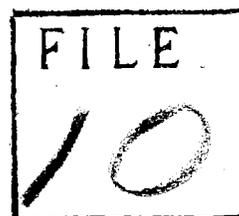


CONSERVATION COMMISSION: Conservation Commission may purchase
PURCHASING AGENT: land without the approval of the purchasing agent.

October 25, 1941

10-27

Mr. I. T. Bode
Director
Conservation Commission
Jefferson City, Missouri



Dear Mr. Bode:

We are in receipt of your letter requesting an opinion as to whether the Conservation Commission is required to obtain the approval of the State Purchasing Agent when desiring to purchase land for refuge area.

The legislature created the office of Purchasing Agent. Chapter 105, R. S. Missouri 1939, provides what the duties of the Purchasing Agent shall be and Section 14590, R. S. Missouri 1939, provides 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.

"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."

Such a power is granted the Conservation Commission of Missouri by Section 16, Article 14 of the Constitution of Missouri. This constitutional amendment created the Conservation Commission. This amendment in part reads:

"Said Commission shall have the power to acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for the use of the Commission, or the exercise of any of its powers hereunder, * * * * *
* * * * * ."

There is a well established rule of statutory construction that where there is no ambiguity there is no room for construction. We find no ambiguity or conflict in those two provisions, one a statutory provision and one a constitutional amendment.

Therefore, in view of the above statutory provision requiring the State Purchasing Agent to negotiate all leases and purchase of land, except for such departments which derive such power to purchase land by a constitutional amendment, and the constitutional amendment granting such power to the Conservation Commission to acquire by purchase, gift, eminent domain or otherwise, necessary property, it is the opinion of this Department that any purchase of land by the Conservation Commission does not need the approval of the State Purchasing Agent.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

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