

ELEEMOSYNARY BOARD: No appropriation to pay for real estate. X

12-3
December 2, 1935.



Hon. W. Ed Jameson,
President Board of Managers,
State Eleemosynary Institutions,
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of November 14 requesting an opinion as to the following state of facts:

"We have an opportunity to purchase for the Mo. State Sanatorium, at Mt. Vernon, at a very great sacrifice, a real bargain to the institution - a tract of land containing 140 acres of land, which we are now renting at \$500.00 per year. The owner offers to sell us this land for \$3500.00 and refund \$250.00 of this year's rent, or a net price of \$3250.00, which is far less than it is worth, and the institution needs it very badly.

"Would we be permitted to exchange, with the permission of the Purchasing Agent, any live stock that we produce ourselves at this institution? If so, we could pay for the tract of land in less than one year."

The Appropriation Act of 1935 for the Missouri State Sanatorium at Mt. Vernon provides as follows (Laws of Missouri, 1935, p. 43):

A. Personal Service:

Salaries, wages, and per diem of the superintendent, assistant physicians, dentist and steward.....\$40,000.00

B. Purchase of new X-ray machine and equipment, not to exceed.....15,000.00

D. Operation:

General expense, and material and supplies....225,000.00

Total State revenue fund....\$280,000.00 "

This department has previously ruled that the Eleemosynary Board is without authority to purchase real estate, and that under the provisions of Sec. 2, Laws of Missouri, 1935, page 411, the Purchasing Agent must purchase all lands.

However this may be, we have searched in vain for any provision in the Appropriation Act heretofore set out authorizing the purchase of land for the Mt. Vernon Sanatorium. Absent such an appropriation, the Purchasing Agent would, of course, have no authority to purchase land for said Sanatorium, and we therefore do not at this time pass upon the question as to whether or not personal property may be exchanged for said real estate.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:

ROY MCKITTRICK,
Attorney General.

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