AUDITS:
STATE AUDITOR:
SCHOOLS:

Because of the provisions of Section 174.240, RSMo Supp. 1967 placing the entire administration of the Jasper County Junior College District in the hands of the Missouri Southern State College Regents, an audit by the State Auditor of Missouri Southern State College should include an audit of all expenditures by the Board of Regents in administering the first two years of college under the Jasper County Junior College District.

OPINION NO. 331 (1968)

October 29, 1968

FILED
331

Honorable Haskell Holman
Auditor for the State of Missouri
Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Holman:

This is in answer to your request for an opinion, which is as follows:

> "The Junior College District of Jasper County, Missouri, was constituted and created in accordance with the provisions of Sections 165.790 to 165.840, inclusive, Cum. Suppl., 1961, which now are Sections 178.770 to 178.890, Revised Missouri School Laws, 1966, on April 17, 1964.
>
> "The Junior College District has been subsequently implemented to include the third and fourth college level courses (the fourth college level courses beginning with the 1968-69 school term), and are under the supervision of the Board of Regents of the Missouri Southern State College. The freshman and sophomore level courses are governed by the Board of Trustees of the Junior College District of Jasper County, Missouri.
>
> "The Missouri Southern College is supported by an appropriation of the Missouri State Legislature and the first and second level courses are supported through the Junior College State Aid Act; however, the Board of Trustees are authorized to levy an additional tax without voter approval in support of the college courses in the manner set forth in Section 178.870, Cum. Suppl., 1967.

"The State Department of Education has established guide lines for the accounting procedures for Junior Colleges and has assumed that the laws governing six-director school districts are applicable to Junior College Districts. As a result, the Junior College District of Jasper County, Missouri, is required to file a copy of the biennial audit report with the State Department of Education as other six-director school districts to conform with the provisions of Section 165.121, Cum. Suppl., 1967.

"By reason of the foregoing circumstances, I shall appreciate your advice and official opinion in answer to the following question.

"1. Has the State Auditor the duty, right and authority to audit, examine and review the records of the Junior College District of Jasper County, Missouri?"

The State Auditor does audit and examine the accounts and records of the Missouri Southern State College at Joplin inasmuch as it is supported by funds appropriated by the legislature. We understand that in making such audit the State Auditor has found certain accounts to be apparently intermingled with the Jasper County Junior College District accounts. This is occasioned by the fact that the first two years of college are provided by the Jasper County Junior College District, and the last two years of college are provided by the Missouri Southern State College.

We believe that when the State Auditor makes an audit of Missouri Southern State College, the statutes require that an audit of all accounts of all four years of the college be made. It is true that there is a Board of Trustees for the Jasper County Junior College District and a Board of Regents for the Missouri Southern State College. However, Section 174.240, RSMo Supp. provides that the five member board of regents of Missouri Southern State College shall be responsible for the administration of the Missouri Southern State College and the Jasper County Junior College District including the powers and duties of the District Trustees to appoint employees, define and assign their powers and duties and fix their compensation. The Board of Regents has been given the responsibility for the administration of the Missouri Southern State College and the Jasper County Junior College District and therefore, when the Missouri Southern State College accounts and records, which are under the control of the Missouri Southern State College Board of Regents, are audited, Section 174.240, RSMo Supp. requires that the accounts of

the College under control of the Board of Regents be audited which includes accounts of the Jasper County Junior College District administered by the Board of Regents of Missouri Southern State College.

Missouri Southern State College is audited under the provisions of Section 29.200, as a state institution, and we believe that since the Board of Regents of Missouri Southern State College has entire control of both Missouri Southern State College and the Jasper County Junior College District administration, the expenditure of funds and control of funds of both the Missouri Southern State College and the Jasper County Junior College District by the Missouri Southern State College Regents requires that all the expenditures under the control of the Board of Regents be audited.

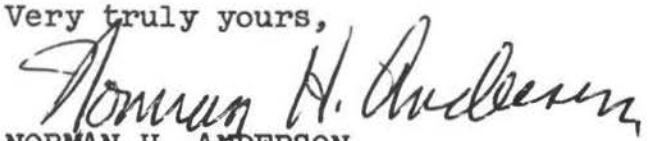
We are attaching an official opinion No. 41, issued to the Honorable Haskell Holman, dated May 20, 1957, holding that where an audit is made by the State Auditor of a school district and is accepted by the Board of Directors, it is sufficient to do away with the necessity of an audit as provided in Section 165.121, RSMo Supp. 1967.

CONCLUSION

It is therefore the opinion of this office that because of the provisions of Section 174.240, RSMo Supp. 1967 placing the entire administration of the Jasper County Junior College District in the hands of the Missouri Southern State College Regents, an audit by the State Auditor of Missouri Southern State College should include an audit of all expenditures by the Board of Regents in administering the first two years of college under the Jasper County Junior College District.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Arnold Brannock.

Very truly yours,



NORMAN H. ANDERSON
Attorney General

Encl. Op. No.41,5/20/57-Holman