

MISSOURI STATE SCHOOL: Director of Division of Mental Diseases, with approval of Director of Department of Public Health and Welfare, will determine site for erection of new building for Missouri State School.

JOHN M. DALTON
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August 18, 1953

John C. Johnsen
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Honorable Christian F. Stipp
Member, House of Representatives
Carrollton, Missouri

Dear Mr. Stipp:

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

"I would appreciate it very much if you would advise me as to the person or board who will be responsible for the selection of the site on which will be constructed the building or buildings provided for in Section 5.150 of House Bill 383, 67th General Assembly.

"We in Carrollton are particularly interested, of course, in doing whatever we can to see that this building or buildings is or are constructed at Carrollton, Missouri. We have been advised by someone that the Board of Public Buildings will be the body which selects the site for these buildings, and we have been advised by others that the Director of the Department of Health and Welfare together with the Director of the Division of Mental Diseases will be responsible for the selection of such site.

"Your opinion in this matter will be appreciated."

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The appropriation found in House Bill No. 383 of the 67th General Assembly, to which you refer, is for the use of the Missouri State School, and reads as follows:

"Additions:

"Erection of a building or buildings suitable for housing 500 additional patients and equipment for such building \$1,000,000.00."

Section 8.010, RSMo 1949, provides as follows:

"The head of the division of public buildings shall be 'The Board of Public Buildings.' The governor, attorney general, lieutenant governor and their successors in office shall constitute the board of public buildings. The governor shall be chairman and the lieutenant governor, secretary. The board shall have general supervision and charge of the public property of the state at the seat of government and such other duties as may be imposed on it by law."

The Board of Public Buildings has been given no duties relative to the buildings of the Missouri State School, and, inasmuch as the building or buildings in question will not be located at the seat of government, we are of the opinion that the selection of the site of such buildings is not a matter for the determination of that Board.

Section 202.020, RSMo 1949, gives the Division of Mental Diseases of the State Department of Public Health and Welfare administrative control of the Missouri State School at Marshall, Missouri State School No. 2 at Carrollton, and the St. Louis Training School. Paragraph 2 of said section provides:

"2. With the approval of the department of public health and welfare, the division of mental diseases shall make all necessary orders for the government, administration, discipline and management of all such institutions."

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Section 202.030, RSMo 1949, provides, in part, as follows:

"The chief administrative officer of the division of mental diseases shall be a director of the division of mental diseases, who shall be a citizen of the state of Missouri and also known for his business and executive ability. He shall receive an annual salary of seven thousand five hundred dollars. Said director of the division of mental diseases shall have supervision and direct care over the business management of the several institutions under control of the division, over the buildings, farm lands, livestock, equipment, machinery, and other facilities of the institutions. * * *"

Under Section 191.010, RSMo 1949, the Division of Mental Diseases is established as a division of the Department of Public Health and Welfare. Section 191.020, RSMo 1949, provides, in part: "The department of public health and welfare shall be controlled and administered by a director of public health and welfare." Section 191.060, RSMo 1949, provides, in part, as follows: "It shall be the duty of the governor, by and with the advice and consent of the senate, to appoint a director for each of the three divisions of the department of public health and welfare, namely: The division of health, the division of mental diseases, and the division of welfare. Each division director shall, subject to the supervision of the director of the department, be the chief administrative officer of his division respectively."

In view of the foregoing statutory provisions, it is our opinion that the Director of the Division of Mental Diseases being the person primarily charged with the government of the Missouri State Schools is the person who will decide, subject to the approval of the Director of the Department of Public Health and Welfare, the place or places at which the building or buildings contemplated by Section 5.150 of House Bill No. 383 will be erected.

CONCLUSION

Therefore, it is the opinion of this office that the site of buildings for the Missouri State School, for which

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appropriation is made by Section 5.150 of House Bill No. 383 of the 67th General Assembly, will be determined by the Director of the Division of Mental Diseases subject to the approval of the Director of the Department of Public Health and Welfare.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Robert R. Welborn.

Yours very truly,

JOHN M. DALTON
Attorney General

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