer, Jr., Superintendent of the Division of Insurance, which letter reads as follows:

"Your request to pay certain Equipment Purchase and Repair items and certain Operation items from the Personal Service account was approved by the Committee on State Fiscal Affairs in its May 16, 1973 meeting."

Other examples of a similar nature were also enclosed with your opinion request.

Honorable Christopher S. Bond

Enclosed is a copy of Opinion Letter No. 347 dated June 18, 1971, to E. J. Cantrell, issued by this office holding that the Committee on State Fiscal Affairs has no authority to allow a transfer of appropriated funds under separate sections of appropriation bills nor to authorize an acceleration of program allotments. This conclusion was based on an analysis of Sections 21.500 and 23.050, RSMo, which set out the duties of the Committee. It is our opinion that the reasoning of Opinion Letter No. 347 is applicable here. Therefore, it is our opinion that the Office of Administration has no authority to allow expenditures from appropriations in accordance with directives received from the Committee on State Fiscal Affairs contrary to the provisions of an appropriation act.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. Ltr. No. 347
6-18-71, Cantrell