

OPINION NO. 156 ANSWERED BY LETTER.

April 18, 1962

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Mr. June R. Rose
Chairman, Industrial Commission
of Missouri
State Office Building
Jefferson City, Missouri

Dear Mr. Rose:

This is in response to your letter of March 16, 1962, in which you inquire as to the applicability of the Prevailing Wage Law (Sections 290.210 through 290.310) to the University of Missouri.

You previously made a similar inquiry of this office to which inquiry we responded by forwarding you two Attorney General opinions which analyzed two acts of the legislature as to whether such acts were applicable to the University of Missouri in light of what is now Article IX, Sec. 9 (a) of the 1945 Missouri Constitution.

Article IX, Sec. 9 (a) reads as follows:

"The government of the State University shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the senate."

In the opinion of January 29, 1934 to Orville M. Barnett, Attorney General McKittrick considered the applicability of the State Purchasing Agent Act (now Sec. 34.010 et. seq.) to the University of Missouri in light of the language in the Missouri Constitution now contained in Article IX, Sec. 9 (a). The ruling was that said constitutional provision prevented the Purchasing Agent Act from applying to the University of Missouri.

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In the opinion of December 19, 1955 to DeVere Joslin, Attorney General Dalton considered the same constitutional provision in connection with the investment of funds by the Board of Curators of the University.

In both opinions, the word "government" as found in the aforementioned constitutional provision was seemingly given a very broad interpretation.

It would appear that that the rationale of these two opinions would apply to the instant question in so far as determining the applicability of the Prevailing Wage Act to the University of Missouri in light of Article IX, Sec. 9 (a) of the Missouri Constitution.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

CB: jh