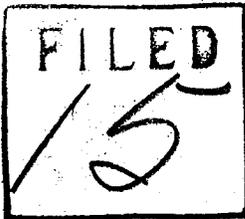


SOIL CONSERVATION:
WATERSHED PROTECTION AND
FLOOD PREVENTION ACT:



A soil conservation district is a "local organization" within the meaning of Public Law 566; the supervisors of a soil conservation district have authority to carry out, maintain, and operate "works of improvement" of that portion of a small watershed which lies within the soil conservation district of which they are supervisors, under the watershed protection and flood prevention act; that the supervisors are authorized to expend the funds of the district, and to use funds that are made available to them from federal, state, or local sources, both public and private, in carrying out the provisions of the Watershed Protection and Flood Prevention Act as set forth in Public Law 566.

July 18, 1955

Honorable L. C. Carpenter
Chairman
Missouri Watershed Protection and
Flood Prevention Committee
Department of Agriculture
Jefferson City, Missouri

Dear Sir:

I am in receipt of your letter of June 21, 1955, in which you request my opinion on the questions raised in a letter dated June 21, 1955, addressed to you, written by C. C. Bruce, State Conservationist, which letter is enclosed in your letter to us. The letter written by Mr. Bruce is as follows:

"As chairman of the Missouri Watershed Protection and Flood Prevention Committee, you are aware that Public Law 566 (Watershed Protection and Flood Prevention Act) was passed by the 83rd Congress and approved by President Eisenhower. A copy of the Act is attached for your information.

"Since the passage of the Act, there has been considerable discussion centered around the authority of soil conservation districts to qualify as a 'local organization' as defined in the Act.

"It is necessary to the effective administration of the Watershed Protection and Flood Prevention Act that we have the Attorney General's opinion interpreting the soil conservation district law (Senate Bill 80) with respect to whether soil conservation districts in Missouri

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qualify as a 'local organization' for sponsoring watershed projects in accordance with the provisions of the Act. More specifically we need an opinion as to the authority of soil conservation districts organized under the soil conservation district law of Missouri to carry out, maintain, and operate 'works of improvement' under the Watershed Protection and Flood Prevention Act. Also an opinion is needed as to the authority of soil conservation districts in Missouri to expend their own funds and to use funds that are made available to them from federal, state, or local sources, either public or private, in carrying out the provisions of the Act."

The Bruce letter raises the following questions:

1. Does a soil conservation district come within the compass of the term "local organizations" as that term is used in Public Law 566, enacted by the 83rd Congress?

It clearly does so. The final paragraph of paragraph #2 of Sec. 2 of Public Law 566, states:

"'Local organization' - any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.'"

2. Does a soil conservation district have the authority to carry out, maintain, and operate "works of improvement" under the watershed protection and flood prevention act, which is Public Law 566?

On January 13, 1955, this department rendered an opinion, a copy of which is enclosed, to J. H. Longwell, Director, Division of Agricultural Science, University of Missouri, Columbia, Missouri. That opinion, as you will note holds that "supervisors of a soil conservation district may administer the business of that portion of a small water-

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shed which lies within the soil conservation district of which they are supervisors."

You will note that the above opinion, in regard to the authority which the supervisors of a soil conservation district have over that portion of a small watershed which lies within the soil conservation district of which they are supervisors, holds that the supervisors may "administer the business" of the small watershed. We believe that this term is inclusive of the management, improvement, control, and complete direction of the small watershed and includes "works of improvement".

3. Your final question is whether the supervisors of a soil conservation district have the authority to expend their (the soil conservation districts') own funds, and to use funds made available to them from federal, state, or local sources, either public or private, in carrying out the provisions of the act (Public Law 566)?

We believe that the answer to this question is in the affirmative. Subparagraph 2 of Paragraph 2 of Section 278.120 RSMo 1949, quoted on page 3 of the Longwell opinion states that the supervisors of a soil conservation district shall have the authority (to cooperate or enter into agreements with, and to aid within the limits of appropriations duly made available to it by law, any agency, governmental or otherwise, or any land representative within that soil district, in the saving of the soil within that district.* * *)

CONCLUSION

It is the opinion of this department that a soil conservation district is a "local organization" within the meaning of Public Law 566; that the supervisors of a soil conservation district have authority to carry out, maintain, and operate "works of improvement" of that portion of a small watershed which lies within the soil conservation district of which they are supervisors, under the Watershed Protection and Flood Prevention Act, which is Public Law 566; that the supervisors of a soil conservation district have the authority to expend the funds of the district, and to use funds that are made available to them from federal, state, or local sources, both public and private, in carrying out the provisions of the Watershed Protection and Flood Prevention Act as set forth in Public Law 566.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Hugh P. Williamson.

Very truly yours,

HPW/ld

JOHN M. DALTON
Attorney General