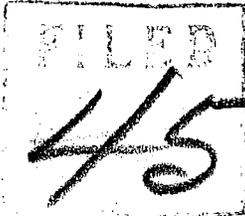


MISSOURI STATE PARK BOARD: Missouri State Park Board is authorized
LICENSE: to accept a license to land in a federal
reservoir area for park purposes.



December 5, 1955

Missouri State Park Board
Jefferson City, Missouri

Attention: Mr. Joseph Jaeger, Jr.
Director of Parks

Gentlemen:

This will acknowledge receipt of your request inquiring if the Missouri State Park Board has authority to enter into such a licensing agreement as indicated by the form of a so-called license attached to your request.

The Secretary of the Army by virtue of public laws mentioned in the attached form of licensing agreement is vested with authority to execute a lease or license of certain parts of said reservoir area and, furthermore, preference is given to the states.

Under Chapter 253, Section 253.040, MoRS Cum. Supp. 1953, the Missouri State Park Board is vested with authority to accept or acquire by purchase, lease, donation, agreement or eminent domain any land, or rights in land, sites, objects or facilities which, in its opinion should be held, preserved, improved and maintained for park or parkway purposes. Furthermore, said Board is authorized to improve, maintain, operate and regulate any such land when to do so would promote the park program.

One of the primary rules for construction of a statute is to ascertain the lawmaker's intent from the words used in the statute. *State v. Reynolds*, 274 S.W. (2d) 514.

The word "agreement" is a very ordinary and frequently used word and we hardly deem it necessary to define it, however, Webster's New International Dictionary, 2nd Edition, Unabridged Edition defines agreement, in part, as follows: "State or act of

Missouri State Park Board

agreeing; harmony of opinion, statement, action or character; concurrence; concord; conformity." Notwithstanding that this proposal is referred to as a license, it is also an agreement, and it may be revoked by the licensee upon giving proper notice to licensor. In view of such broad authority granted the Missouri State Park Board by the General Assembly of this state, we believe that such a license is valid and furthermore that the Missouri State Park Board may enter into such agreement.

CONCLUSION

Therefore, it is the opinion of this department that the Missouri State Park Board may execute such a proposed licensing agreement similar to the form of license agreement attached to this request.

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

Yours very truly,

John M. Dalton
Attorney General

ARH:mw