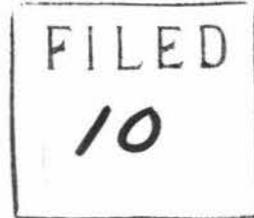


COUNTY COURTS: County Court of Pettis County is unauthorized
MUNICIPALITIES: to appropriate funds to the Sedalia Chamber
of Commerce fund.

February 21, 1951



Honorable Mike Bogutski
Prosecuting Attorney
Pettis County
Sedalia, Missouri

Dear Sir:

This will acknowledge receipt of your request for an official opinion which reads as follows:

"For sometime, the Chamber of Commerce of Sedalia has felt an increasing need for funds and has been asking the Court Court of Pettis County to appropriate a certain amount out of the county treasury each month for the Chamber of Commerce, to be used in the Chamber's general fund. The County Court is doubtful as to its legal right to make such an appropriation. I therefore request an official opinion from your office as to whether or not the court has such authority.

"If the court is legally authorized to make such payments, it would also like to be informed as to whether these expenditures should be appropriated out of Class 6, or out of some other class."

This department has on several occasions rendered opinions holding that the county court is unauthorized to grant funds or contributions to municipalities that have practically been washed away by floods causing grave health hazards, contributions for airports, glove factories and an American Legion Post. However, we have never passed specifically upon your request.

Section 23, Article VI of the Constitution of Missouri, 1945, prohibits the county court from granting money or anything of value in aid of any corporation, association or individual except as provided in the Constituion, and reads:

Honorable Mike Bogutski

"No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this Constitution."

Section 25, Article VI of the Constitution of Missouri, 1945, as amended, follows the foregoing constitutional amendment with an exception contained therein providing that the General Assembly may authorize certain pensions, etc., and reads:

"No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation, except that the general assembly may authorize any municipality to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of the deceased members, and may authorize any city of more than 40,000 inhabitants to provide for the pensioning of other employees, and the widow and minor children of deceased employees, and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services, and to their beneficiaries or estates."

You do not state for what particular purpose such funds are to be used. Of course, we realize they would in all probability be used for municipal improvements and purposes.

Under any stretch of the imagination, in view of the foregoing constitutional provisions, we cannot conceive how the county court can allocate funds out of the county treasury to the Chamber of Commerce of Sedalia, Missouri.

In view of the foregoing conclusion, we deem it unnecessary to consider the second paragraph of your request.

Honorable Mike Bogutski

CONCLUSION

Therefore, it is the opinion of this department that the County Court of Pettis County has no authority to appropriate funds in the county treasury for or to the Chamber of Commerce of Sedalia, Missouri, to be used in the general fund of that organization.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General