

SCHOOL DISTRICTS:
SENATE BILL NO. 166:
(74th GENERAL ASSEMBLY)
CONSOLIDATION ELECTIONS:
BOUNDARY CHANGES:

Senate Bill No. 166 of the 74th General
Assembly does not prevent existing
school districts from changing their
boundaries under the provisions of
Section 162.431, RSMo Supp. 1965

OPINION NO. 80-68
NO. 392 (1967)

January 23, 1968



Honorable Dick B. Dale
State Representative- 83rd District
Missouri House of Representatives
Richmond, Missouri 64085

Dear Representative Dale:

This official opinion is issued in response to your request for a ruling. You inquire as to whether or not Senate Bill No. 166 of the 74th General Assembly prevents existing school districts from modifying their boundaries under Section 162.431, RSMo Supp. 1965.

House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 166 of the 74th General Assembly as truly agreed to and finally passed contains the following provision:

"Section 6. On the effective date of this act all proceedings of whatsoever nature in school districts throughout the state to organize new districts pursuant to or growing out of sections 162.211 and 162.221, RSMo Supp. 1965, shall cease, and each district shall retain the organization and boundaries that it has at the time this act takes effect, and no further action shall be taken pursuant to such sections until after the state plan developed by the school district reorganization commission has been submitted to the state board of education and, with its recommendations, transmitted to the general assembly but, in no event, until after October 15, 1969."

Sections 162.211 and 162.221, RSMo Supp. 1965, which are cited in Section 6 of Senate Bill 166, provide for the organization

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of six-director school districts. The proceeding is initiated by petition of twenty-five voters of the proposed district. These two sections are basically the same as the statutes providing for the organization of city and consolidated districts under the former statutes, viz. Sections 165.263 to Section 165.280, RSMo 1959. In fact Sections 162.211 and 162.221 are still commonly referred to as the "Consolidation Laws". These sections provide only one of several types of procedures for changing the organization or boundaries of school districts.

Section 162.431, RSMo Supp. 1965, sets forth the procedure for changing boundaries between two existing school districts. This section is not mentioned in Section 6 of Senate Bill 166 nor is there any reason to infer that the General Assembly intended to include in Section 6 other types of procedures for changing school district territory besides Sections 162.211 and 162.221.

CONCLUSION

Therefore, it is the opinion of this office that Senate Bill 166 of the 74th General Assembly does not prevent existing school districts from changing their boundaries under the provisions of Section 162.431, RSMo Supp. 1965.

The foregoing opinion which I hereby approve was prepared by my Assistant, Louis C. DeFeo, Jr.

Yours truly,


NORMAN H. ANDERSON
Attorney General