

PURCHASING AGENT: STATE: May acquire land in the name of State of Missouri to the use and benefit of the Board of Managers of the Eleemosynary Institutions.

August 23, 1937. 9-1

Hon. W. Ed Jameson, President,
Board of Managers,
State Eleemosynary Institutions,
Jefferson City, Missouri.



Dear Mr. Jameson:

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

"State Hospital #2, St. Joseph, owns 150 acres of land. There is a tract of ten acres that would just square up our property there and is so situated that it would be a great advantage to the hospital to own it.

"Section 2 of the Purchasing Agent Act, Laws of 1933, page 411, it seems would provide for the purchase of land by the Purchasing Agent. For a long time previous Boards have tried to buy this land, and heretofore it has been priced at \$10,000.

"I have had the Purchasing Agent look into this land and if he has authority to buy it we would like to make an offer of not less than \$4000.00 or more than \$5000.00 for it, which would be a great bargain to the institution.

"Will you, therefore, furnish me with your opinion as to the authority of the Purchasing Agent to buy this land."

Section 2 of the Purchasing Agent Act, Laws of Missouri, 1933, page 411, provides as follows:

"The Purchasing Agent shall purchase all supplies except printing, binding and paper, as provided for in Chap. 115, R. S. 1929, for all departments of the State, except as in this Act otherwise provided. He shall negotiate all leases and purchase all lands, except for such departments as derive their power to acquire lands from the Constitution of the State."

Section 8574, R. S. Mo. 1929, provides in part as follows:

"The board of managers of the eleemosynary institutions shall have the care and control of the property, real and personal, owned by the state and used in connection with the several institutions, and the title to all real estate or personal property now owned by said eleemosynary institutions or by the state for their use or that may hereafter be purchased by, or donated to such institution, shall be vested in the board of managers for the use and benefit of said institution."

We find no provision in the Constitution of the State of Missouri authorizing the Board of Managers of the State Eleemosynary Institutions to acquire land. This power has by statute been delegated to the State Purchasing Agent.

We are therefore of the opinion that if there are funds available for the purchase of the land hereinabove described, the State Purchasing Agent may acquire same in the name of the State of Missouri to the use and benefit of the Board of Managers of State Hospital No. 2.

Respectfully submitted,

MAX WASSERMAN,
Assistant Attorney General.

APPROVED:

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

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