

SCHOOLS:  
JUNIOR COLLEGE DISTRICTS:  
BONDS:  
STATE AUDITOR:  
REGISTRATION OF BONDS:

Bonds of Junior College District of Kansas  
City not required to be registered by state  
auditor.

May 13, 1966

OPINION NO. 298

Honorable Haskell Holman  
Auditor of State of Missouri  
Capitol Building  
Jefferson City, Missouri



Dear Mr. Holman:

This is in answer to your request for an opinion as to whether The Junior College District of Metropolitan Kansas City, Missouri a District having a population of over 300,000 as established by the last United States census, is required to register its building bonds with the State Auditor or whether such bonds are exempt from registration under Section 108.300 RSMo.

The Junior College District of Metropolitan Kansas City, Missouri, was organized in 1964 under the provisions of Section 178.770 to 178.890, RSMo. Supp. 1965.

Subsection 2 of Section 178.770, RSMo. Supp. 1965, sets out the general powers of a junior college district as follows:

"2. When a district is organized, it shall be a body corporate and a subdivision of the State of Missouri and shall be known as 'The Junior College District of ....., Missouri' and, in that name, may sue and be sued, levy and collect taxes within the limitations of Sections 178.770 to 178.890, issue bonds and possess the same corporate powers as common and six-director school districts in this state, other than urban districts, except as herein otherwise provided."

Section 108.240 RSMo. provides in part as follows:

"Before any bond, hereafter issued by a county, township, city, town, village or school district or special road district or by virtue of the provisions of chapters 243, 245, 248, and sections 242.010 to 242.690, RSMo, for any purpose whatever, shall obtain validity or be negotiated, such bonds shall first be presented to the state auditor, who shall register the same in a book or books, \* \* \*"

If a junior college district is not a "school district" as such term is used in Section 108.240, bonds of such districts are not required to be registered by the state auditor under such Section.

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However, it is our view that a junior college district is a "school district" within the meaning of Section 108.240, because the use of the term "school district" in such Section is not restricted or limited by any definition but includes districts which maintain schools and have the power to issue bonds.

We make no holding as to whether a junior college district is a "school district" as such term is used in other statutes but limit such holding to the meaning of the term "school districts" in Section 108.240.

Section 108.300 RSMo. provides as follows:

"Nothing in the provisions of sections 108.240 to 108.300 relating to the registration of bonds shall be so construed as to include any bonds that have been or may be issued by any county of the first class or city or school district having a population of over three hundred thousand inhabitants, as established by the last United States census."

Since the Junior College District of Metropolitan Kansas City, Missouri, has a population of over three hundred thousand inhabitants, as established by the last United States census, as stated in your letter, the bonds of said district are exempt from registration by the state auditor under Section 108.300.

It could be contended that Section 108.300 does not apply to a junior college district which was organized under a statute enacted long after the enactment of such Section.

Subsection 2 of Section 1.100 RSMo., provides as follows:

"2. Any law which is limited in its operation to counties, cities or other political subdivisions, having a specified population or a specified assessed valuation, shall be deemed to include all counties, cities or political subdivisions which thereafter acquire such population or assessed valuation as well as those in that category at the time the law was passed."

Under the provisions of Subsection 2 of Section 1.100, quoted above, the exemption granted by Section 108.300 is applicable to The Junior College District of Metropolitan Kansas City, Missouri, even though such District was organized after the enactment of Section 108.300.

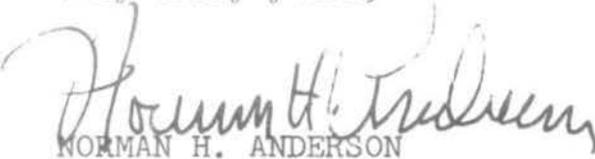
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CONCLUSION

It is the opinion of this office that the bonds of The Junior College District of Metropolitan Kansas City, Missouri, are not required to be registered by the State Auditor.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. C. B. Burns, Jr.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Norman H. Anderson".

NORMAN H. ANDERSON  
Attorney General