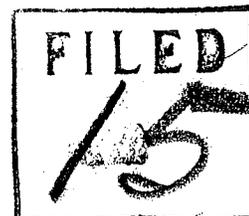


PUBLIC LAW 566:
POLITICAL SUBDIVISIONS:
LOCAL ORGANIZATIONS:

A levee and/or drainage district and/or a county court is a "local organization" within the meaning of Public Law 566, and so is qualified to enter into cooperative agreements with the Secretary of Agriculture of the United States for works of improvement in flood and erosion control.

November 22, 1955

Honorable L. C. Carpenter
Commissioner Department of Agriculture
Jefferson City, Missouri



Dear Sir:

Your recent request for an official opinion reads as follows:

"On the date of July 18, 1955, you rendered an opinion which states, in part, as follows:

"It is the opinion of this Department that a soil conservation district is a "local organization" within the meaning of Public Law 566

"At a meeting of the Governor's Committee of the Missouri Watershed Protection and Flood Prevention program I was requested to secure from you an opinion as to whether or not other political sub-divisions within a given county might serve as a local organization.

"We are informed that in some other states county courts, levy districts, drainage districts and other corporate bodies are serving in that capacity.

"I am attaching hereto a copy of Public Law 566, passed in the 83rd Congress and on this copy of the Law have underlined or bracketed those sections which appear to pertain directly to this subject.

"If you have any question on this matter I trust that you will request of us the additional information you desire and we shall be glad to provide it."

All references to statutes, unless otherwise indicated, are to RSMo 1949.

Honorable L. C. Carpenter

Public Law No. 566 provides for cooperation between the federal government and "states and their political subdivisions . . . for the purpose of preventing damage . . ." by erosion, flood water, et cetera. The law further provides (Section 3, Public Law 566):

"In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations, if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility--"

"Local organization" is by the bill defined to be:

"-- 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."

From the above, it would appear that any "political subdivision" would also be a "local organization" and so would be qualified to cooperate with the federal government in these projects.

Section 15, Article X of the Constitution of Missouri, states:

"Definition of 'other political subdivision.' -- The term 'other political subdivision,' as used in this article, shall be construed to include townships, cities, towns, villages, school, road, drainage, sewer and levee districts and any other public subdivision, public corporation or public quasi-corporation having the power to tax."

Since levee and drainage districts and counties are "political subdivisions", they are, according to Public Law 566, qualified to cooperate as stated above.

In regard to the authority of county courts in these matters, we indicate Section 70.210, which reads:

"The term 'governing body' as that term is used in sections 70.210 to 70.320 shall mean the board, body or persons in which the powers of a municipality or political subdivision are vested. The term 'political subdivisions' as used in sections 70.210 to 70.320 shall be construed to include counties, townships, cities, towns, villages, school, road, drainage, sewer, levee and fire districts."

Honorable L. C. Carpenter

Also Section 70.220, RSMo 1949, which reads:

"Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision. If such contract or cooperative action shall be entered into between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, said contract or cooperative action must be approved by the governing body of the unit of government in which such elective or appointive official resides."

CONCLUSION

It is the opinion of this department that a levee and/or drainage district and/or a county court is a "local organization" within the meaning of the Public Law 566, and so is qualified to enter into cooperative agreements with the Secretary of Agriculture of the United States for works of improvement in flood and erosion control.

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

Very truly yours,

John M. Dalton
Attorney General

encl.
HPW/hw/ld