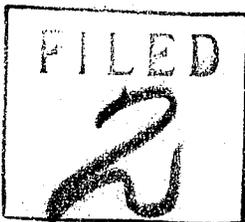


APPROPRIATIONS:
FEDERAL AID:
DIVISION OF HEALTH:

Federal aid provided under Public Law 725 as amended by Public Law 482 stands appropriated for current biennium to Division of Health.

December 1, 1954



James R. Amos, M.D., Director
Division of Health
Department of Public Health
and Welfare of Missouri
Jefferson City, Missouri

Dear Sir:

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

"The Eighty-third Congress passed, and the President signed, Public Law 482 known as the Medical Facilities Survey and Construction Act of 1954. This Act amends Public Law 725, which was the basic Hill-Burton Hospital Construction Act.

"In order for Missouri to receive Federal Funds available under this Act, the General Assembly has, each biennium, written two appropriation acts making these funds available to the State Division of Health. In the Appropriation Laws of 1953-1955, as passed by the Sixty-seventh General Assembly, Section 6.140 and Section 6.150 made these appropriations. Each section states 'Federal Funds from the Federal Government made pursuant to Public Law 725, etc. . .'

"We would like an opinion from your Office as to whether we can accept and disburse Federal Funds granted Missouri under the new Federal Law 482 and appropriated to the Division of Health under the above named sections. Inasmuch as the new law, Number 482, is a revision of the basic law #725, merely expanding the scope of the original Hill-Burton Program, it may be that no change in appropriating acts will be necessary.

James R. Amos, M.D., Director

"Funds are now available to Missouri for the added programs."

Sections 6.140 and 6.150, found as a part of House Bill 396 of the 67th General Assembly, now appear in Laws of Missouri 1953 at page 178. These two sections read as follows:

Section 6.140

"Federal funds from the federal government made pursuant to Public Law 725 for conducting and reporting survey of existing public and private hospitals and health centers.--All allotments, grants and contributions of funds which may be received by this state from the federal government for the period beginning July 1, 1953 and ending June 30, 1955, which is made pursuant to Public Law 725, known and cited as the Hospital Survey and Construction Act, for the purpose of conducting and reporting a survey of existing public and private hospitals and health centers and units and the need for the construction of public and nonprofit hospitals in this state, shall stand and are hereby appropriated for the use of the Division of Health."

Section 6.150

"Federal funds from the federal government made pursuant to Public Law 725 for the construction of public and nonprofit hospitals.--All allotments, grants, and contributions of funds which may be received by this state from the federal government, for the period beginning July 1, 1953 and ending June 30, 1955, which are made pursuant to Public Law 725, known and cited as the Hospital Survey and Construction Act, which provides for assistance by the federal government to states carrying on a hospital building program, for the purpose of paying any federal grants received by the state of Missouri for such purpose, for the construction of public and nonprofit hospitals in this state, shall stand and are hereby appropriated for the use of the Division of Health."

James R. Amos, M.D., Director

We have examined Public Law 482 passed by the 83rd Congress, and find that it is simply amendatory of Public Law 725 known as the "Hill-Burton Hospital Construction Act." The amendment serves to increase the scope of activities for which federal aid in the form of monetary grants has been made available to the several states meeting the requirements set forth therein.

In the construction of acts of the General Assembly, the guiding principle is the determination of the intent of the legislature in giving its approval to such acts. Examining the appropriation acts quoted supra covering the current biennium, it becomes readily apparent that the General Assembly intended thereby to make available to the State of Missouri, through the agency of the Division of Health, all of the benefits which might inure to the state through participation in the plans for surveys of existing health facilities and the construction of such facilities where needed. Further evidencing this intent is the fact that through the passage of what now appear as Sections 192.230, 192.240 and 192.250, RSMo 1949, the same division has been designated and empowered to conduct a survey of existing facilities and to provide plans for new facilities as well as to receive grants from all sources, including the federal government, for the purpose of effectuating such plans.

Comparing Public Laws 725 and 482, it will be observed that the aid provided therein is in the nature of a gratuity to the several states. Further, the basic underlying purposes of the two acts are the same, viz., the furtherance of the public health of the people of the nation. It has been determined that such aid should be distributed through such agencies of the various states as have been authorized by the people thereof speaking through the several General Assemblies.

It must also be remembered that all funds which are appropriated under the appropriation acts quoted supra are derived solely from the federal government. Any of such funds remaining unexpended are, under the terms of the federal act, required to be repaid into the federal treasury. We therefore are not confronted with the many technical objections which might be raised to the withdrawal of state moneys from the state treasury, inasmuch as the funds here under consideration are held by the State of Missouri for expenditure in a fiduciary capacity.

CONCLUSION

In the premises, we are of the opinion that the appropriations for the current biennium, found as Sections 6.140 and 6.150,

James R. Amos, M.D., Director

Laws of 1953, page 178, are sufficient to appropriate to the Division of Health all federal aid received by the State of Missouri under the provisions of Public Law 725 as amended by Public Law 482 of the 83rd Congress.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl