

TAXATION: When American Legion is exempt from taxation.

August 20, 1936.



Mr. W. C. Jeffries
Assessor for Camden County
Camdenton, Missouri

Dear Sir:

We acknowledge receipt of your request for an opinion under date of August 18, 1936, which reads as follows:

"Please look up and see if property owned by American Legion is taxable."

Article X, Section 6, Missouri Constitution provides what property is exempt and what property is subject to exemption from taxation in Missouri. This section reads as follows:

"The property, real and personal, of the State, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also, such property, real or personal, as may be used exclusively for agricultural or horticultural societies: Provided, That such exemptions shall be only by general law."

We look to the general law and see what the Legislature has done. Section 9743, R. S. Mo. 1929 was passed pursuant to the above constitutional provisions, and reads in part:

"* * * *sixth, lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools or for purposes purely charitable, shall be exempted from taxation for state, county or local purposes."

The American Legion exists as a corporation by an Act of Congress, and the Act of incorporation may be found in United States Statutes at Large, p. 284. Said Act expressly provides that membership is limited to those who served in the Great War, and the articles of incorporation declare the purpose of the organization to be as follows:

"Sec. 3. That the purpose of this corporation shall be: To promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and the incidents of the great war of 1917-1918, to cement the ties of love and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country."

CONCLUSION.

It could not be seriously disputed that the American Legion is an institution of purely public charity within the meaning of Article X, Section 6 of the Missouri Constitution and Section 3743 R. S. Mo. 1929.

We are of the opinion that it originated as a charitable institution. As such, it is entitled to constitutional and statutory exemptions from taxation as they relate to exempting real estate belonging to said corporation and used for the purpose of the organization.

Mr. W. C. Jeffries

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August 20, 1936.

We are of the opinion that any lot belonging to the American Legion, located in an incorporated city or town in Missouri, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when used exclusively for organization purposes, are exempt from taxation.

For any additional real estate, and for all personal property, the American Legion is subject to taxation in Missouri. The exemption is specifically limited to acreage and to exclusive charitable uses. The constitutional and statutory exemption is not a license for the American Legion or any other charitable organization to use any part of their property for commercial purposes and financial gain and at the same time be entitled to tax exemption.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

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