

OFFICERS: By virtue of Article XIV, Section 9, Missouri
CONSTITUTIONAL LAW: Constitution, it is unlawful for a person to
hold the position of member or alternate mem-
ber of a County Agricultural Stabilization
Committee Board and at the same time hold the office of collector,
trustee or assessor of a township in this state.

OPINION NO. 89
(520, 1966)

February 14, 1967

Honorable Carl D. Gum
Prosecuting Attorney for Cass County
Harrisonville, Missouri 64701



Dear Mr. Gum:

This is in answer to your request for an opinion of this office concerning the question whether a person can legally serve as a township collector, trustee or assessor at the same time he is serving as a member of the County Agricultural Stabilization Committee Board. In a subsequent communication with this office, you requested that the opinion ought to cover alternate members as well as regular members of the County Agricultural Stabilization Committee Board. You have stated that this office has furnished you with eight former opinions of the Attorney General on related subjects.

We believe that Opinion No. 89 to Honorable D. D. Thomas, Jr., dated September 16, 1942, copy enclosed, holding that a township officer cannot hold office for profit under the United States, furnishes the basis for the answer to your inquiry. Said former opinion, taken in connection with Opinion No. 46 to Mrs. Lee Johnston, dated November 8, 1945, also enclosed, reveals that the only question in your case is whether the position of County Agricultural Stabilization Committeeman, or alternate, is an office of profit under the United States.

Pursuant to Acts of Congress, 16 U.S.C.A. 590, the various County Agricultural Stabilization Committees are elected, each member for a three year term, by the farmers in the counties, or by their representatives. Pursuant to regulations issued by the Secretary of Agriculture of the United States under the authority of said statute, such boards are clothed with governmental authority, in that they allot to farmers within their jurisdiction permissible acreage for the planting of various crops, determine the allocation of land to the soil bank, and set various allowances of federal money to various landowners for performing certain services, such as creating ponds, levees and erosion controls, as well as payments for fertilizers and soil conservation equipment.

Honorable Carl D. Gum

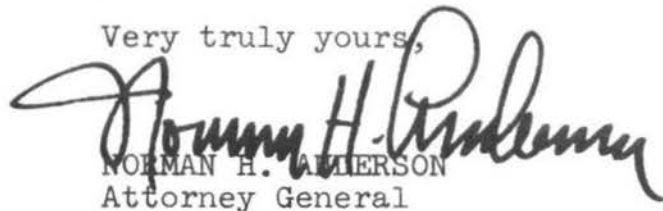
Inasmuch as the township offices mentioned in your opinion request; that is, collector, trustee, and assessor, are offices of profit in this state; and inasmuch as the position of County Agricultural Stabilization Committeeman or alternate is an office of profit under the United States (you have informed us and we have independently determined that these persons are paid by the government of the United States) it must follow that a person who holds any of such township offices and at the same time serves as a duly elected and qualified member of the County Agricultural Stabilization Committee Board, or an alternate thereof, is in violation of Section 9, of Article XIV, of the Missouri Constitution.

CONCLUSION

It is the opinion of this office that by virtue of Article XIV, Section 9, Missouri Constitution, it is unlawful for a person to hold the position of member or alternate member of a County Agricultural Stabilization Committee Board and at the same time hold the office of collector, trustee, or assessor of a township in this state.

The foregoing opinion, which I hereby approve, was prepared by my Assistant Donald L. Randolph.

Very truly yours,



NORMAN H. ANDERSON
Attorney General