

February 12, 1963



Honorable Charles B. Faulkner  
Prosecuting Attorney  
Lawrence County  
Mt. Vernon,  
Missouri

Dear Sir:

This letter is in answer to your opinion request of January 28, 1963. In particular you raise the following questions:

"1. Would the County Court have the power to use general funds to maintain, repair or make necessary alterations of a Nursing Home Building? Would they have the power if the premises are leased to a non-profit organization which operates and cares for the resident patients?

"2. Would the County Court have the power to use general revenue funds to care for resident patients in a County Nursing Home? Would they have the power to give subsidy to a patient where the County Nursing Home is leased to a non-profit organization primarily designed to control, handle and care for the patients?"

In regard to the first question, we believe the County Court would have power to use the county funds to

Honorable Charles B. Faulkner - 2

maintain and repair the county-owned nursing home. We believe that this action would also be permitted where the home was leased to a non-profit organization as provided for in Section 205.375, RSMo 1959. This section expressly authorized the acquisition of land and the construction and equipment of nursing homes. We believe it would necessarily follow that the County Court would have authority to preserve, maintain and repair this county building. As you suggest in your letter, Section 49.470, RSMo 1959, certainly seems to support this conclusion since it provides that the county shall have power to alter or repair county buildings.

In connection with your second question, we believe that the County Court has the power to use county funds to care for resident patients either in a county-operated nursing home or in a nursing home constructed by the county and leased to a non-profit organization. We believe that an opinion issued by this office on May 26, 1959, to the Honorable Charles Cable, Prosecuting Attorney of Dunklin County, likewise answers this question in the affirmative. That opinion held that the County Court had a duty to provide for its indigent, aged residents, and that the court could do so even by making payment to private institutions where this was deemed economically feasible. The opinion further held that these payments could be in addition to old age assistance payments made by the State.

We are enclosing a copy of this opinion for your convenience.

Very truly yours,

CB:df  
enc.

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THOMAS F. EAGLETON  
Attorney General