

OPINION REQUEST NO. 209
Answered by Letter (Baumann)

May 15, 1963



Mr. Lue C. Lozier, Secretary
New York World's Fair Commission
Jefferson City, Missouri

Dear Mr. Lozier:

This refers to your letter of May 9, 1963, requesting an opinion whether the New York World's Fair Commission, created by House Bill No. 87, 72nd General Assembly, is required to comply with Sections 8.260 and 8.310, RSMo 1959.

The New York World's Fair Commission consists of the governor, president pro tem of the senate, the speaker of the house of representatives, five other senators, five other representatives, and five other persons appointed by the governor. The Commission is directed by House Bill No. 87 to "proceed as speedily as practicable to arrange for the active participation by the state of Missouri in the New York World's Fair of 1964."

House Bill No. 87 further provides that, to accomplish its stated purpose, the Commission shall have the following powers and duties:

(1) To select an appropriate site and to make all arrangements, by lease or otherwise, for a suitable state exhibit on the lands on which the fair is to be held;

(2) To let all contracts required, in its discretion, for the construction and maintenance of the state's exhibits;

(3) To acquire by gift, loan, purchase or otherwise, items for inclusion in the state's exhibits;

(4) To accept gifts of money and personal property for the construction, maintenance, collection and transportation of the state's exhibits;

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(5) To make proper disposition of the state's exhibits at the close of the fair as it deems advisable; and

(6) To perform any other acts necessary to insure suitable participation by the state in the fair and to carry into effect the purpose of this act.

By Section 27 in House Bill No. 16, 72nd General Assembly, there was appropriated to the Commission for the fiscal period ending June 30, 1963, the sum of \$500,000 "for the use of the Commission". It is contemplated that this sum will be reappropriated for the next fiscal period by House Bill No. 14, which is pending in the General Assembly. In the performance of its statutory function, the Commission has entered into a contract for the construction of a Missouri exposition pavilion at the site of the New York World's Fair. Your letter results from questions which have been raised concerning inconsistencies between that contract and certain provisions of Sections 8,260 and 8,310, RSMo 1959,

Section 8,260 deals with the manner of disbursement of appropriations made for the erection of new buildings on state account (and for repair buildings already erected). It provides for periodic payments to the extent of 85% of the value of labor and materials which have then been furnished; and the contract executed by the Commission differs therefrom principally in that the contract provides for 90% payment. Section 8,310 provides that contracts shall not be let for the construction of buildings without approval of the chief of planning and construction, and that no claim for construction projects under contract shall be accepted for payment without approval by the chief of planning and construction. The contract executed by the Commission apparently has not been so approved and it contains no provision for such approval prior to payments thereunder (payments are to be made upon approval by the Commission's architects),

We seriously question whether a temporary exposition pavilion at a world's fair site in a distant state, such as is being constructed by the Commission, is a building of the kind to which Sections 8,260 and 8,310 were intended, or should be construed, to apply; but we do not consider it necessary definitely to resolve that issue.

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It is a familiar rule of statutory construction that where two laws relate to the same subject they must be read and construed together and provisions of one having special application to a particular subject are to be deemed a qualification of or an exemption to another act general in terms. *Veal v. City of St. Louis*, 365 Mo. 836, 289 SW 2d 7.

Sections 8.260 and 8.310 are general in nature, whereas House Bill No. 87 is special and has application specifically to construction of Missouri's exhibit at the New York World's Fair. With respect to the one matter with which it is concerned, House Bill No. 87 is a complete and comprehensive piece of legislation and the broad powers granted to the Commission, including particularly the power "to let all contracts required, in its discretion, for the construction * * * of the state's exhibit," are inconsistent with, and should be treated as an exception to, the provisions of Sections 8.260 and 8.310 (assuming the latter would otherwise be applicable to such a building). Accordingly, it is our view that the Commission is not required to comply with Sections 8.260 and 8.310.

The copies of the contract executed by the Commission and Mr. Trigg's letter of April 30, 1963, to Mr. Beisman, which were enclosed with your letter, are returned herewith.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

JCB:MN

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cc: Charles D. Trigg