

APPROPRIATION TO DIVISION OF : Appropriation to Division of
MENTAL DISEASES FOR ADDITIONS, : Mental Diseases for * * * *
REPAIRS AND REPLACEMENTS TO : replacements to present build-
PRESENT BUILDINGS AND EQUIP- : ings available for building new
MENT. : dwelling house on farm purchased
: by state for State Hospital No. 1
: in lieu of inadequate dwelling
: house removed by said division.

August 6, 1948.

FILED
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Dr. Orr Mullinax,
Director,
Division of Mental Diseases,
Department of Public Health and Welfare,
Jefferson City, Missouri.

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Dear Dr. Mullinax:

We have your letter of July 30, 1948, in which you request an opinion of this department. Your letter is as follows:

"A certain farm located in Callaway County near Fulton, Missouri, was purchased by the State of Missouri in the year of 1947 for use as a part of State Hospital No. 1 at Fulton. After securing the necessary authority from the Director of Public Buildings, we removed the dwelling house located on said farm, which house was not adequate for our purposes, and we now desire to build a house on this property adequate for the purposes of the institution with money appropriated by House Bill No. 484, 64th General Assembly, Section 9.230, page 22.

"We would appreciate advice in the immediate future as to whether or not the section above cited permits us to use money appropriated thereby for the construction of this building."

House Bill No. 484, 64th General Assembly, Section 9.230, page 22, provides as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the Post War Reserve Fund, the sum of Six Hundred Thousand Dollars (\$600,000.00), to the Division of Mental Diseases of the Department of Public Health and Welfare, for State Hospital No. 1, Fulton, for the original purchase of property and for the repair and replacement of property, in the amounts and for the purposes as are specifically designated in this section, for the period beginning July 1, 1948 and ending June 30, 1949, this amount

being in addition to the amount appropriated for these purposes for a like period in Section 5.111 in House Bill 451, an Act of the 64th General Assembly, as follows:

"B. & C. ADDITIONS, REPAIRS AND REPLACEMENTS:

"For constructing and furnishing houses for physicians, \$42,000.00

"For constructing and equipping employees' dormitory, 450,000.00

"Additions, repairs and replacements (including labor, materials and supplies) to present buildings and equipment, 108,000.00 "

The dwelling house on the farm mentioned in your letter, having been found by you to be inadequate for the purposes of the institution, was wrecked after you obtained the approval of the Director of Public Buildings as required by law. We believe that this dwelling house which you wrecked comes within the meaning of "present buildings" as that term is used in the section above quoted.

In view of the fact that the said section appropriated money for: "Additions, repairs and replacements to present buildings and equipment" and in view of the fact that you propose to replace the old building with the house, the erection of which you now contemplate, we are of the opinion that the money appropriated by the above-mentioned section is available for that purpose.

CONCLUSION.

We are, therefore, of the opinion that you are justified in using a portion of the money appropriated by House Bill No. 484 to the State Hospital at Fulton, for the construction of the proposed dwelling house.

Respectfully submitted,

SAMUEL M. WATSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney-General *TB*