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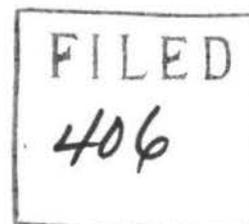
A sewer district in a second class county organized pursuant to Sections 249.760 through 249.810, RSMo

1969, may issue revenue bonds in the manner provided by Section 249.800, RSMo 1969.

OPINION NO. 406

December 14, 1971

Honorable Joe A. Johnson
Prosecuting Attorney
Jefferson County
P. O. Box 246
Hillsboro, Missouri 63050



Dear Mr. Johnson:

This is in reply to your request for an official opinion of this office concerning the question whether a sewer district in a second class county organized under Chapter 249, RSMo, can issue revenue bonds without approval by the voters. The question is asked because you state there is an apparent conflict between Sections 249.760 through 249.810, RSMo, enacted in 1961, with Chapter 250, RSMo, enacted in 1951.

Chapter 249 provides for the creation of sewer districts in various classes of counties, and Sections 249.760 through 249.810 provide for sewer districts in second class counties. From the facts you have stated, we assume that the revenue bonds will be used for authorized purposes within the powers of the district as provided in Section 249.777.9, RSMo.

Therefore, the revenue bonds to be issued would be pursuant to Section 249.797, RSMo. In such instance Section 249.800, RSMo, provides as follows:

"The board of any district contemplating the issuance of revenue bonds under the provisions of sections 249.760 to 249.810 may give notice of its intention to issue the bonds without submitting the proposition to the voters of the district, the notice to state the maximum amount of bonds proposed to be issued and the general purpose of the bonds. The notice shall further state the right of the owners of real property in the district to file their written protest against the issuance of the bonds as hereinafter provided. The notice shall be published twice in a newspaper published in the

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county in which the district is located. If within fifteen days after the date of the first publication of the notice there shall not be filed with the secretary of the district a written protest against issuance of such revenue bonds, signed by the record owners of not less than forty percent of the assessed valuation of the property within the sewer district, the board of the district shall have power to issue the revenue bonds of the district to the amount and for the purpose specified in the notice without an election. If within fifteen days after the date of the first publication of the notice there is filed with the secretary of the district a written protest against the issuance of the revenue bonds signed by the record owners of not less than forty percent of the assessed valuation of the property within the sewer district, the board of the district shall thereupon submit the proposed revenue bond issue to the electors of the district at a special election to be called for that purpose at a meeting called by the board, and, if at the election the owners of a majority of the assessed valuation of the property within the district voting on the proposition shall vote in favor thereof, the proposed improvements may be made and the revenue bonds issued in payment of the cost thereof."

However, as stated in your request, there appears to be a conflict with Section 250.070, RSMo, which is applicable to sewer districts organized under Chapter 249, RSMo, and which provides in part:

"1. No such city, town or village or sewer district shall issue or deliver any bonds for the purpose of acquiring, constructing, improving or extending any such sewerage system or combined waterworks and sewerage system payable from the revenues to be derived from the operation of any such system unless a proposition to issue such bonds shall have received the assent of four-sevenths of the qualified voters of such city, town or village or sewer district who shall vote on such proposition at an election, either general or special."

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The question then is one of legislative intent and the applicable rule of statutory construction is that specific statutory provisions prevail over general provisions. State ex rel. Baker v. Goodman, 274 S.W.2d 293 (Mo. banc 1954). This is so even if the general provision is the later law. State ex rel. Monier v. Crawford, 303 Mo. 652, 262 S.W. 341 (banc 1924).

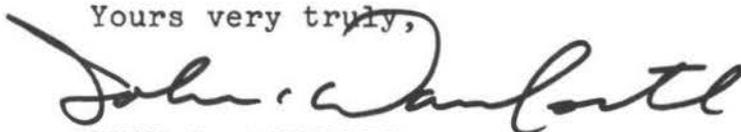
Therefore, since Section 249.800 is a specific provision on the manner of issuing revenue bonds by sewer districts in second class counties, it is our opinion that this provision prevails over the earlier general provisions of Section 250.070.

CONCLUSION

It is the opinion of this office that a sewer district in a second class county organized pursuant to Sections 249.760 through 249.810, RSMo 1969, may issue revenue bonds in the manner provided by Section 249.800, RSMo 1969.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Walter W. Nowotny, Jr.

Yours very truly,



JOHN C. DANFORTH
Attorney General