

July 29, 1964



Dr. Ben Morton  
Executive Director  
Commission on Higher Education  
Room 130-B, Capitol Building  
Jefferson City, Missouri

Dear Dr. Morton:

This is in answer to your letter dated June 30, 1964, requesting an opinion which reads as follows:

"At the direction of and for the Missouri Commission on Higher Education I am requesting an opinion.

"May boards of regents of state colleges (in Missouri) use public monies for the purpose of employing independent, expert personnel to prepare periodic reports of information necessary for the administration of their institutions according to recognized standards of college administration?"

Like other corporations and other state agencies, a state college has only those powers granted to it by statute together with the implied or incidental power to do whatever is reasonably necessary to effectuate its expressly granted powers and to accomplish the purposes for which it was formed, 55 Am. Jur., Section 5.

To determine what powers the legislature has granted state colleges, we must look to Chapter 174 RSMo 1959. Section 174.040, dealing with the board of regents and their general powers reads as follows:

Dr. Ben Morton, Executive Director

"Board of regents, \* \* \* and by their respective names they shall have perpetual succession, with power to

"(1) Sue and be sued;

"(2) Complain and defend in all courts;

"(3) Take, purchase, and hold real estate, and sell and convey or otherwise dispose of the same;

"(4) Condemn and appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes; and

"(5) Make and use a common seal and to alter the same."

Section 174.120 provides that the state colleges are under the general control and management of the boards of regents.

"Each state teachers college shall be under the general control and management of its board of regents, and the board shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students while enrolled as such; to enforce obedience to the rules; to invest the faculty with the power to suspend, or expel any student for disobedience to the rules, or for any contumacy, insubordination, dishonesty, drunkenness or immoral conduct; to appoint and dismiss all officers and teachers; to direct the course of instruction; to designate the textbooks

Dr. Ben Morton, Executive Director

to be used; to direct what reports shall be made; to appoint a treasurer for such college, and to determine the amount of his bond, which shall be in amount not less than ten thousand dollars; and to have the entire management of the college, including qualifications for admission."

The primary rule in construing statutes is to ascertain and give effect to legislative intent. *Laclede Gas Co. v. City of St. Louis*, 253 S.W. 2d 832.

The legislature has by the above statutes conferred the task of accomplishing certain objects and imposed duties to be performed upon the board of regents as stated in 14 C.J.S., Section 18, " \* \* \* such boards ordinarily have implied power to do everything necessary and convenient to accomplish the objects of the institutions and not prohibited by law." Authority to employ independent expert personnel to prepare reports of information necessary for the administration of state colleges is a necessary power the boards of regents should possess to accomplish the obligations imposed by statute.

It is therefore the opinion of this office that the boards of regents of state colleges may employ independent expert personnel to prepare periodic reports of information necessary for the administration of their institutions according to recognized standards of college administration.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

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