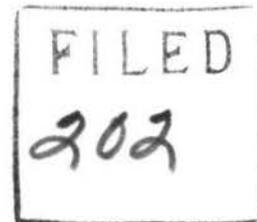


April 9, 1971

Answer by letter-Wood

OPINION LETTER NO. 202



Honorable Dee Wampler
Prosecuting Attorney
Greene County Court House
Springfield, Missouri 65802

Dear Mr. Wampler:

You have requested my opinion on whether a county or city can expend public funds, or incur indebtedness through the issue of general obligation bonds, for the purchase and installation of emergency public warning siren systems. We are directed by statute to give our written opinion to, among others, any prosecuting attorney ". . . upon any question of law relative to . . . [his] . . . offices or the discharge of . . . [his] . . . duties." (Section 27.040, RSMo 1969). We are not aware that you as a prosecuting attorney have any duties with regard to an expenditure of city funds or to the incurring of municipal indebtedness. We will, therefore, limit this opinion to a consideration of county expenditures and indebtedness.

We deem the following constitutional and statutory provisions pertinent to your inquiry:

"The taxing power may be exercised by the general assembly for state purposes, and by counties and . . . under power granted to them by the general assembly for county, . . . purposes." (Article X, Section 1, Constitution of Missouri, 1945)

"Any county, . . . [by two-thirds vote] . . . may become indebted . . . for state or county purposes, . . ." (Article VI, Section 26(b), Constitution of Missouri, 1945; see Section 108.010, RSMo 1969)

Honorable Dee Wampler

"Any county . . . [by two-thirds vote] . . . may incur an additional indebtedness for county . . . purposes . . ." (Article VI, Section 26 (c), Constitution of Missouri, 1945; see Section 108.020, RSMo 1969)

The civil defense laws of the state authorize counties to appropriate and expend funds and obtain and distribute equipment, materials and supplies for civil defense purposes. They are further authorized to direct and coordinate the development of disaster plans and functions in accordance with the policies and plans of the federal and state disaster and emergency planning (Section 44.080(2), RSMo 1969). The law defines "civil defense functions" as those ". . . functions required to prepare for and carry out actions to prevent, minimize and repair injury and damage due to disasters, . . ." (Section 44.010(2), RSMo 1969). "Disasters" include those resulting from ". . . enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes;" (Section 44.010(3), RSMo 1969).

A federal civil defense guide entitled Federal Contributions for Civil Defense Equipment promulgated by the office of Civil Defense, Department of Defense in January 1970 lists (p. 59) warning devices, such as sirens, and the mechanisms which activate them as eligible for federal financial contributions. We further believe that warning sirens may properly serve the purpose of preventing or minimizing personal injury or property damage during time of disaster and would therefore be equipment that a county could obtain within the contemplation of the civil defense law.

Accordingly, we are of the opinion that a county of this state may properly expend public funds for the purchase of emergency public warning siren systems, and that a county may incur general obligation bond indebtedness for such purpose.

Yours very truly,

JOHN C. DANFORTH
Attorney General