

STATE BOARD OF TRAINING SCHOOLS: State Board of Training Schools  
TRAINING SCHOOLS: may convert heating plants of  
PURCHASING AGENT: institutions under its control  
to use of fuel other than coal.



February 15, 1957

Mr. W. E. Sears  
Director, State Board of  
Training Schools  
Capitol Building  
Jefferson City, Missouri

Dear Mr. Sears:

This is in response to your request for opinion dated  
January 21, 1957, which reads as follows:

"The two institutions under control of the State Board of Training Schools has, over the past many years, utilized coal burning boilers to furnish heat and steam throughout the campus. Within recent years, surrounding citizens have complained of a large deposit of smoke, soot, and ash which has reached the proportion of considering the advisability of utilizing gas or fuel oil for the firing of the two boilers.

"I am aware of Section 34.070 and 34.080, RSMo, Volume I, 1949, Page 218, and would like to be advised as to whether or not the use of Missouri coal is required. I appreciate the fact that nearly all large institutions burn coal but I have been advised that one or two boilers operated by the state utilize oil or gas.

"To guide our thinking in the immediate future, it would be appreciated to know specifically as to whether or not utilization of oil or gas, which are not Missouri products, could be considered so as to eradicate smoke, ash, and soot deposits."

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The two sections to which you refer read as follows:

Sec. 34.070, RSMo 1949. "In making purchases, the purchasing agent shall give preference to all commodities manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality and price are approximately the same."

Sec. 34.080, RSMo 1949. "1. That the board of trustees or other officer or officers in charge of every institution in the state of Missouri which is supported in whole or in part by public funds, and who are required to purchase coal for fuel purposes in the operation of any such institution, shall be required to purchase and use coal which is mined in the state of Missouri, if the cost of coal mined in the state of Missouri is not greater than the cost of coal mined in any other state or states, including the cost of transportation.

"2. The term 'institution' shall be construed to include all institutions supported by public funds of the state, but shall not include municipal corporations, political subdivisions or public schools."

The institutions under the control of the State Board of Training Schools are, of course, such institutions as are encompassed by Section 34.080, supra. However, neither that section nor any other section purports to limit such institutions to the purchase of coal for fuel purposes, but said section merely provides that if coal is purchased it shall be coal mined in Missouri, if the cost of coal mined in Missouri is not greater than the cost of coal mined in any other state or states, including the cost of transportation.

The charge and control of the training schools and industrial homes for boys and girls of this state is vested in the State Board of Training Schools. Section 219.020, RSMo 1949.

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If, in the exercise of the Board's discretion, it is deemed advisable and desirable to convert the heating plants of the institutions under its control to the use of some fuel other than coal, it may do so, subject, of course, to the limitations of its appropriation.

CONCLUSION

It is the opinion of this office that, subject to the limitations of its appropriation, the State Board of Training Schools may convert the heating plants of the institutions under its control to the use of some fuel other than coal.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John W. English.

Yours very truly,

JOHN M. DALTON  
Attorney General

JWI:ml