

STATE PARKS:  
APPROPRIATION:

Missouri State Park Board unauthorized to establish revolving fund for payment of expenses of concessions in state parks.



July 30, 1954

Honorable C. P. Turley  
Chairman of the Missouri State Park Board  
Van Buren, Missouri

Dear Mr. Turley:

This will acknowledge receipt of your request for an opinion which reads:

"I should like to have an opinion on this question:

"Under the present law does the State Park Board have authority or power to set up a revolving or operating fund and employ some person on a straight salary to operate the concessions in a state park?"

If we understand your request correctly, you inquire if the Missouri State Park Board is authorized to take a portion of certain money appropriated by the General Assembly to said board for the operation of state parks and place it in a so-called revolving fund to be placed at the disposal of an employee of said board for the purpose of paying expenses incurred in the operation of a concession or concessions at state parks. You further propose to place in said revolving fund all income derived from such operations of concessions at said parks and finally to hold said employee accountable for same to your board.

Public officers are merely creatures of statutes with limited authority and possess only such authority as vested in them by statute and such necessary implied authority to

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carry out that expressed. Lamar Township v. City of Lamar, 169 S.W. 12, 261 Mo. 171, Ann. Cas. 916, D. 740; State ex rel. Rosenthal v. Smiley, 263 S.W. 825, 304 Mo. 549.

Therefore, the Missouri State Park Board being a creature of statute as provided Chapter 253, Vernon's Annotated Missouri Statutes, is vested only with such authority as granted by the Legislature and necessary implied authority to carry out that granted by that body.

Chapter 253, supra, does not provide for any such revolving fund as proposed in your request. Section 253.070, Vernon's Annotated Missouri Statutes does authorize the Missouri State Park Board to make certain necessary expenditures in order to perform the duties imposed upon it by law. However, said statute contains a clause restricting the manner of payment and provides that expenditures by said board shall be allowed and paid out of funds appropriated for such purposes in the manner provided by law.

We are cognizant of the fact there are certain revolving funds established by acts of the General Assembly for certain departments and agencies of the state. However, this is only by reason of an act of the General Assembly authorizing same, and in the absence of such legislation, there can be no such revolving fund.

Since the Legislature has not seen fit to provide for such a revolving fund for the operation of concessions in state parks by the Missouri State Park Board, we must conclude that it was the legislative intent that said board should not operate under a revolving fund.

#### CONCLUSION

Therefore, it is the opinion of this department that in the absence of a statute authorizing a revolving fund for operation of concessions at Missouri State Parks, the Missouri State Park Board is not vested with authority to set up a revolving fund out of appropriations to said board for such purpose.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Aubrey R. Hammett, Jr.

Yours very truly,

JOHN M. DALTON  
Attorney General

ARH:vlw