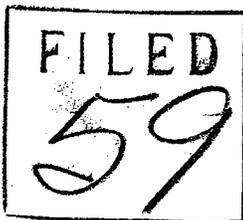


UNIVERSITY OF MISSOURI:  
APPROPRIATIONS:  
MEDICAL SCHOOL AT MISSOURI  
UNIVERSITY: BOARD OF CURATORS:

Funds appropriated under Section 7.031, Laws of 1953, may be used to enlarge and improve existing power and heating plant owned and operated by and serving the University of Missouri in order to serve heat and power needs of the new Missouri University four-year medical and surgical school.



January 28, 1954

Honorable Powell B. McHaney  
President of the Board of  
Curators  
University of Missouri  
Columbia, Missouri

Dear Mr. McHaney:

Following is our opinion on your request of December 21, 1953:

Under Section 7.031, H. B. No. 384, 67th General Assembly, there is appropriated a certain sum for the use of the Board of Curators of the University of Missouri:

"\* \* \* for the purpose of completing a four year medical and surgical school, including the purchase, construction or acquisition of necessary buildings and equipment; \* \* \*."

Under Section 45, H. B. No. 465, 67th General Assembly, a certain sum is appropriated for use by the Board for:

"\* \* \* establishing and maintaining a four year medical and surgical school, the construction or acquisition of necessary buildings, the purchase of necessary equipment, \* \* \*."

Now the question posed by the Board is whether these provisions will permit the use of a portion of this money in the enlargement and improvement of a presently existing power plant, owned and operated by the University and serving the present power needs of the University, to meet the needs of the proposed new medical school in addition to those of the rest of the University.

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The alternative is to construct an entirely separate smaller power plant, to serve the medical school only. Expert opinion, adopted by the Board, is that the former is the less expensive, more practical, and altogether more desirable course. The Board contemplates the expenditure of \$537,000.00 to make improvements and additions to the present heating and power plant, which sum is believed by the Board to be a fair portion of the total plant to be borne by the medical school.

In the premises, it is the view of this office that the Board of Curators of the University of Missouri may lawfully enter into contracts which provide for the expenditure of a portion of the funds appropriated by Sections 7.031 and 45, respectively, of House Bills Nos. 384 and 465, or either of them, for improvements, additions and enlargement of the structure housing the present heating and power plant now owned and operated by and serving the University, and for the purchase or acquisition and installation of new or other equipment therein, such work having been found by the Board of Curators to be necessary to meet the heating and power needs of the four-year medical and surgical school. Such improvements and additions are well within the language of the appropriation bills, as the "purchase, construction, or acquisition of necessary buildings and equipment;" (H.B. No. 384), and as "the construction or acquisition of necessary buildings, the purchase of necessary equipment." (H.B. No. 465).

We do not believe that the Board of Curators, under these appropriation measures, is required to construct or acquire separate buildings and separate equipment, and to maintain strict physical separation of the medical school and the remainder of the University.

This expenditure of funds, and the resulting improvements to the power plant, should be directly related to the needs of the medical school, and for its service - although it is no objection that the remainder of the University is incidentally benefitted thereby. We do not wish to be understood to say, however, that these appropriations may be used in a program for rehabilitation of the total plant which is not directly related to the medical school needs.

#### CONCLUSION

Funds appropriated under Section 7.031 of House Bill No. 384, 67th General Assembly, and Section 45 of House Bill No. 465, 67th General Assembly, may be used to enlarge and improve existing power and heating plant owned and operated by and serving the University of Missouri, in order to serve

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heat and power needs of the new medical school. It is not required, under these appropriation measures, that any heating and power plant serving the medical school be kept separate from the one serving the remainder of the University. However, the expenditure and improvements should be directly related to the medical school needs and should be for the primary purpose of serving those needs.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. W. Don Kennedy.

Very truly yours,

JOHN M. DALTON  
Attorney General

WDK:hr