



JOHN C. DANFORTH
ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

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OPINION LETTER NO. 279

Mr. Charles O'Halloran
State Librarian
Missouri State Library
308 East High Street
Jefferson City, Missouri 65101

Dear Mr. O'Halloran:

This letter is issued in response to your request for an opinion on the following question:

"The 76th General Assembly passed Senate Bill 583, in which bill was included Section 182.015. Section 182.015 provides that the County Court may create a County Library District without a petition or submission to the voters as provided in Section 182.010. Section 182.015 further provides that the County Court shall propose an annual rate of taxation, which proposal shall be submitted to a vote of the people in the same manner as though the district were formed under the provisions of 'that section', i.e., Section 182.010.

"Since Section 182.015 does not involve a petition, and therefore, a date, can the County Court call a special election for a vote on the levy under Section 182.015, or must the election under this new section be held in connection with the annual school election?"

Section 182.015, V.A.M.S., Laws 1972, page 99, provides for the formation of a county library district without petition or submission to the voters. Such section then goes on to state that the county court shall propose an annual tax rate which:

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". . . shall be submitted to a vote of the people in the same manner as though the district were formed under the provisions of that section. . . ." [Section 182.010]

Section 182.010, RSMo 1969, provides for elections on the tax rate for county libraries after petition. Such section states that the election shall be held:

". . . at the next annual school election, or a special election to be held on the date stated in the petition. . . ."

Since Section 182.015 does not provide for a petition, the provision in Section 182.010 that the election with respect to the tax rate shall be held on the date specified in the petition is inapplicable to a district created in accordance with Section 182.015 and the election is held on the date of the next annual school election.

Very truly yours,

JOHN C. DANFORTH
Attorney General