



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

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September 2, 1975

OPINION LETTER NO. 184

Mr. James L. Wilson, Director  
Department of Natural Resources  
Jefferson State Office Building  
Jefferson City, Missouri 65101

Dear Mr. Wilson:

This letter is in response to your question asking:

"Under §§192.600 to 192.620, RSMo Supp., the Department of Natural Resources is authorized to make grants to publicly owned water supply districts and sewer systems for construction of water supply and sewage disposal and treatment facilities. §192.605 provides, in part:

' . . . The grants may be made to supplement funds from loan proceeds or other private or public sources when such grants are not available through any other state or federal agency.'

"In light of this statutory provision, may the Department make a grant to a public water supply district to cover a portion of the cost of constructing a water supply system, where the district is going to receive some federal grant monies, but will not receive enough federal money, together with loans and revenue bonds, to cover the entire cost of the system?"

The provision to which you refer first appeared in House Committee amendments to House Bills No. 664 and 657, 77th General Assembly, First Regular Session. The bills as originally introduced

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did not contain the limitation respecting the availability of grants through any other state or federal agency. As introduced House Bill No. 657 merely authorized grants in aid to public water supply districts and House Bill No. 664 authorized such grants "to supplement funds from loan proceeds or other private or public sources." The latter bill also required that the amount of assistance from other such sources be determined before the state grant could be considered.

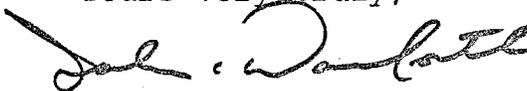
At the time the Committee amendments were made concerning the provision in question, amendments were also made containing the provisions now found in Section 192.615, RSMo Supp. 1973, requiring that the applicant must first apply with the agency or other financial source which is to furnish the "primary" financial assistance before an application for a grant could be made to and processed by the Division of Health and requiring that the applicant furnish evidence of a commitment from the "primary" financial source before a grant could be approved.

It is our view that the legislative history of these provisions indicates that it was the legislative intent to make it clear that grants made under these sections are to be secondary to other grants, and that such grants are supplementary to other financial sources. If the provision were read to deny the grant of such state funds when other state or federal funds are available, the provision would be contradictory because such grants from the Division of Health could not be supplementary to grants from other public sources if grants from other public sources were not available.

We conclude, therefore, that such Division of Health grants are secondary and supplementary to other state or federal grants, that other such state or federal grants are primary, and that there must be a commitment from a primary source before a Division of Health grant can be approved.

The answer to your question is, in our view, that the Department of Natural Resources may make a grant to such a district to cover a portion of the cost of an authorized project when the primary source federal grants are insufficient.

Yours very truly,



JOHN C. DANFORTH  
Attorney General