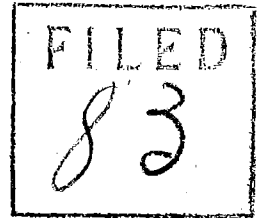


COUNTY COURTS:  
COUNTY HOSPITALS:

The location of the city, town or village in which a county hospital is established under the provisions of Art. 4, Chap. 126, R.S. Mo. 1939, is designated by the county court. The exact site of such hospital is designated by board of trustees.

December 9, 1946



*red*

Honorable Wayne V. Slankard  
Prosecuting Attorney  
Newton County  
Neosho, Missouri

Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department, and reading as follows:

"Under Sec. 15192, R. S. Mo. 1939 is it necessary in the petition of the freeholders and in the notice that the exact legal description of the proposed site be given, or is it sufficient that the general location, such as the city, town or village or the township, be named?"

Section 15192, Article 4, Chapter 126, R. S. Mo. 1939, has been repealed by House Bill No. 756, passed by the 63rd General Assembly, which bill is found in the June Pamphlet of the Revised Statutes Annotated, and which became effective July 1, 1946.

Under the provisions of House Bill No. 756, the petition by the freeholders specifying the "place" in the county where the hospital is to be located is no longer required. The establishment, construction, equipment, improvement, repairing and maintenance of such a hospital is now in the hands of the county court, and such action in establishing and maintaining such hospital is taken by the court in appointing the trustees, who then buy a site and construct a hospital building, or buy a hospital building, and equip the same, appoint a superintendent, and maintain the hospital generally. The vote of the people is no longer necessary for the establishment of such hospital, but such establishment is a function of the county court. The people vote only on a bond issue for

construction of a county hospital, and they vote for this bond issue only if such action is necessary for the raising of money for such a hospital, since it is provided that the county court may issue bonds, and such issuance of bonds is made only under the provisions of House Bill No. 749, passed by the 63rd General Assembly, on petition of one per cent or three hundred voters of the county, whichever is greater. If donations are received by a county, under Section 15204, R. S. Mo. 1939, which are sufficient to construct and maintain such a hospital, obviously no bond issue is necessary.

The power to appoint the five trustees provided for in Article 4, Chapter 126, R. S. Mo. 1939, is fixed in the county court. It is provided in Section 15193 of House Bill No. 756:

"The county court shall appoint five (5) trustees chosen from the citizens at large with reference to their fitness for such office, all residents of the county, not more than three (3) of said trustees to be residents of the city, town or village in which said hospital is to be located, who shall constitute a board of trustees for said public hospital. \* \* \*"  
(Emphasis ours.)

Clearly, under the above provision, the county court must designate the city, town or village where the hospital is to be located. There is no provision in this article regarding the time when the city, town or village is to be designated by the county court, except that such designation must be made before the trustees are appointed, since it is provided that two of the trustees must be from some place other than the city, town or village in which the hospital is to be located.

It is provided in Section 15200, R. S. Mo. 1939:

"The jurisdiction of the city, town or village in or near which such public hospital is located shall extend over all lands used for hospital purposes outside the corporate limits if so located, \* \* \*"  
(Emphasis ours.)

Section 15193 of House Bill No. 756 is specific in requiring that the hospital shall be located in a city, town or

village. The location is fixed by the county court, and the location must be fixed in such city, town or village as such city, town or village exists when the selection is made by the county court. We see no authority in any statute for the designation of a location outside of a city, town or village. The provision in Section 15200, R. S. Mo. 1939, that the city, town or village "near which such public hospital is located" should have jurisdiction over all lands used for hospital purposes, is no authority whatsoever for the designation by the county court of a location outside a city, town or village.

It is clear that Article 4, Chapter 126, R. S. Mo. 1939, provides that the county court shall designate the city, town or village in which the hospital is to be located, and that the board of trustees shall select the specific site of the hospital in such city, town or village.

CONCLUSION

It is the conclusion of this department that the vote of the people is not necessary for the establishment of a county hospital under the provisions of Article 4, Chapter 126, R. S. Mo. 1939, but such vote is necessary only for the voting of bonds for such hospital if it is necessary to raise the money by bond issue. The county court designates the city, town or village in which the county hospital is to be located, and such designation must be made before the trustees are appointed. The board of trustees selects the specific site of the hospital in the city, town or village designated by the county court.

Respectfully submitted,

C. B. BURNS, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

CBB:HR