

COUNTY COURTS:

The Boone County Court has no authority to convey by gift to the Boone County Agricultural and Mechanical Society real property belonging to the county.

OPINION NO. 13

January 19, 1970

Honorable A. Basey Vanlandingham
State Senator, District 19
12 Glenview Plaza, Box 711
Columbia, Missouri 65201



Dear Senator Vanlandingham:

This official opinion is in response to your request for an opinion in which you ask whether the Boone County Court can convey real property owned by the county as a gift to the Boone County Agricultural and Mechanical Society.

Section 262.290, RSMo 1959, authorizes the incorporation of nonprofit county agricultural and mechanical societies for the purpose of promoting improvements in agriculture, manufacture and the raising of stock. To effectuate this purpose, the statute further permits such county societies and associations to purchase, hold, lease, rent and receive quantities of land not exceeding 100 acres.

Thus, it is clear that Boone County Agricultural and Mechanical Society may accept gifts of real property to effectuate the purposes for which it was incorporated. The real question then is whether the county court may make a gift to such society of county real property.

We are enclosing Opinion No. 42 rendered August 19, 1948, to Marvin C. Hopper, which holds that a county court cannot give away county property unless authority to do so is given by a statute.

The only statute which could be found that sanctions donations by the county courts to county agricultural and mechanical societies and fair associations is Section 262.350, RSMo, which provides in pertinent part:

"The county court of any county may, if it be deemed expedient, appropriate out of the county treasury for the benefit of any society regularly organized as a . . . county fair, . . . or any other organization or incorporated society having for its object the holding of

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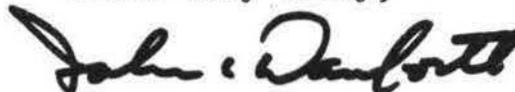
county fairs or the advancement of agriculture or its allied industries, a sum not exceeding three hundred dollars in any one year. The money so appropriated shall be drawn by the treasurer of the society on proper warrant; provided said money shall be awarded by the board of directors or other proper officials [of the association or society] in premiums or expended by them in the purchase of premiums, . . . provided further, that in all counties in this state of the second class the county court of such county may, if it is deemed expedient, appropriate out of the surplus remaining in the county treasury, for the benefit of any such society, a sum not exceeding ten thousand dollars to be used as in this section above set out, or in any other manner that said board of directors may deem best."

This statute contemplates donations only in the form of money to county agricultural and mechanical societies. Had the legislature wished to permit the county courts to donate real property to such societies, this statute would have been the one to reflect such intention.

CONCLUSION

The Boone County Court has no authority to convey by gift to the Boone County Agricultural and Mechanical Society real property belonging to the county.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 42
8-19-48, Hopper