

STATE PURCHASING AGENT: Has jurisdiction over purchases of raw material for the Department of Industries of the State Prison.

August 5, 1937.

Mr. Geo. Blowers,  
State Purchasing Agent,  
Jefferson City, Missouri.



Dear Mr. Blowers:

We wish to acknowledge your request for an opinion wherein you state as follows:

"Will you please give us an opinion as to whether or not this department has jurisdiction over the purchases of raw material for the Department of Industries at the State Prison?"

"They claim this department has no jurisdiction over the purchases due to the fact that the raw materials go into the manufacture of goods and commodities for resale."

In an opinion rendered by this department to your predecessor in office under date of December 6, 1933, a copy of which we assume is on file in your office, we held that the Department of Penal Institutions came within the State Purchasing Agent Act.

We had occasion to examine the scheme of operations of the Prison Industries in an opinion rendered to Mr. Stephen B. Hunter, Chairman of the Department of Penal Institutions, under date of June 3, 1937, a copy of which is enclosed, and it is to be noted that the operation and control of the Prison Industries is vested in the State Prison Board, which includes and refers to the Department of Penal Institutions (Section 8520, R. S. Mo. 1929).

The State Prison Board is authorized and directed "to purchase such raw material as may be required for the manufacture of any article in any industry now or hereafter carried on by said board in the penitentiary." (Sec. 8452, R.S. 1929).

Sections 11 and 14 of the State Purchasing Agent Act, Laws of Missouri, 1933, page 414, provide as follows:

"Sec. 11. The term 'supplies' used in this Act shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except as in this Act otherwise provided. Contractual services shall include all telephone, telegraph, postal, electric light and power service, and water, towel and soap service. The term 'department' as used in this Act shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the State."

"Sec. 14. All acts or parts of acts inconsistent or in conflict with this Act are hereby repealed to the extent of such inconsistency or conflict."

Webster's New International Dictionary (2nd Ed.) defines the word "material" thus:

"The substance or substances, or the parts, goods, stock, or the like, of which anything is composed or may be made; as, raw material."

The word "materials" as used in Section 11, supra, would clearly include raw materials, and there is nothing in the statutes which would indicate a legislative intent to make any distinction as to raw materials which go into the manufacture of goods and commodities for resale.

Mr. Geo. Blowers

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From the foregoing, we are of the opinion that the State Purchasing Agent has jurisdiction over the purchases of raw material for the Department of Industries at the State Prison.

Respectfully submitted,

MAX WASSERMAN,  
Assistant Attorney General.

APPROVED:

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J. E. TAYLOR,  
(Acting) Attorney General.

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