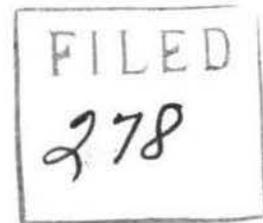


Answer by letter-Wood

April 27, 1970

OPINION LETTER NO. 278



Mr. Joseph Jaeger, Jr.  
Chairman  
State Inter-Agency Council  
for Outdoor Recreation  
P. O. Box 564  
Jefferson City, Missouri 65101

Dear Mr. Jaeger:

This is in response to your letter of March 31, 1970, requesting my opinion as to:

The authority of the State of Missouri to participate in the Land and Water Conservation Fund program, pursuant to the Land and Water Conservation Fund Act of 1965, Public Law 88-578, 16 USCA §460 1-4, 5, 6, 7, 8, and

(2) The designated agency and its authority to represent and act for the State of Missouri in preparing and maintaining the Missouri Comprehensive Statewide Outdoor Recreation Plan submitted to the Secretary of the Interior pursuant to the above Act.

The Constitution of Missouri, 1945 contains no limitations on the power of the General Assembly to enter into agreements with the United States that govern the use of federal funds granted to this state. The General Assembly is specifically authorized by the Constitution to receive money or property from the United States and redistribute the same together with public money of this state for any public purpose designated by the United States (Article III, Section 38(a), Constitution of Missouri, 1945).

Mr. Joseph Jaeger, Jr.

The General Assembly has created in the State Treasury a fund known as The Inter-Agency Council Fund. All federal funds granted to this state pursuant to the Land and Water Conservation Fund Act of 1965 are to be deposited in the Inter-Agency Council Fund for subsequent appropriation and exclusive use in outdoor recreation planning, acquisition, and development (Section 258.080 (1) (2), RSMo 1967 Cum. Supp.). Accordingly, it is my opinion that the State of Missouri is authorized to participate in the Land and Water Conservation Fund Program.

The General Assembly has established the State Inter-Agency Council for Outdoor Recreation whose duties are to serve as:

"(1) The official state agency for liaison with the federal bureau of outdoor recreation;

"(2) The official state agency to receive and disburse federal funds available to this state for overall outdoor recreation;

"(3) The official state agency to receive and allocate to the appropriate agency, or political subdivision, federal funds available for outdoor recreation programs; . . ." (Section 258.060 (1), (2), (3), RSMo 1967 Cum. Supp.

All funds appropriated from The Inter-Agency Council Fund are to be received and expended or allocated by the State Inter-Agency Council for Outdoor Recreation, at least fifty percent of which funds must be allocated to political subdivisions of the State of Missouri, and none of which funds may ever revert to the general revenue funds of the State of Missouri. (Section 258.080 (2), (3), RSMo 1967 Cum. Supp.).

Accordingly, it is my opinion that the State Inter-Agency Council for Outdoor Recreation is the designated agency and has full authority to represent and act for the State of Missouri in preparing and maintaining Missouri's Comprehensive Statewide Outdoor Recreation Plan.

Yours very truly,

JOHN C. DANFORTH  
Attorney General