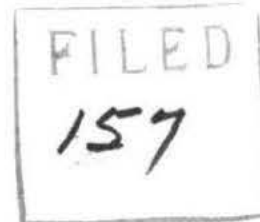


Answer by letter-Wood

February 9, 1970

OPINION LETTER NO. 157



Honorable James A. Noland, Jr.
State Senator - District 33
Osage Beach, Missouri 65065

Dear Senator Noland:

You have asked for my opinion as to the right of the Missouri Legislature to authorize the State Park Board to convey, either in sale or trade, real property constituting the Lake of the Ozarks State Park.

This real property was conveyed by the United States Acting Secretary of the Interior to the State of Missouri by Quit-Claim Deed dated October 10, 1946. The authority for this conveyance was 16 U.S.C.A. §§459r-459t. This Act of Congress required that the conveyance be conditioned on use of the property by the State of Missouri "exclusively for public park, recreational, and conservation purposes," with title and right of possession reverting to the United States upon a finding by the Secretary of the Interior that the State of Missouri had failed to comply with this condition for a period of more than three years (16 U.S.C.A. §459t). In 1950, Congress granted the Secretary of the Interior power to authorize the State of Missouri to "exchange or otherwise dispose" of this real property when to do so would "facilitate the administration" and "consolidate the holdings" of such lands. (16 U.S.C.A. §459u). Before the State of Missouri may so exchange or dispose of any of the lands, the Secretary of the Interior must execute a release upon terms and conditions that will insure use of newly acquired lands for exclusive public park, recreation, and conservation purposes. (16 U.S.C.A. §459u).

Accordingly, it is my opinion that the General Assembly may only authorize the State Park Board to sell or trade lands in the

Honorable James A. Noland , Jr.

Lake of the Ozarks State Park after the release required by Congress has been obtained from the Secretary of the Interior.

Yours very truly,

JOHN C. DANFORTH
Attorney General