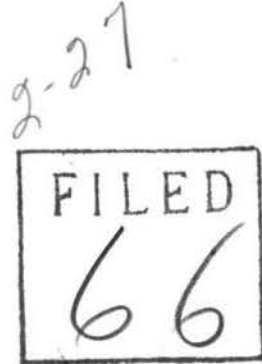


PURCHASING AGENT: Permanent Seat of Government
shall purchase supplies to be
LEGISLATURE: used on third and fourth floors
of Capitol Building.

February 24, 1943

Mr. Leonard E. Newton
Chief Clerk
Missouri House of Representatives
Jefferson City, Missouri



Dear Sir:

This is in reply to your letter of February 19, 1943, which contains the following request for an opinion:

"It will be greatly appreciated, if you will furnish me an opinion on the following matter:

"Chapter 110, Article 30 of the Revised Statutes of Missouri, 1939, sets up a committee on Legislative Quarters and Library, establishing a permanent joint committee of the General Assembly. This committee has charge of the third and fourth floor of the Capitol Building.

"There has arisen a question as to who should purchase the supplies to be used on these floors. These supplies have been purchased, heretofore, by the Permanent Seat of Government.

"I would like to have you advise me whether or not the Committee on Legislative Quarters and Library should purchase a part or all of these supplies, and if so, what fund can be used for the payment of the supplies. Could this payment be made from the contingent fund of the House."

Section 14737, Chapter 110, Article 2, Revised Statutes of Missouri, 1939, reads as follows:

"There is hereby established a permanent joint committee of the general assembly, to be known as the committee on legislative quarters and library, to be comprised of ten members of the senate and ten members of the house of representatives whose offices shall be located in the capitol building, Jefferson City, Missouri. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members shall be appointed by the speaker of the house, and their appointments shall continue during their terms of office as members of the general assembly."

This section, which is the re-enacted Laws of 1939, page 503, establishes a permanent joint committee which appoints a librarian who serves as secretary to the committee on legislative quarters and library. Under this chapter the committee on legislative quarters and library has charge and custody of the offices of the members of the Senate and House of Representatives, and the other offices on the third and fourth floors of the State Capitol Building.

Section 14739 R. S. Missouri, 1939, of the same chapter, reads as follows:

"It shall be the duty of the committee on legislative quarters and library to have charge and control of the senate and house chambers of the state capitol building and all other space on the third and fourth floors of the state capitol building as originally designed by the architects for the use of the members and officers of the senate and house

of representatives, including bill rooms and file rooms, and the furniture, files and supplies therein, all of which shall be reserved for the permanent use of the members of the senate and the house of representatives."

Section 14740 R. S. Missouri, 1939, partially reads as follows:

" * * * These rooms, together with all other rooms on the senate side of the capitol building, shall be in direct charge and under the control of the custodian of the senate, who shall be considered the representative and employee of the committee on legislative quarters and library, and no use of any of said quarters other than by the senate or the members thereof shall be made, save and except with the written consent of the senator occupying said office room and upon order of the committee on legislative quarters and library."

Under the above partial section the custodian of the senate has direct charge and control of the offices of the senate and the other offices on the third and fourth floors of the State Capitol Building.

Section 14741 R. S. Missouri, 1939, contains the same clause as set out in Section 14740, supra, but also includes the offices of the house of representatives, where, in Section 14740, supra, the offices of the members of the senate are included.

Section 14746, R. S. Missouri, 1939, provides that the committee shall make rules and regulations for the care and maintenance of the senate and house chambers, and other rules connected with the legislature. It also

authorizes the committee to provide telephones in certain offices, and provide postage and provide certain books for the library. It does not contain any provision for the purchase of supplies to be used on the floors of the third and fourth floors of the Capitol Building.

Section 14748 R. S. Missouri, 1939, reads as follows:

"It shall be the duty of the custodian of the senate and the custodian of the house to mark all legislative furniture by stencils or otherwise so that it can be identified to inventory and protect said furniture. It shall be the duty of the commissioner of the permanent seat of government to cooperate with the custodians above designated and supply and furnish necessary janitor hire to keep the legislative quarters in good condition."

Under the above section the legislature saw fit to declare it the duty of the commissioner of the Permanent Seat of Government to cooperate with the custodians designated in the chapter, and supply and furnish necessary janitor hire to keep the legislative quarters in good condition. It can be implied under this section that since the commissioner of the Permanent Seat of Government is required to keep the legislative quarters of the government in good condition, then the purchase of supplies for such purpose must be made by the Permanent Seat of Government and not by the committee on legislative quarters and library.

In your request you inquire whether the committee on legislative quarters and library should purchase a part or all of these supplies and from which fund the payment could be made. Since we are holding that the Permanent Seat of Government should furnish the supplies to be used on the floors of the quarters set out in Chapter 110, Article 3, it will be unnecessary to pass upon this question. However, we call your attention to Section

14590, Chapter 105, which reads as follows:

"The purchasing agent shall purchase all supplies except printing, binding and paper, as provided for in chapter 120, R. S. 1939, for all departments of the state, except as in this chapter 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 14592, Chapter 105, (Revised Statutes of Missouri, 1939), partially reads as follows:

"No department shall make any purchase except through the purchasing agent as in this chapter provided.
* * * * *

CONCLUSION

It is, therefore, the opinion of this department that the supplies to be used on the offices of the Senate and House of Representatives, and other offices on the third and fourth floor of the Capitol Building that are connected with the legislature must be made by the Permanent Seat of Government through the purchasing agent.

Respectfully submitted

W. J. BURKE
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General of Missouri

WJB:RW