



August 17, 1964

Honorable Vernon C. Mayfield
Regional Counsel
Housing and Home Finance Agency
Office of the Regional Administrator
300 West Vickery Boulevard
Fort Worth, Texas 76104

Dear Mr. Mayfield:

This letter is in answer to your letter of July 23, 1964, requesting an opinion of this office regarding the authority of the Missouri Division of Health to plan, finance, and construct the project described in their application for Public Works Planning dated June 9, 1964, in connection with the Missouri State Sanatorium at Mount Vernon, Missouri. You also ask our opinion on the authority of this applicant to enter into a contract with the Housing and Home Finance Agency for funds to be repaid upon construction of the project.

Section 192.025, RSMo, provides:

"The division of health of the state department of public health and welfare is hereby designated the official agency of the state of Missouri to receive federal funds for health purposes. The division shall comply with the acts of congress and with any rules and conditions made by any federal agency in regard to the use and distribution of such funds. Such funds shall be deposited in the state treasury and kept in such separately designated funds as may be required to carry out the purposes for which the federal

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grants are made. Disbursements of such funds from the treasury shall be made on warrants duly issued on requisitions of the division. The general assembly shall appropriate such funds to the use of the division for such purposes."

Section 192.250, RSMo, provides:

"The division of health of the department of public health and welfare is hereby designated the official state agency to receive any and all federal and other grants and aids for making a survey and for the construction of hospitals and health centers It shall be empowered to receive any and all such grants and aids under the terms of such grants and aids and to pay them out under any and all provisions as may be attached to such grants and aids. It shall be authorized to render such reports as may be required under any and all grants and aids; provide such minimum standards for maintenance and operation of hospitals and health centers as may be required under the terms of such grants and aids; and to require compliance with such standards in the case of hospitals and health centers which shall have received such grants and aids."

It is clear from the quoted sections of the Missouri statutes that the Division of Health has the authority to plan, finance and construct the project described in their application for Public Works Planning in connection with the Missouri State Sanatorium, an institution under the jurisdiction of the Division of Health, pursuant to Section 192.010 RSMo., which states, in part, "The division of health shall also have control and administration over the Missouri State Sanatorium at Mt. Vernon as provided by law."

Inasmuch as Public Law 560, 83rd Congress, as amended by Public Law 345, 84th Congress, governing this application,

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provides that the advance requested in the application must be repaid to the Housing and Home Finance Agency only in the event that the project is constructed, it is our view that the Division of Health has the authority to enter into a contract providing that the funds should be repaid upon construction of the project.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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