

COUNTY HOSPITALS: The single monthly voucher permitted in Section
COUNTY COURTS: 205.190(4) to obtain a warrant for payment of
WARRANTS: county hospital expenses must be properly
authenticated and must contain information showing
that the claims to be paid are for purposes within the control of
the hospital board and within the statute, but need not contain further
detailed description of the individual claims to be paid.

September 3, 1963

Opinion No. 240

Honorable Clyde E. Rogers
Prosecuting Attorney
Howard County
Fayette, Missouri



Dear Mr. Rogers:

This opinion is given in response to your request of
May 29, 1963, for an official opinion of this office. You
inquire whether under the provisions of Section 205.190(4),
RSMo 1961 Supp.,

". . . the voucher provided for must con-
tain a detailed listing of each person to
be paid, the purpose of each payment and
the amount to be paid. (Or must the voucher)
. . . only state, 'for payment of hospital
employees and the current expenses of the
hospital for the month of _____' and list
the gross sum." (Paren. added)

As you are aware Section 205.190(4) was amended in 1961
by House Bill 396, Missouri Laws, p. 522, so that it presently
provides:

"The board of hospital trustees shall
make and adopt such bylaws, rules and
regulations for their own guidance and
for the government of the hospital as may
be deemed expedient for the economic and
equitable conduct thereof, not inconsistent
with sections 205.160 and 205.340 and the
ordinances of the city or town wherein
such public hospital is located. * * *
They shall have the exclusive control of
the expenditures of all moneys collected to

the credit of the hospital fund, and of the purchase of site or sites, the purchase or construction of any hospital buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose; provided, that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrants ordered drawn by the county court of said county upon the properly authenticated vouchers of the hospital board. The hospital board may once each month present to the county court a single voucher authorizing the court to issue a single warrant against the hospital fund for a sum payable to the board to be used for the payment of the hospital employees and the current expenses of the hospital for the month."

We have underscored the sentence added by House Bill 396 which relates to our present inquiry.

Since the issue here is created by this sentence added by House Bill 396 to Section 205.190(4), it will be helpful to ascertain the purpose for the addendum.

Section 50.190, RSMo 1959, concerning county warrants, provides in part:

"Every such warrant shall be drawn for the whole amount ascertained to be due to the person entitled to the same, and but one warrant shall be drawn for the amount allowed to any person at one time, and shall be written or printed in Roman letters, without ornament. * * *"

Thus, prior to the 1961 addendum to Section 205.190(4), the county court could not issue one monthly warrant covering many claimants to the county hospital board of trustees who would then pay the individual claimants, because of the above quoted provisions of Section 50.190. The obvious purpose of the 1961 addendum to Section 205.190(4) was to remove the restricting effect of Section 50.190, and thereby the current expenses of the hospital now may be paid each month by a single voucher and a single warrant covering all claims.

Prior to 1961 every claim was paid by a separate warrant. This in effect (although not by design) provided the county court with a detailed itemization as to the date, amount, claimant, purpose, etc., of every claim. Since 1961, a single monthly voucher and warrant covers all claims. The question now arises whether the single monthly voucher must provide the county court with a detailed itemization of every claim.

The information provided the county court should be sufficient for it to perform its functions under the county hospital statutes. What are the relative functions of the county court and the board of hospital trustees under Section 205.190(4)?

Section 205.190(4), quoted supra, provides that the board of hospital trustees "shall have exclusive control of the expenditures of all moneys collected to the credit of the hospital fund" but that the moneys shall be paid out "only upon warrants ordered drawn by the county court of said county upon the properly authenticated vouchers of the hospital board."

These provisions were judicially construed in the case of State ex rel. Holman v. Trimble, 316 Mo. 1041, 293 SW 98, wherein the Supreme Court of Missouri approved the decision of the Kansas City Court of Appeals, stating:

"The Court of Appeals construed these statutes to mean that hospital trustees have exclusive control of the expenditure of moneys collected to the credit of the hospital fund. The natural interpretation of that language excludes the intervention of any other official in determining what claims are to be paid and what accounts ought to be allowed. The plain words mean that full discretion is vested in the hospital board to pass upon and determine the validity of every claim presented. Relators call attention to the provision that the money must be deposited in the treasury of the county and must be paid out only upon warrants drawn by the county court, and argue that the county court is thus vested with some discretion, some function to determine whether or not the claims presented are valid, but that same sentence of the statute goes on to say that such payments are made upon properly authenticated vouchers of

the hospital board. That seems to leave no doubt that the only judgment exercised by the county court is to determine whether the vouchers presented show proper authentication of the hospital board, and whether they are for purposes within control of the hospital board and for the purposes of the above statute. If such vouchers should show on their faces that they were issued for purposes foreign to the field controlled by the hospital board, the county court could deny warrants. * * * " l.c. 101

As clearly stated by the court, supra, the determination of the validity of all claims on hospital funds is the exclusive function of the hospital board and not the county court. The limited function of the county court under the provisions of Section 205.190(4) is to determine that the vouchers are properly authenticated, for purposes within the control of the hospital board, and within the purposes of the statute. In order to make these determinations, the county court must have a minimum of information upon which to base its decision but not more.

CONCLUSION

Upon the foregoing considerations, it is the opinion of this office that the single monthly voucher permitted in Section 205.190(4) to obtain a warrant for payment of county hospital expenses must be properly authenticated and must contain information showing that the claims to be paid are for purposes within the control of the hospital board and within the statute, but need not contain further detailed description of the individual claims to be paid. We are further of the opinion that a properly authenticated voucher containing the description, "for payment of hospital employees and the current expenses of the hospital for the month of _____," would meet these requirements.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Louis C. DeFeo, Jr.

Very truly yours,

THOMAS F. EAGLETON
Attorney General