

March 29, 1971

Answer by letter-Wood

OPINION LETTER NO. 50

Mr. Joseph Jaeger, Jr.  
Director of Parks  
Missouri State Park Board  
1204 Jefferson Building  
Jefferson City, Missouri 65101



Dear Mr. Jaeger:

You have requested my formal opinion as to the legality of a contract that would be entered into between the Missouri State Park Board and a private individual or private historic group or political subdivision, whereby, the Park Board would assume responsibility for continually maintaining, repairing, and administering a historic site designated as a recipient of federal funds by the Secretary of the Interior pursuant to Public Law 89-665 (80 Stat. 915, 16 U.S.C.A., §§470, et seq.) in the event the particular individual, historic group, or political subdivision failed to maintain, repair or administer the historic site as required by the Secretary of the Interior.

For the reasons developed in my opinion to you bearing No. 420 and dated October 28, 1969 (copy enclosed), it is my opinion that the Park Board may not enter into such a contract. In my opinion, the Park Board may only agree to maintain, repair, and administer historic sites owned or leased by the State of Missouri for "park purposes."

"The board is hereby authorized to accept or acquire by purchase, lease, donation, agreement or eminent domain, any lands, or rights in lands, sites, objects or facilities which in its opinion should be held, preserved, improved and maintained for park or parkway purposes. The board is authorized to improve, maintain, operate and regulate any such lands,

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sites, objects or facilities when such action would promote the park program and the general welfare. . . ." (Section 253.040(1), RSMo 1969)

We believe that a historic site is properly within the scope of the above statute in view of the law's definition of a "park" as:

". . . any land, site or object primarily of recreational value or of cultural value because of its scenic, historic, prehistoric, archeologic, scientific, or other distinctive characteristics or natural features;" (Section 253.010(3), RSMo 1969)

Accordingly, it is my opinion that the State Park Board may not contract with a private individual, historic group or political subdivision for the maintenance, repair, and administration of a historic site which is not owned or leased by the State of Missouri for park purposes.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 420  
10-28-69, Jaeger