

COUNTY HOSPITALS:
DONATIONS:

accept
A county may ~~receive~~ title to a building and to equipment which building and equipment provide "hospital and clinic facilities," said property to be operated by the board of trustees of the county hospital in that county and to be a part of said hospital.

November 13, 1951

Honorable Buford G. Hamilton, M.D.
Director, Division of Health
Jefferson City, Missouri



Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your opinion request:

"At Vandalia, Missouri, consideration is being given to the construction of hospital and clinic facilities to be financed by several industries in that area. It is proposed to turn over the facilities to a local governmental agency for management and operation.

"Audrain County has a county hospital at Mexico, Missouri, constructed originally with public funds under authority granted counties by State statutes. The Audrain County Hospital is operated under the management of a Board of Trustees as provided for in the statutes. I have been requested by the Board of Trustees of the Audrain County Hospital to obtain an official opinion from your office as to whether or not the County of Audrain may accept the proposed hospital and clinical facilities to be constructed at Vandalia for operation of same as a part of the Audrain County Hospital under the direction of the Board of Trustees of that hospital."

From your letter it appears to be the intention of certain industries in the area of Vandalia, which is a town in Audrain County, to erect a building in that town which will be so constructed as to furnish "hospital and clinic facilities," and

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then to vest title to such building in Audrain County, such building then to be managed by the board of trustees of the Audrain County hospital as a part of the Audrain County hospital. It appears to be the further intention of these aforesaid industries to equip said building with "hospital and clinic facilities." Whether such equipment would or would not be permanently affixed to this said building, or whether part of this equipment would be so affixed and part would not be, does not appear. We will assume here that both types of equipment will be included in the proposed gift.

The question which you call upon us to answer is whether Audrain County can accept as a gift such a building and equipment to be operated and managed by the board of trustees of the Audrain County hospital as a part of said hospital.

The law of Missouri relating to county hospitals is found in Chapter 205, RSMo 1949, and in Sections 205.160 through 205.370, inclusive, in that chapter. Section 205.290 states:

"Any person or persons, firm, organization, corporation or society desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest title of the money or real estate so donated in said county, to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise or bequest of such property."

We will here observe that the building, the erection of which is proposed, and all equipment permanently affixed to it, would be "real estate"; and that all equipment not so affixed would be "personal property."

It will be noted that Section 205.290, quoted above, gives any person or persons, firm, organization, corporation, or society the right to donate to a county personal property or real estate to be controlled by the board of trustees of the county hospital of said county. This the industries of Vandalia are proposing to do and this Section 205.290 says they have the right to do.

Section 49.270, RSMo 1949, does specifically give a county the authority to receive gifts and donations. That section, in

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reference to county courts, states:

"The said court shall have control and management of the property, real and personal, belonging to the county, and shall have power and authority to purchase, lease or receive by donation any property, real or personal, for the use and benefit of the county; to sell and cause to be conveyed any real estate, goods or chattels belonging to the county, appropriating the proceeds of such sale to the use of the same, and to audit and settle all demands against the county."

(Underscoring ours.)

CONCLUSION

It is the opinion of this department that Audrain County may accept title to a building, and to equipment, located in Vandalia, which building and equipment provide "hospital and clinic facilities," said property to be operated by the Board of Trustees of the Audrain County hospital and to be a part of said hospital.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

Attorney General

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