

HOSPITALS: A county in which is located a city which has received  
COUNTIES: state aid for memorial airport is eligible to receive  
STATE AID: state aid for county memorial hospital if county has  
not received state aid for county memorial airport.

February 1, 1949

R. J. James, M. D.  
Director  
Division of Health  
State Office Building  
Jefferson City, Missouri



Dear Sir:

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

"A question has arisen regarding the eligibility of a county to obtain a \$10,000 state grant for construction of a memorial hospital under a law passed by the 64th General Assembly, Volume II, page 333.

"Senate Bill 192, Laws of Missouri--1945, Page 1315, provide for a state grant for a municipal airport. Section 2, Senate Bill 322, Page 334, Laws of Missouri--1947, provide limitations on the aid to the hospital where the state grant has already been received for an airport.

"Would a county in which a city has been the recipient of state funds for a municipal airport be eligible to receive a state grant to build a memorial hospital?"

Section 1, Laws of Missouri, 1945, page 1315, authorizes cities, towns and counties to purchase sites and construct and operate airfields in such counties or near such cities and towns, and provides that when any city, town or county certifies to the Governor that it has appropriated a specific sum for the purpose of purchasing or constructing an airfield, a like sum not to exceed \$10,000 shall be allotted to said city, town or county after the Department of Resources and Development has certified to the Governor that the airfield is desirable and that the funds proposed are adequate to complete the project.

Section 1, Laws of Missouri, 1947, Volume II, page 333, provides that any county in the state shall be eligible to receive state financial aid upon certification to the Governor by the county court that the county has an adequate sum of money for the purchase or erection and operation of a county memorial hospital or a memorial addition to a county hospital and certification to the Governor by the Director of the Division of Health that the proposed county memorial hospital or addition to the county hospital is in his judgment in the interest of public health and welfare, and that sufficient funds are available to finance the hospital and its operation. The state financial aid is an amount equivalent to the amount actually expended by the county in the purchase or erection of the hospital or an addition to a hospital not to exceed \$10,000.

Section 2 of said act provides that any county which has received any state financial aid, under the provisions of the act first referred to in this opinion, that is, Laws of Missouri, 1945, page 1315, shall not be eligible for state financial aid under this act. The fact that a city in a particular county did receive state aid in the construction of a municipal airfield under the provisions of Laws of Missouri, 1945, page 1315, in no way precludes the county from receiving state aid under the provisions of Laws of Missouri, 1947, Volume II, page 333. The provisions of Laws of Missouri, 1947, Volume II, page 333, in effect provide that a county can receive state aid only for a county memorial hospital or a county memorial airfield, but cannot receive state aid for both. Since there is no prohibition against the receiving of state aid for a county memorial hospital by a county within whose boundaries is located a city which has received state aid for a memorial municipal airport, it is our view that such a county is eligible to receive state aid for a county memorial hospital.

#### CONCLUSION

It is the opinion of this department that a county in which is located a city which has received state aid for construction of a memorial municipal airport is eligible to receive state aid for a county memorial hospital under provisions of Laws of Missouri, 1947, Volume II, page 333,

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provided such county has not received state aid for construction of a county memorial airfield under provisions of Section 1, Laws of Missouri, 1945, page 1315.

Respectfully submitted,

C. B. BURNS, JR.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General