

COUNTY AGRICULTURAL  
EXTENSION COUNCIL:  
THIRD AND FOURTH CLASS  
COUNTIES:

Office furniture, machines and equipment under control of county agricultural extension council, the purchase price of which is paid from appropriations of third or fourth class county to council, under Sections 262.591 and 262.601, RSMo Cum Supp 1957, is property of council. Said property shall not be included in annual inventory of county property required to be reported by county clerk of third or fourth class county under Section 51.155 RSMo Cum. Supp. 1957.

December 21, 1960



Honorable Haskell Holman  
State Auditor  
Capitol Building  
Jefferson City, Missouri

Dear Mr. Holman:

This office is in receipt of your request for a legal opinion upon the following inquiries:

- "1. Is a county the owner of machines and office equipment under the control of a county Agricultural Council?
2. Should such machines and office equipment be included in the inventory as made and reported by the county clerk under the provisions of Section 51.155, 1957 Cumulative Supplement?"

Section 51.155, RSMo Cum. Supp. 1957, referred to in the second inquiry requires the county clerk of a third or fourth class county to inspect buildings and personal property of the county, to make an inventory of such property and to file same in the Clerk's office as a public record.

Because of the reference to this section and an oral communication with your office subsequent to the opinion request indicating the present inquiries were made regarding third and fourth class counties, the within opinion shall apply only to third and fourth class counties.

Honorable Haskell Holman

Before attempting to discuss and answer the inquiries of the opinion request, it must first be ascertained what kind of organization the county agricultural extension council is and whether or not it is a separate legal entity from the county. If the council is in reality a part of the county organization then its members are either employees or elected or appointed officials of the county, and have some statutory duties to perform in carrying out the governmental functions of the county, as a political subdivision of the state. In that instance answers to both of the above inquiries could be given in the affirmative.

All statutory references herein are to RSMo Cum. Supp. 1957 unless otherwise indicated.

Section 262.561 sets out statutory procedure for organization of a county agricultural extension council and reads as follows:

"The citizens of voting age residing in each of the several townships of each county shall meet not earlier than October first and at least ten days before the annual meeting of the county agricultural extension council upon a date and at a time and place determined and fixed by the executive board and shall elect from among their number one man and one woman to be members of the county agricultural extension council. The date, time and place for the meeting for the year 1955 shall be fixed by the University of Missouri. The members so elected in the several townships shall constitute the county agricultural extension council. Members of the county agricultural extension council shall hold office for a term of two years and until their successors are elected and qualified, and no member shall hold office for more than two consecutive terms. In the elections held in 1955 one member from each township shall be elected for a two-year term and one member for a one-year term. Vacancies in the council membership shall be filled by election."

Honorable Haskell Holman

Section 262.581 states the kind of official body the county agricultural extension council shall be considered under the Federal law and reads in part, as follows:

"1. The county agricultural extension council shall be recognized as the official body within the county to cooperate with the University of Missouri in carrying out the provisions of the Smith-Lever Act of Congress, approved May 8, 1914, and acts supplementary thereto."

Section 262.591 authorizes the county courts to make appropriations for county extension work, and reads as follows:

"1. The county agricultural extension council, in cooperation with the county court and the University of Missouri, shall prepare an annual financial budget covering the county's share of the cost of carrying on the instruction in agriculture, home economics and 4-H club work provided for in sections 262.551 to 262.611, which shall be filed with the county court and included in class four of the budget of county expenditures for such year in counties budgeting county expenditures by classes and in the budget document in all other counties, subject to the following minimum appropriations:

"(1) In counties of the first and second classes, ten thousand dollars;

"(2) In counties of the third class with an assessed valuation of fifteen million dollars or more, five thousand dollars;

"(3) In counties of the third class with an assessed valuation of less than fifteen million dollars, two thousand five hundred dollars;

"(4) In counties of the fourth class with an assessed valuation of eight million dollars or more, one thousand five hundred dollars;

Honorable Haskell Holman

"(5) In counties of the fourth class with an assessed valuation of less than eight million dollars, one thousand two hundred dollars;

"2. No county shall appropriate more than one dollar per capita of the rural population as determined by the latest federal decennial census. In any year in which the county agricultural extension council approves a budget of lesser amount than is herein provided, the county court shall appropriate the lesser amount."

In an opinion of this office written for Honorable John E. Downs, Prosecuting Attorney of Buchanan County on October 25, 1951, the status of the county farm bureau relative to the provisions of Substitute for Senate Bill No. 3 of the 66th General Assembly was under discussion. It was stated therein the necessity for such a determination was obvious, in view of the fact the bill provided employees of the state shall be covered under the Old Age and Survivors' Insurance provisions of Title 2, of the Federal Social Security Act, and employees of the political subdivisions or instrumentalities of the state may be covered. On pages 5 and 6 of said opinion it is stated a county farm bureau, as a body corporate is a juristic entity legally separate and distinct from the state and county, and that its employees are not employees of the state or county. The county agents and their employees are not appointed by the state or county and are in no way under their control, neither are they paid by the state or county, but from an appropriation made to the farm bureau and administered by the farm bureau. A copy of said opinion is enclosed for your consideration.

A later opinion of this office to Honorable Newton Atterbury, State Comptroller and Budget Director, on September 26, 1956, was on the inquiry as to whether or not the county agricultural extension council is a political subdivision of the state, or if its employees should be covered under Chapter 105, RSMo Cum. Supp. 1955, which applies to Old Age and Survivors' Insurance.

While it was admitted in the latter opinion the inquiries therein discussed did not pertain to the county farm bureau, but to the county agricultural extension council, yet, the creation, duties, administration, employment of personnel, payment of expenses, and salaries of said employees of the county agricultural extension council were almost identical to those pertaining to the farm bureau. It was believed that the conclusion reached in such

Honorable Haskell Holman

former opinion was applicable to the latter one and said latter opinion reached the conclusion the county agricultural extension council was an instrumentality, and not a political subdivision (of the state). A copy of said opinion is enclosed for your consideration.

Although the two opinions are on questions relating to the status of the county farm bureau, county agricultural extension council and their employees under the Federal Social Security Law, as well as under applicable state laws, such opinions contain abstract principles of law concerning the status of such organizations, which are believed to be fully applicable to the question as to whether or not the county agricultural extension council is a separate legal entity from the county.

The Missouri farm bureau act was passed by the Legislature in acceptance of the Federal Aid tendered by Congress commonly referred to as the Smith-Lever Act. Practically every state in the Union has accepted the provisions of the act and has enacted laws authorizing the creation of farm bureaus.

The State of Nebraska enacted a county farm bureau law similar to that of Missouri. In the case of State ex rel. Hall County Farm Bureau vs. Miller et al., 178 N.W. 846, the constitutionality of the county farm bureau law was attacked. One of the grounds relied on was that the act delegated authority to an unauthorized body and created new county offices. In discussing and declaring the contention without merit, the Supreme Court of Nebraska said at l.c. 848:

"The act is also assailed as delegating power to an unauthorized body and as creating new county offices. The county farm bureau is a voluntary organization. Its members are not county officers within the meaning of the Constitution. It is not a money-making concern. It is above the aim of pecuniary individual enterprise or official compensation. Its relation to the public is like that of agricultural societies, of which it was said:

"Agricultural societies are not corporations in the ordinary sense of the term, but rather agencies of the state, created for the purpose of assisting in promoting our most important

Honorable Haskell Holman

industry.' State v. Robinson, 35 Neb. 401,  
53 N.W. 213, 17 L.R.A. 383."

In view of what has been stated in the last above-mentioned opinion to the effect that the former opinion concerning the county farm bureau was applicable to the county agricultural extension council, it is believed the excerpt from the Nebraska case on the characteristics of the county farm bureau is equally applicable to the county agricultural extension council.

It will also be recalled that the first-mentioned opinion describes the county farm bureau as "a juristic entity legally separate and distinct from the state and county and whose employees are not employees of the state or county."

Therefore, in view of the foregoing it is believed the county agricultural extension council is not a part of the county governmental organization but that it is a legal entity separate and distinct from the county organization.

The Missouri County Agricultural Extension Laws were enacted in 1955 and by them the council became the successor to the Farm Bureau. At page 19, Laws of 1955, it is provided that on or before January 1, 1956, all money or property purchased for extension purposes and in possession of the county farm bureau became the property of the county agricultural extension council.

Since the council is a separate and distinct legal entity from the county, it acquired title to any farm bureau property to which it succeeded under the Laws of 1955, and the county did not acquire any interest in said property.

Section 262.591, supra, authorizes the county court of a third or fourth class county to make an annual appropriation as the county's share of the expense of the council work in the county.

It is assumed for the purposes of our present discussion the inquiries are concerned with whether or not office furniture, machines and equipment paid for out of the county's appropriation to the county agricultural extension council, and under the control of the council, are county property, and if so, is it required to be inventoried as such under provisions of Section 51.155.

In view of the foregoing and in answer to the first inquiry it is our thought that office furniture, machines or equipment,

Honorable Haskell Holman

under the control of the county agricultural extension council, paid for out of appropriations made to the council, under provisions of Section 262.591, that the council, and not the county, is the owner of all such property.

The second inquiry reads as follows:

"2. Should such machines and office equipment be included in the inventory as made and reported by the county clerk under the provisions of Section 51.155, 1957 Cumulative Supplement?"

Assuming again, the inquiry refers to office furniture, machines and equipment under control of the county agricultural extension council, and paid for out of appropriations of the county, made to the council, under provisions of Section 262.591, all such property belongs to the council and not to the county, for reasons given above. Therefore, our answer to the second inquiry is that such office furniture, machines and equipment shall not be included in an inventory of county property required to be made under provisions of Section 51.155 RSMo Cum. Supp. 1957.

#### CONCLUSION

Therefore, it is the opinion of this office that office furniture, machines and equipment under control of a county agricultural extension council, the purchase price of which is paid from appropriations of a third or fourth class county to the council, under provisions of Sections 262.591 and 262.601 RSMo Cum. Supp. 1957, are owned by the council.

It is further the opinion of this office that such office furniture, machines and equipment of the county agricultural extension council shall not be included in the annual inventory of county property required to be reported by the county clerk of a third or fourth class county under provisions of Section 51.155 RSMo Cum. Supp. 1957.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Yours very truly,

John M. Dalton  
Attorney General

Enc. - John E. Downs, 10-25-51  
Newton Atterbury - 9-26-56