



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
 ATTORNEY GENERAL

November 7, 1974

OPINION LETTER NO. 349
 Answer by Letter - Nowotny

FILED
 349

Mr. Robert L. James
 Commissioner of Administration
 State Capitol Building - Room 125
 Jefferson City, Missouri 65101

Dear Mr. James:

This is in reply to your request for an opinion of this office on the following question:

"Does the Commissioner of Administration, with the concurrence of the Committee on State Fiscal Affairs, have the authority to charge expenditures for the purpose of the appropriations in Section 6.340 against funds appropriated in Sections 6.230, 6,290 or 6.300 of C.C.S.H.B. 1006, 77th General Assembly?"

Section 6.340 provides as follows:

"To the Department of Social Services For the Division of Family Services For supplementation payments to the aged, blind, or disabled persons as provided by law From General Revenue	\$22,000,000
Total.	\$23,350,000"

Section 6.230 provides as follows:

"To the Department of Social Services For the Division of Family Services For Aid to Dependent Children From General Revenue	\$44,676,816"
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Section 6.290 provides as follows:

"To the Department of Social Services
For the Division of Family Services
For aid or relief in case of public
calamity, and for direct relief
to unemployable persons
From General Revenue \$11,310,000"

Section 6.300 provides as follows:

"To the Department of Social Services
For the Division of Family Services
For benefits under Title XIX of the
Social Security Act as provided
by law
From General Revenue "51,409,625"

The law is clear that moneys appropriated for one purpose cannot be expended for any other purpose. Article IV, Section 28, Constitution of Missouri; and see State ex rel. Cason v. Bond, 495 S.W.2d 385 (Mo. Banc 1973). We have consistently so held in Opinions No. 45, April 21, 1953, James; No. 19, September 2, 1953, Cooper; No. 15, November 29, 1955, Carter; No. 62, October 21, 1957, Millett; No. 414, December 13, 1963 Rabbitt; and No. 152, March 27, 1974, Sikes (copies enclosed).

Therefore, to answer your question we must first examine the purposes of the appropriations in Sections 6.230, 6.300 and 6.290 to determine if any of these purposes include the purpose of the appropriation in Section 6.340. If so, then it follows that the concurrence of the Committee on State Fiscal Affairs is not required for the Commissioner of Administration would have final authority to so expend such moneys for the purpose for which it had been appropriated. Article IV, Section 28, Constitution of Missouri; Chapter 33, RSMo.

Section 6.340 then is for "supplementation payments to the aged, blind, or disabled persons as provided by law." It is our opinion that such payments "as provided by law" are those provided in Section 208.030, RSMo Cum. Supp. 1973, which provides for "supplemental security income" for the aged, blind or totally disabled. The appropriation in Section 6.340 then is for a very specific program purpose.

As shown by the quotation of Section 6.230, it is obvious that this appropriation for aid to dependent children does not encompass the purpose of "supplemental payments to the aged, blind or disabled persons." Dependent children simply are not included in the general meaning of the words "aged, blind or disabled persons." In addition, the appropriation for aid to dependent children is also a specific program purpose provided for in Section 208.040, RSMo Cum.Supp. 1973. Therefore, it is our opinion that the moneys appropriated in Section 6.230 cannot be expended for supplementation payments to the aged, blind or disabled.

Section 6.300, as quoted above, is for benefits under Title XIX of the Social Security Act "as provided by law." Again, we find that the legislature has specifically provided by law for state assistance in conjunction with this federal program for providing certain medical assistance. Section 208.151, RSMo Cum. Supp. 1973. Thus, again it is our opinion that the moneys appropriated in Section 6.300 are for the specific program purpose of Section 208.151, and do not include the purpose of supplementation payments to the aged, blind or disabled.

Section 6.290, as quoted, is an appropriation for aid or relief in case of public calamity or direct relief to unemployable persons. Again, we find that the legislature has specifically provided by general legislation for programs of aid in cases of public calamity and aid to unemployable persons. Sections 208.150(2), 208.060(2), 208.160(3), 208.170.2(3) and (5), and 207.010, RSMo Cum. Supp. 1973. Therefore, we again conclude that the moneys appropriated in Section 6.290 are for purposes that do not include supplementation payments to the aged, blind or disabled.

Nevertheless, your question then asks if you, with the concurrence of the Committee on State Fiscal Affairs, can expend the moneys appropriated in Sections 6.230, 6,300 or 6.290 for the purpose of Section 6.340. This would obviously involve the power to transfer appropriations from one purpose to another.

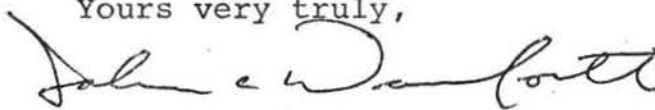
This question is precisely that answered in Opinions No. 190, April 25, 1972, Barbero and Vossmeier; No. 222, September 4, 1973, Bond; and No. 347, June 18, 1971 Cantrell (copies enclosed). For the same reasons discussed in those opinions it is our opinion there is no authority for the Commissioner of Administration, with the concurrence of the Committee on State Fiscal Affairs, to charge expenditures for the purpose of the

Mr. Robert L. James

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appropriation in Section 6.340 against funds appropriated in Sections 6.230, 6.290 or 6.300 of C.C.S.H.B. 1006, 77th General Assembly.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

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