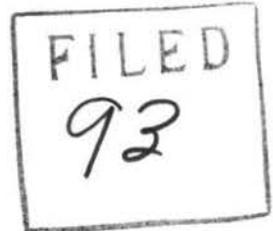


March 3, 1975

OPINION LETTER NO. 93
Answer by Letter - Klaffenbach

Honorable John W. Reid, II
Prosecuting Attorney
Madison County
148 East Main Street
Fredericktown, Missouri 63645



Dear Mr. Reid:

This letter is in response to your question asking:

"Does the solid waste law of 1972 authorize the County Court to contract with the Special Road District for the collection of trash in the District?"

"If the answer is yes, is it within the authority of the Special Road District to collect trash under a contract with the County Court?"

The solid waste disposal law to which you refer is found in Sections 260.200, et seq., RSMo 1973 Supp. Subsection 4 of Section 260.215, provides:

"Cities or counties may contract as provided in chapter 70, RSMo, with any person, city, county, political subdivision, state agency or authority in this or other states to carry out their responsibilities for the storage, collection, transportation, processing, or disposal of solid wastes."

The Chapter 70 reference was undoubtedly to Sections 70.210, et seq., RSMo, which authorize cooperation by political subdivisions, as defined therein. However, such cooperative agreements

Honorable John W. Reid, II

are not authorized unless, as provided in Section 70.220, ". . . the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision. . . ." We take this to mean, in these premises, that both political subdivisions must have the power to collect trash.

You state that the special road district about which you inquire is one organized under provisions of Sections 233.170 to 233.315, RSMo.

Since the special road districts organized under Sections 233.170 to 233.315, RSMo do not have the power to collect and dispose of solid waste of others, such districts cannot contract with the county court for the collection of solid waste under the solid waste disposal law.

Very truly yours,

JOHN C. DANFORTH
Attorney General