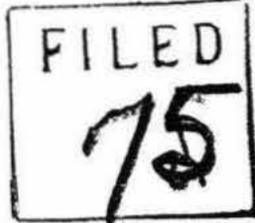


PRIVATE CORPORATIONS: No county, city or other political subdivision
PRIVATE BENEVOLENT of the State of Missouri can contribute or
ASSOCIATIONS: give any public funds to the "Executive
COUNTY COURT: Committee of the Greater Jefferson City
PUBLIC MONEY, Committee, Inc." as the same is a private
CONTRIBUTIONS OR corporation.
GIFTS:

February 29, 1952

3/3/52



Honorable James T. Riley
Prosecuting Attorney
Cole County
Jefferson City, Missouri

Dear Sir:

Your opinion request of February 15, 1952, has been referred to me for reply. Your request is as follows:

"At this time a non-profit corporation has been formed under Chapter 352, R.S. Mo. 1949, under the name of 'The Executive Committee Of The Greater Jefferson City Committee, Inc.'

"The purpose of this corporation is as follows: 'This association is formed for the purpose of promoting the orderly growth and welfare of the City of Jefferson, Missouri, and to that end, to enter into Contracts with City Planning Engineers and others, to solicit and secure pledges of money from various governmental and other and private agencies to defray the costs of the project for which this association is formed; to receive money for said purpose, and to expend the same.'

"I understand that the 'City Planning Engineers' referred to above, are private engineers and are not engineers in the regular employment of the city.

"This group has now asked the Cole County Court to make a contribution to the private corporation to be used for the purposes above named. I will appreciate it if you will advise me whether or not the Cole County Court can lawfully appropriate the public funds of Cole County for a contribution to this corporation."

Hon. James T. Riley

From your request we conclude that "The Executive Committee of The Greater Jefferson City Committee, Inc." is purely a private corporation although its apparent purpose is for the betterment and orderly growth of Jefferson City, Missouri. The 1945 Constitution of Missouri, Article VI, Section 23, reads as follows:

"Sec. 23. Limitation on Ownership of Corporate Stock, Use of Credit and Grants of Public Funds by Local Governments.--No County, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this Constitution."

We feel that this section of itself precludes any political subdivision of this state from contributing or donating any public funds to any type private corporation, but then we also have Article VI, Sec. 25, which reads as follows:

"Sec. 25. Limitation on Use of Credit and Grant of Public Funds by Local Governments--Exceptions--Pensions for Police and Firemen, and Other Employees of Certain Cities--Benefit Funds for Educational Employees.--No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation except that the general assembly may authorize any municipality to provide for the pensioning of the salaried members of its organized police force or fire department and the widows and minor children of the deceased members, and may authorize any city of more than 100,000 inhabitants to provide for the pensioning of other employees, and may also authorize payments from any public funds into a fund or funds for paying benefits upon retirement, disability or death to persons employed and paid out of any public fund for educational services, and to their beneficiaries or estates."

A reading of the sections of this provision (Art. VI) only further convinces us that no political subdivision of this state or political corporation or subdivision can grant money or property to the above corporation which, as we have said before, is, to our mind, merely a private corporation. If this were not so what would prevent a city, county, state or other political subdivision from

Hon. James T. Riley

contributing to a Chamber of Commerce which is a corporate body incorporated for civic betterment also.

CONCLUSION

It is, therefore the opinion of this office that no county, of the State of Missouri can contribute or give any public funds to the "Executive Committee of the Greater Jefferson City Committee, Inc." as the same is a private corporation.

Respectfully submitted,

A. BERTRAM ELAM
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

ABE:mw