June 18, 1934.

Mrs. Bessie Lloyd Johnson,
Secretary, Child Welfare Board,
518 Heard Building,
Phoenix, Arizona.

Dear Mrs. Johnson:

In reply to your inquiry of recent date wherein you request the opinion of the Attorney General as to whether or not you may expend the balance left in your expense fund for the purposes of support of children, you are advised:

Chapter 7 of the Acts of the Eleventh Legislature, 1933, First Special Session, appropriates to the Board the sum of $37,500 for the 22nd Fiscal Year. The act specifically provides that not more than $2,500 of this appropriation may be expended in any one fiscal year for salaries and wages, operation, travel, capital investment and all repairs and replacements. The act indicates that the sum of $35,000 of this appropriation is to be used solely for the support of children.

The Supreme Court in the recent case of State Board of Health versus Frohmiller declared that the provisions of the financial code are still in effect and Section 2617, R. C. A., 1928, indicates that no money belonging to, or for the use of the state, shall be expended, or applied by any state agency except as appropriated, unless otherwise specifically authorized.

It is, therefore, my opinion that the balance left in the expense fund cannot be expended or applied except as appropriated and there is no provision permitting said balance to be expended for support.

Yours very truly,

Attorney General,

By
Assistant Attorney General.

JFG/dm

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