

STATE FAIR:
APPROPRIATIONS:

Money cannot be expended by the State out of existing or proposed appropriations for the purchase of the Veterinary Building located on the State Fair Grounds.

March 1, 1948

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Honorable Tom R. Douglass
Commissioner of Agriculture
Jefferson City, Missouri

Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department and reading as follows:

"We are inclosing certain documents relating to the sale of the Veterinary Building located on the State Fair Grounds at Sedalia, Missouri.

"We would like to make a settlement of this matter, and therefore, I respectfully request an opinion as to the legality of the payment out of present Missouri State Fair appropriations or a direct appropriation to be made in the future for the purchase of this building by the State of \$1500.00 to the Missouri State Veterinary Medical Association."

The documents you enclose are (1) a letter signed by Charles W. Green, Secretary of the Missouri State Fair, dated February 27, 1940, in which it is stated that the minutes of the Missouri State Fair Board show that the State Fair Board agreed with representatives of the Missouri Veterinary Medical Association that such Association could build on the State Fair Grounds a Veterinary Building, and (2) a Memorandum of Agreement signed by certain persons as representatives of the Missouri Veterinary Medical Association and by Jewell Mayes, Commissioner of Agriculture, and Charles W. Green, Secretary of the State Fair, whereby the Missouri Veterinary Medical Association released and turned over the Veterinary Building on the State Fair Grounds to the Missouri State Fair for a purported consideration of \$1.00. It is provided in such agreement that the Party of the Second Part, that is, the Missouri State Fair, through its representatives, Jewell Mayes and Charles W. Green, agree to assist and cooperate with

the Missouri Veterinary Medical Association in asking an appropriation by the General Assembly for compensating the Association for the value of its investment in such building.

We have examined the agreement entered into between the Association and the State Fair, as represented by Jewell Mayes and Charles W. Green, and it is our opinion that such agreement is a good and valid transfer by the Missouri Veterinary Medical Association of all right, title and interest in such building to the Missouri State Fair.

Since the clear and complete title to such building is now in the Missouri State Fair, we are of the opinion that the Commissioner of Agriculture, or the Missouri State Fair, is without authority to expend money either out of a present or contemplated appropriation in order to purchase such building from the Missouri Veterinary Medical Association.

It is to be noted that there is no provision in the contract which purports to make the transfer of the right, title and interest of the Association to the Missouri State Fair dependent upon an appropriation of any amount of money for the building, but the only provision is one which states that those who sign for the Missouri State Fair will assist the Association in attempting to get an appropriation by the General Assembly. The agreement itself vests all right, title and interest of the Association in the Missouri State Fair for the stated consideration of \$1.00.

Since we hold that the agreement was a good and valid one, and binding on both parties, we deem it unnecessary to discuss whether or not the construction of the building on the Missouri State Fair Grounds, at the time of such construction, vested title in the building to the Missouri State Fair.

We do not at this time pass upon the question of whether or not the Missouri Veterinary Medical Association could, by court action, have the agreement set aside, but so long as such agreement is not set aside by the Association, it is a good, valid and binding agreement, and title to the building is now vested in the Missouri State Fair. Therefore, there is no title, right or interest in the Association for which the Commissioner of Agriculture, or the Missouri State Fair, could pay the Association.

Honorable Tom R. Douglass

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CONCLUSION

It is the opinion of this department that there cannot be paid out of any present or contemplated appropriation any money to the Missouri Veterinary Medical Association for the purchase of the Veterinary Building located on the Missouri State Fair Grounds.

Respectfully submitted,

C. B. BURNS, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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