



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

October 16, 1972

OPINION LETTER NO. 274

Honorable Ralph Combs
State Representative, District 89
305 North Grand
King City, Missouri 64463

Dear Representative Combs:

This is in reply to your request for an official opinion of this office concerning the question of whether Section 272.110, RSMo, relating to fences, applies to the Conservation Department of Missouri.

Chapter 272, RSMo, relates to fences and enclosures and Section 272.110 has certain requirements for division fences to be kept in repair.

In Attorney General's Opinion No. 89 dated September 3, 1953 to the Honorable Gene Thompson (copy enclosed), we ruled that a school district does not come under this law under the fundamental rule of statutory construction that unless it is clearly indicated that the intent of the legislature is to include the state and its subdivisions in a statute they will not be considered within the purview of any particular statute. Since school districts were not mentioned anywhere in the statute we ruled that they were not covered by the statute.

In 1966 we ruled, in Opinion No. 202, March 17, 1966, to the Honorable Clyde F. Portell, that neither the state nor a county was to share the cost of building fences pursuant to the local option provisions of the fencing law in Sections 272.210 through 272.370, RSMo. The basis of this ruling was the same that since the statutes did not specifically refer to the state or counties they were not covered by the law.

Honorable Ralph Combs

Accordingly, since the State or the Conservation Commission is not specifically mentioned in Section 272.110, it is our opinion that such provisions do not apply to the Missouri Conservation Department.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 89
9/3/53, Thompson

Op. No. 202
3/17/66, Portell