

BONDS: Any money remaining over as the result of a special
SURPLUS: tax to retire county bonds after the retirement of
said bonds shall be paid into the general revenue
fund of such county.

FILED

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Honorable Charles E. Murrell, Jr.
Prosecuting Attorney
Knox County
Edina, Missouri

Dear Sir:

This department is in receipt of your recent request for
an official opinion. You thus state your opinion request:

"A few years ago the County of Knox
built a new Court House issuing bonds
to pay for the construction of the
building. It now appears that with
the collection of the special tax to
retire the bonds and for the payment
of interest on the same, in the year
1953, there will be three or four
thousand dollars excess of the fund
needed to retire by bonds.

"I would like to have your opinion as
to what disposition can be made of the
excess money in the special fund."

In regard to this matter, we would direct your attention
to Section 108.180, RSMo 1949, which section reads:

"When any bonds shall have been issued
by any county, city, incorporated town
or village, school district, or other
political corporation or subdivision of
the state, as provided under the con-
stitution and laws of this state for the
incurring of indebtedness, or for refund-
ing, extending, unifying the whole or any
part of their valid bonded indebtedness,
the proceeds from the sale thereof and
all moneys derived by tax levy, or other-
wise, for interest and sinking fund

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provided for the payment of such bonds, shall be kept separate and apart from all other funds of such governmental unit, so that there shall be no commingling of such funds with any other funds of such county, city, incorporated town or village, school district, or other political corporation or subdivision of the state; provided, that in no case shall the proceeds derived from the sale of any such bonds be used for any purpose other than that for which such bonds were issued, nor shall such interest and sinking fund be used for any purpose other than to meet the interest and principal of such bonds; provided further, that any bonds or money remaining in the interest and sinking fund of any such county, city, incorporated town or village, school district, or other political corporation or subdivision of the state, after the extinction of the indebtedness for which such bonds were issued, shall be paid into the general revenue fund of such county, city, incorporated town or village, or other political corporation or subdivision, and into the building fund of such school district."

(Underscoring, ours.)

We believe that the underscored portion of the above section answers your question.

CONCLUSION

It is the opinion of this department that any money remaining over as the result of a special tax to retire county bonds after the retirement of said bonds shall be paid into the general revenue fund of such county.

Respectfully submitted,

HUGH P. WILLIAMSON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General