

COUNTY COURTS:
AGRICULTURAL CONSERVATION
COMMISSION FURNISHING
OFFICE SPACE FOR:

County Courts may provide an office
in the courthouse or may pay for
office rent for Agricultural
Conservation Administration offices.

January 20, 1941

Honorable Walter C. Hotaling
Prosecuting Attorney
Linn County
Linneus, Missouri



Dear Sir:

This is in reply to yours of recent date wherein
you submitted the following questions:

"The local office of the Agricultural Conservation Administration (formerly the A. A. A.) of the United States Department of Agriculture, until recently maintained an office in the Linn County Court House, rent free and with light, heat and janitor service furnished by the County Court. Recently the local office decided that it was necessary to move into larger quarters, and no additional space being available in the Court House, the local office contracted with an individual for the renting of a private office building here in Linneus, into which they have now moved. The local office now insists that the County Court pay their rent, lights, heat and janitor service. From this situation these two questions arise:

"1. May the County Court legally either provide an office in the Court House rent free, or pay the office expense outside the Court House for this, or any similar organization?

"2. Must the County Court either provide an office in the Court House rent free, or pay the office expense outside

the Court House for this, or any similar organization?"

As a premise to the answer to your question, we find the following rule which applies to the powers and duties of the county courts applicable here:

In the case of State ex rel. Chadwick Consolidated School District v. Jackson et al. 84 S. W. (2d) 988, the Springfield Court of Appeals, in speaking of the powers and duties of the county court, said, l. c. 989:

"Such court is a creature of the Constitution, and its powers are limited by the terms of the various statutes defining its powers. It has no common law or equitable jurisdiction."

The provisions of the statutes authorizing county courts to make appropriations for agricultural purposes may be found in Article XVII of Chapter 87, R. S. Mo. 1929. Section 12616 of this article provides as follows:

"For the purpose of promoting the public welfare by assisting in the general betterment of farm and home practices and conditions, the county court of any county is hereby authorized and empowered to appropriate out of the general funds of the county such sums as it may deem proper for the support of county farm organizations and to pay out such moneys under the conditions hereinafter specified."

It will be noted that this section authorizes the county court to appropriate funds for the purposes mentioned in the above article, but it is not mandatory on the court to make such appropriations. The farm organizations referred to in said Section 12616 are defined in Section 12617 in the following language:

"A county farm organization is hereby defined as a county organization, willing to co-operate with the university of Missouri college of agriculture in carrying out the provisions of the Smith-Lever act of congress approved May 8, 1914, composed of not less than 250 bona fide farmers, farm women or tenants, with an annual membership fee of not less than fifty cents per member fully paid up, its constitution and by-laws formally adopted and its officers elected and installed. Provided that for the purposes of carrying out the provisions of the Smith-Lever act the term 'farm bureau' wherever used in this article shall be deemed and construed to mean any county farm organization."

Section 12618 of the same article sets out the objects and purposes of the farm bureau as follows:

"The objects of a county farm bureau shall be:

- (a) To promote the development of profitable and permanent systems of agriculture.
- (b) To assist in securing wholesome and satisfactory living conditions in the country.
- (c) To encourage the development and successful growth of all rural social and educational institutions.
- (d) To assist in safeguarding rural public health through community co-operation.
- (e) To develop better economic and business methods and practices in farm and home life.

(f) To co-operate with all individuals, groups, institutions and organizations whose purposes are in accord with the objects set forth in this section."

Section 12619 of this article states the purposes for which the funds appropriated by the county court may be used. This section provides as follows:

"For the purpose of carrying out the provisions of this article, all funds appropriated by any county court to a county farm bureau shall be used to pay the salaries and necessary expenses of men and women, either or both trained in agriculture and home economics, respectively, to serve as county agricultural agents, county home demonstration agents and county boys' and girls' club agents, and to provide such clerical assistance and office equipment as may be necessary to the effective conduct, through these agents, of such educational activities are specifically authorized by state and federal legislation providing for co-operative extension work in agriculture and home economics as defined by the Smith-Lever act of congress."

This section does not specifically provide for payment of rents of office space. However, on account of a later legislative provision, which will be hereinafter referred to, we think that the county court, under the provisions of both acts, might be authorized to either furnish office space or to pay rent for office space for farm organizations. By a reading of this entire Farm Bureau and Organization Act, under said Article XVII, it seems that the county courts are given broad discretion in exercising its powers in appropriating moneys to such organizations.

The Supreme Court of Missouri, in the case of Jasper County Farm Bureau v. Jasper County, 286 S. W. 381, held that the Farm Bureau Act was constitutional, and that county courts were authorized to make appropriations therefor.

The Smith-Lever Act, referred to in Section 12617, supra, of the Farm Bureau Act was passed by Congress in 1914. U. S. C. A., Title 7, Section 341, et seq., page 166. The general purpose of the Act was for agricultural extension work.

The Agricultural Conservation Administration operates by virtue of the provisions of Chapter 3b of the Conservation Act of Congress, Title 16, U. S. C. A., page 200, Section 590a et seq. Section 590 of this Act, page 212, Title 16, U. S. C. A., provides that 5% of the available funds may be spent for administration of the Conservation Act.

Subsection 3 of Section 590d, Title 16, page 202, of said Soil Conservation Act authorizes the Commissioner of Agriculture to make expenditures for personal services and for rents, and to prescribe such regulations as the Commissioner of Agriculture may deem proper to carry out the provisions of the Soil Conservation Act.

Your request indicates that the local officer of the Agricultural Conservation Administration office insists that the county court pay the rent, light, heat and janitor service for that office. Under said Subsection 3 of said Section 590d, supra, it would seem that this official would be authorized to make such a demand. However, it seems, from a reading of this subsection, that Congress provided that rents might be paid out of the appropriation.

The Missouri General Assembly, Laws of Missouri, 1937, at page 175, by Senate Bill 41, in Section 1 thereof, accepted the provisions and requirements of the Federal Conservation Act. This section provides as follows:

"In order to cooperate with the Federal Government in bringing to the farm people of Missouri the full benefits of an Act by the Congress of the United States,

approved February 29, 1936, and generally known as the Soil Conservation and Domestic Allotment Act the policy and purposes of which are set forth in Section 7 (a) of the Act as follows: '(1) Preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; and (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five year period, August 1909 - July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio'; the State of Missouri through its Legislature hereby accepts the provisions and requirements of said Act."

While by this section, the Legislature has accepted the provisions and requirements of the Conservation Act, it cannot be said that it has directed county courts to appropriate money for the purpose of paying the expense of administering the Act.

We fail to find any cases in point on these questions. However, from a reading of both the Federal and state provisions, we think that county courts may appropriate money for such expenses, including rent, as are set out in Section 121~~36~~³⁴, supra, but we do not think that they are compelled by any statute to make any such appropriations.

January 20, 1941

CONCLUSION

From the foregoing, it is the opinion of this department that a county court, subject to the provisions of the County Budget Act, may either provide an office in the courthouse, rent free, or pay the office expenditure outside the courthouse, for Agricultural Conservation Commission offices or any other similar agricultural organization.

We are further of the opinion that the county court is not compelled to make appropriations for the aforesaid purposes.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

COVELL R. HEWITT
(Acting) Attorney General

TWB:VC