



OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

October 20, 1975

OPINION LETTER NO. 185

Mr. Alfred C. Sikes  
Director, Department of Consumer  
Affairs, Regulation and Licensing  
Post Office Box 1157  
Jefferson City, Missouri 65101

Dear Mr. Sikes:

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

"Is real estate alone, to be purchased and developed as an industrial park with the proceeds of a municipal general obligation bond issue, a project for industrial development within the meaning of Section 23 (a) of Article VI, Constitution of Missouri, and Section 100.010(5) Revised Statutes of Missouri, 1969 as amended?"

Section 100.010(5), provides the following definition:

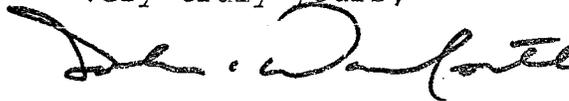
"'Project for industrial development' or 'project', the purchase, construction, extension and improvement of industrial plants, including the real estate either within or without the limits of such municipalities, buildings, fixtures, and machinery; except that any project of a municipality having fewer than eight hundred inhabitants shall be located wholly within the limits of the municipality."

Mr. Alfred C. Sikes

The authority conferred by that section is with respect to the purchase, construction, extension and improvement of industrial plants. The phrase "including the real estate" modifies purchase, construction, extension and improvement. We do not read that section as conferring independent authority for a project involving the purchase of real estate that does not also involve the purchase, construction, extension and improvement of industrial plants. Since you have stated in your opinion request that: "The plan does not contemplate the use of any of the bond proceeds to purchase, construct, extend or improve an industrial plant" we do not believe that the plan qualifies as a project as that term is defined in Section 100.010(5). The Supreme Court has held that the provisions of Article VI, Section 23(a) of the Constitution relating to industrial development are not self-executing. Petition of Monroe City v. Southern, 359 S.W.2d 706 (Mo. 1962).

Thus, since the statute does not authorize projects involving the purchase of real estate alone, we find it unnecessary to decide the hypothetical question of whether such projects comply with the Constitution, since in any event projects must comply with the statutes.

Very truly yours,



JOHN C. DANFORTH  
Attorney General