

BUILDING & LOAN: Rent for office space not chargeable to appropriations made for B. & L. supervision.

9156 P S Mo 1929

July 29, 1933

July 29, 1933. 8-2



Hon. Ira A. McBride  
Supervisor  
Bureau of Building and Loan Supervision  
Jefferson City, Missouri

Dear Mr. McBride:

This is to acknowledge your letter of July 24th, 1933, which is as follows:

"Section 5576, R. S. Missouri, 1929, states:

'The board of the permanent seat of government is hereby required to provide the supervisor of building and loan associations and the state bureau of building and loan supervision with suitable office rooms.'

This leads me to the point in question. During the last session of the legislature the Bureau of Building and Loan Supervision was moved by the permanent seat of government from the Capitol Building to the Tribune Printing Company Building in order to make room for the legislature.

The sum of \$225.00 was charged by the Tribune people for rent during the time we occupied space in their building. As per our instructions, the bill for this amount was presented to the permanent seat of the government, but it appears that the permanent seat of government takes the position that this is not an item for them to pay but an item to be paid out of the funds of the Bureau of Building and Loan Supervision.

I hereby refer this matter to your Department for an opinion. We feel that the section of the law above referred to is very clear and definite

in this matter and the rent item mentioned is an item that should be paid by the permanent seat of government rather than by the Bureau of Building and Loan Supervision. We will appreciate an opinion from you on this point."

Section 9156, R. S. 1929, provides in part as follows:

"It shall be unlawful during any session of the general assembly for any state official, board, commissioner, etc. \* \* \* \*, without the joint written consent of the presiding officers of the senate and house of representatives first had and obtained, to use, occupy, or otherwise usurp or hold any room, office or apartment in the capitol building, etc. \* \*. And it shall be the duty of the commissioner of the permanent seat of government on or before the opening day of each term or session of the general assembly to have all such committee rooms, offices and apartments cleared of all other occupants and open and ready for the use of the general assembly and of the several committees thereof, with all the furniture and fixtures belonging to said rooms restored thereto and in proper place therein, etc. \* \* \* \* \*."

By virtue of the above statute your offices were so moved by the Permanent Seat of Government.

Section 5576, Laws of Missouri, 1931, page 142, provides:

"There is hereby created a state bureau of building and loan supervision, which shall be under the management and control of a chief officer who shall be called the supervisor of building and loan associations. The supervisor of building and loan associations shall reside in and maintain his office at the city of Jefferson and shall devote all of his time to the duties of his office. The board of the permanent seat of government is hereby required to provide the supervisor of building and loan associations and the state bureau of building and loan supervision with suitable office rooms."

You want to know if your department should pay the rent for the term of its occupancy in the Tribune Printing Company's Building? To answer your inquiry it calls for an interpretation of Statute 5576, supra.

The Supreme Court in the case of *Bowers v. Kansas City Public Service Co.*, 41 S. W. (2d) 810 1. c. 815, stated the rule, which prevails in this State, relative to interpreting a statute; we quote from the opinion:

"\* \* \* In construing a statute, the court must, if possible, give effect to the whole and every part thereof, provided the interpretation is reasonable, and not in conflict with the legislative intent. \* \* \* \* \*"

The Legislature in no uncertain language demands that the Supervisor of the State Bureau of Building and Loan Supervision reside and maintain his office in Jefferson City. This is mandatory. The statute is silent as to where the rooms shall be located in Jefferson City nor does it in so many words say who is to pay for their maintenance. However, the statute does provide that the Board of the Permanent Seat of Government is hereby required to provide the Supervisor with suitable office rooms. We call attention to the words, "is hereby required to provide" and look to a definition of same.

C. J. Vol. 54, Art. II, page 691, defines "required" as follows:

"REQUIRED. allowed; called for; commanded; compelled; demanded; necessary; made necessary; needed; made an essential condition; ordered; rendered necessary or indispensable; permitted; requested; that which is necessary; to be requisite. The term as sometimes used may not be synonymous with 'caused,' 'occasioned,' or 'needed.'"

C. J. also defines the word "provide", Vol. 50, Art. I, page 828, as follows:

"PROVIDE. A. IN GENERAL. A word of comprehensive significance, meaning to foresee; to look out for in advance; referring to material things, to supply, furnish, or make ready for use; to furnish; to furnish or supply; to furnish, procure things in advance; to furnish with supplies or prerequisites; to get, collect, or make ready for future use; to make, procure, or furnish for future use; to make ready for future use; to obtain or make ready supplies or means for future use; to obtain so as to have ready or on hand when needed; to prepare; to procure as suitable or necessary; to procure beforehand for future use; to procure or furnish supplies, means of defense, or the like; to procure

supplies or means of defense; to provide for beforehand; to put into a state of preparation; to supply; to supply, afford, contribute; to take measures for counteracting or escaping something, often followed by 'against' or 'for'; to take measures in view of an expected or possible need; referring to the terms of a contract, statute, or constitution, to stipulate or establish, as a condition; to grant, lay down, or stipulate as a condition or provision; to establish, as a previous condition."

The statute says the Board of Permanent Seat of Government is hereby required to provide the Supervisor with suitable rooms and in our opinion this is a duty imposed upon the Board of Permanent Seat of Government to so provide suitable rooms for the Supervisor and his Department and any expense entailed or necessary by such providing, such as rent, should not in our opinion be paid out of the funds of the State Bureau of Building and Loan Supervision.

The Legislature made no provision in your appropriation for the paying of rent for office rooms. Laws of Missouri, 1933, pages 94 and 95, which are the funds appropriated to your Department and it provides:

"D. FOR OPERATION:

General expense: including communication, printing and binding, travel and other general expense and Material and Supplies; consisting of stationery and office supplies . . . . . \$30,825"

If the Legislature intended rent to be paid for office room by the State Bureau of Building and Loan Supervision, it would have provided for such.

In view of the above and foregoing, it is our opinion, that the item of \$225.00, charged by the Tribune people for rent during the time your Bureau occupied space in their building, is not an item to be paid out of the funds of the Bureau of Building and Loan Supervision.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General.

APPROVED: \_\_\_\_\_  
ROY McKITTRICK  
Attorney-General.