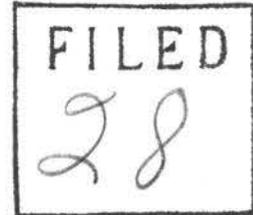


PURCHASING AGENT: Section 56 of House Bill 408, Laws of Missouri, 1943, page 164, does not apply to the purchase of automobiles for state elective officials.

December 13, 1944



Honorable Ted Ferguson  
State Purchasing Agent  
Jefferson City, Missouri

Dear Mr. Ferguson:

This will acknowledge receipt of your letter of recent date requesting an opinion from this office, which reads as follows:

"Will you please advise this office at your earliest convenience your opinion as to whether or not Section 56 of House Bill 408 of the 1943 Legislature applies to the purchase of automobiles for the use of state elective officials."

Section 56 of the Appropriation Act, Laws of Missouri, 1943, page 164, provides:

"The State Auditor shall not audit and the State Treasurer shall not pay any warrant for the purchase of any passenger car for the use of any officer or employee of any department, board, bureau, commission or institution appropriated for by this Act-- for a purchase price in excess of \$1,500.00. The said amount of \$1,500.00 shall include all trade-in allowances, or allowances or deductions of any kind, from the list price of said car fully equipped. The cost of all accessories

purchased for any such purchased car at the time of purchase or later, except necessary replacements or repairs, shall be charged against this limitation of \$1,500.00 or otherwise shall be disallowed by the said Auditor and Treasurer."

The question involved is whether or not a state elective official is an officer or employee of any department, board, bureau, commission or institution. We think it plain that they are not. All elective state officials are state officers by virtue of the Constitution. Many constitutional and statutory duties are imposed upon them as such. They are not, however, officers or employees of any department, within the meaning of Section 56, supra.

#### Conclusion

It is, therefore, our opinion that Section 56 of House Bill 408, Laws of Missouri, 1943, page 164, does not apply to the purchase of automobiles for the use of state elective officials.

Respectfully yours

B. RICHARDS CREECH  
Assistant Attorney General

APPROVED:

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VANE C. THURLO  
(Acting) Attorney General

BRC:HR