

SCHOOLS)

) Notice of bond election specifying purpose of
) bond issue to be purchase and removal of war
) surplus buildings and re-erection on school
) premises sufficient.

September 21, 1950



Honorable W. H. Holmes
State Auditor
Jefferson City, Missouri

Attention: Mr. Alvin Papin

Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"A transcript of proceedings relating to a bond issue in the amount of \$24,500 voted by the Mountain Grove School District No. C.D. 3 Wright County, Missouri, on the 8th day of August 1950, has been submitted to this office. All of the proceedings as shown in this transcript appear to be regular except the notice of the election, a copy of which is as follows:

"NOTICE FOR SPECIAL SCHOOL ELECTION

"Notice is hereby given to the qualified voters of the Mountain Grove School District No. C.D. 3 of Wright County, Missouri, that a special school election will be held at the schoolhouse in said school district on Tuesday, the 8th day of August, 1950, commencing at 7:00 A.M. and closing at 6:00 P.M., to vote up the following proposition:

"To authorize the Board of Education to issue bonds to the amount

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of \$24,500 for the purchase, and removal of war surplus buildings and the re-erection and furnishing of same on said school premises.

"Done by order of the school board this 19th day of July, 1950.

(District Seal) A. L. Wood (Signed)
Secretary of School
Board

"We desire to have an opinion from your office as to whether or not this constitutes a good and sufficient notice or whether it is objectionable to the extent that this office should refuse to register the bonds."

Section 10328, R. S. Missouri, 1939, provides in part as follows:

"For the purpose of purchasing school-house sites, erecting schoolhouses, library buildings and furnishing the same, and building additions to or repairing old buildings, the board of directors shall be authorized to borrow money, and issue bonds for the payment thereof, in the manner herein provided. The question of loan shall be decided at an annual school meeting or at a special election to be held for that purpose. Notice of said election shall be given at least fifteen days before the same shall be held, by at least five written or printed notices, posted in five public places in the school district where said election shall be held, and the amount of the loan required, and for what purposes; it shall be the duty of the clerk to sign and post said notices. * * * "

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The question insofar as the notice submitted by you is concerned is whether or not the purpose for which the bonds are to be issued is within the purposes specified by Section 10328, to-wit: "purchasing schoolhouse sites, erecting schoolhouses, library buildings and furnishing the same, and building additions to or repairing old buildings."

We find no case in which a notice similar to that involved here has been passed upon by the courts of this state. In the case of Willis v. School District of Sedalia, 299 Mo. 446, 253 S.W. 741, a notice which specified the purpose of the bonds in the language of the statute, as above quoted, was held sufficient for the erection of a new high school building and the repair of another building within the district. The case of Hart v. Board of Education of Nevada School District, 299 Mo. 36, 252 S.W. 441, held that the purpose of the election may be set forth in general terms.

In the present situation the notice has set forth very specifically the purpose for which the bonds are to be issued. The notice does not use the exact words of the statute; however, one of the purposes for which bonds may be issued is "erecting schoolhouses." There is no limitation upon the method by which schoolhouses must be erected under this section. We think that the notice in the present situation has merely set forth with particularity the method which is to be followed in the erection of school buildings, and, therefore, is sufficient under Section 10328, R. S. Missouri, 1939.

CONCLUSION

Therefore, it is the opinion of this department that a notice for special election for the issuance of school bonds "for the purchase and removal of war surplus buildings and the re-erection and furnishing of same on

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said school premises" sufficiently sets forth that the purpose of said bond issue is "erecting schoolhouses" and, therefore, said notice is sufficient under Section 10328, R. S. Missouri, 1939.

Respectfully submitted,

APPROVED:

ROBERT R. WELBORN
Assistant Attorney General



J. E. TAYLOR
Attorney General