

APPROPRIATIONS: Claim filed by St. Louis Training School for Feeble-minded cannot be allowed by the Board of Eleemosynary Institutions and audited by the State Auditor.

April 2, 1936.

4/3
FILED
83

Honorable Forrest Smith,
State Auditor,
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of March 26 requesting an opinion as to the following:

"H.B. 113, page 221, of the Laws of 1931 provides that 'any county or city of this state which shall maintain from public funds a hospital for the care, detention or treatment of the insane, shall be entitled to receive \$8.00 per month per patient from the State of Missouri.' You will note that there is no mention at all in H.B. 113 of any training school for feeble-minded being entitled to share in the appropriation from the State.

"Section 1 in H.B. 541, found on pages 123 and 124 of the 1935 Laws of Missouri makes an appropriation for \$600,000 to carry out the provisions of HB 113 passed in 1931. Section 46-C, found on page 177 of the 1935 Laws appropriates \$2,400,000 at the rate of \$12.00 per month for the patients in the four hospitals of this state and \$22.50 per month for the patients in the tubercular sanatorium at Mt. Vernon, no mention being made of the Training School for feeble-minded at Marshall, Missouri.

"It is my contention that the Legislature did not intend that the State should contribute anything towards the support of either the Training School for Feeble-minded operated by the City of St. Louis, or the Training School for Feeble-minded operated by the State at Marshall.

"I am in receipt of bills from the City of St. Louis at the rate of \$8.00 per month amount-

ing to \$84,463.52 for the quarter ending December 31, 1935 for the St. Louis Training School for Feeble-minded in St. Louis, which amount I have rejected. I have been requested by the Comptroller of the City of St. Louis to secure an opinion from you as to whether the appropriation found on pages 123 and 124 in the amount of \$600,000 in the 1935 Laws applies to the School for Feeble-minded in the City of St. Louis."

In 1931 the Legislature enacted Secs. 1, 2 and 3, Laws of Mo. 1931, Sec. 1 being as follows: (p. 221)

"Any county or city in this state which shall maintain from public funds a hospital for the care, detention or treatment of the insane, which hospital is properly equipped as to facilities, staff and personnel, shall be entitled to \$8.00 per month, per patient, upon proper report filed and sworn to by superintendent or surgeon in chief of such hospital for the insane, when such proper report is filed with the state eleemosynary board. Such reports shall be filed quarterly and shall show name, address and other necessary data so as to properly identify and authenticate the patients of such insane institution."

Section 2 of said Act, providing for partial support for inmates of hospitals maintained by cities or counties, gives the Eleemosynary Board authority over such hospitals and contains these words: "The State Eleemosynary Board of Missouri shall have authority to examine by proper medical authorities any and all such institutions for the insane".

Section 3 of said Act provides that upon the sworn statement of the Superintendent or Chief Surgeon of such hospitals for the insane, the State Treasurer shall pay \$8.00 per month per patient.

Section 1, Laws of Mo. 1935, p. 123 is as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the state revenue fund, the sum of six hundred thousand dollars (\$600,000.00) or so much thereof as may be necessary for the purpose of paying to mental hospitals, established and maintained by any county or city not within a county in this state, the sum of \$8.00 per month, for each indigent insane person, detained and treated in any such hospital, pursuant to the provisions of an Act approved May 12th, 1931, Laws 1931, page 221, entitled 'An Act to Provide Partial Support for Counties or Cities Maintaining Approved Hospitals for the Insane;' Provided, that the State Auditor shall not audit, and the State Treasurer shall not pay any claim out of this appropriation unless such claim has first been approved by the President of the Board of Managers of State Eleemosynary Institutions."

It is our opinion that the above section refers solely to the four state hospitals and to the Sanatorium at Mount Vernon, and in reality has no bearing on the question contained in your letter, as Section 1 of H.B. 541 refers solely to the Act of 1931 (Laws of Mo. 1931, p. 221). We think the sole question to be here determined is whether or not under the Act of 1931, permitting counties or cities having a hospital for the insane to be paid \$8.00 per month per patient, the same includes institutions for the feeble-minded.

You refer to the institution in question as the Training School for Feeble-minded operated by the City of St. Louis. Whether said institution is an insane asylum or an institution for the feeble-minded is a question of fact, the character and type of patients treated, and not the name of the institution, being determinative; however, for the purposes of this opinion, we shall treat the institution in question as an institution for the treatment of feeble-minded persons.

Regarding the Training School for Feeble-minded at Marshall, Missouri, this institution was declared to be a state eleemosynary institution by Sec. 8560, R.S. Mo. 1929, which provides:

"The state hospital No. 1, at Fulton, the state hospital No. 2, at St. Joseph, the state hospital No. 3, at Nevada, the state hospital No. 4, at Farmington, the Missouri State Sanatorium, at Mount Vernon, and the Missouri State School, at Marshall, are hereby declared to be state eleemosynary institutions of the State of Missouri within the meaning of the provisions of this article."

The above section refers to the institution at Marshall as the "Missouri State School at Marshall", but we know as a matter of fact that none are admitted to the institution except feeble-minded persons. Section 8691, R.S. Mo. 1929 provides:

"There shall be established in this state a colony for feeble-minded and epileptics, to be known as the Missouri State School."

We therefore come to the conclusion that the institution for the feeble-minded in the City of St. Louis is identical in its purpose to the Missouri State School at Marshall. However Section 1 of the Act of 1931, supra, confines the payment of the \$8.00 per month per patient to the care, detention and treatment of the insane - the Act is wholly silent as to feeble-minded persons.

Webster's New International Dictionary defines the word "insane" as follows:

"unsound - said of the mind; exhibiting unsoundness or disorder of the mind; not sane; mad; deranged in mind; distracting; used by or appropriated to insane persons as in insane hospital; * * "

Section 8664, R.S. Mo. 1929 construes the word "insane" to be:

"The words 'insane' and 'lunatic', as used in this chapter, shall be construed as including every species of insanity or mental derangement.
* * * * "

Webster's New International Dictionary defines "feeble-minded" as follows:

"Weak in will or understanding; having mental infirmity; wanting firmness or constancy, irresolute; vacillating; 'comfort the feeble-minded', 1 Thess., v. 14; having a mind incapable of normal development, although of better intelligence than imbeciles and idiots."

CONCLUSION

There is a broad distinction between the words "insane" and "feeble-minded" and one does not include the other. As stated in Section 8664, supra, "insanity" contemplates a mental derangement, while feeble-minded persons are persons of weak will and understanding, although not idiots or imbeciles. Therefore, it is the opinion of this department that the claim filed by the Training School for Feeble-minded operated by the City of St. Louis cannot be legally allowed by the Board of Eleemosynary Institutions and audited by you as Auditor of the State of Missouri.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

OWN:AH