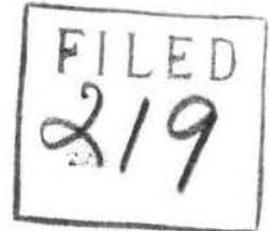


Opinion No. 219 Ans. By Letter
(Eichhorst)

July 9, 1964



Mr. John A. Owens
Director of Aviation
Division of Commerce and
Industrial Development
Eighth Floor, Jefferson Building
Jefferson City, Missouri

Dear Mr. Owens:

This is in reply to your letter of June 9, 1964, requesting an opinion from this office which reads in part as follows:

"The city officials of West Plains are now preparing to submit a request for matching funds under the Memorial Airport Act in hopes that an allocation will be made during the next legislative session. The mayor of West Plains desires to use evidence of previous expenditures as the city's share of the matching funds. Several other cities have made similar requests usually desiring to use the value of land already acquired as the community's share on a matching funds basis. I would appreciate your legal opinion of the aforementioned practice under the Memorial Airport Act."

State aid to memorial airports is provided for in Section 305.230, RSMo 1959, which is here set out:

"In appreciation of the services of our gallant armed forces and to perpetuate the memory of their heroic achievements in the war against Germany, Japan and their allies and to promote the advancement of aviation in the name of those who gave their

lives as members of our gallant armed forces in the war against the aforesaid enemies, cities, towns and counties are hereby authorized to purchase sites and construct and operate airfields in such counties or near such cities and towns and to receive free technical advice from the division of resources and development; provided further, that when any city, town or county in Missouri shall certify to the governor that it has appropriated a specific sum for the aforesaid purpose and is ready to proceed with the purchase or construction of such airfields a like sum not exceeding ten thousand dollars shall be allotted to said city, town or county from the appropriation herein made for such purpose but said sum shall be released to such city, town or county only after the division of resources and development has certified to the governor that in their judgment the airfield in question is desirable and in the interest of the development of aviation and that the funds proposed are adequate to complete the project; and, provided further, that cities, towns or counties are hereby authorized to receive federal grants in addition to all other grants or funds made available for such purpose under this section."

From a reading of this section, state aid is only to be forthcoming "when any city, town or county in Missouri shall certify to the governor that it has appropriated a specific sum for the aforesaid purpose and is ready to proceed with the purchase or construction of such airfields". This being so, it is our opinion that a city may not use funds already expended as a basis for a like sum of state aid under Section 305.230, RSMo 1959.

Very truly yours,

THOMAS F. EAGLETON
Attorney General