OPINION NO. 117
Answered by Letter
(Chitwood)

May 24, 1965

FILED
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Honorable Harold L. Fridkin
County Counselor
Jackson County
Suite 205 Court House
Kansas City, Missouri 64106

Dear Mr. Fridkin:

This office is in receipt of your request for a legal opinion in which three of the four inquiries concern the appointment of Class "C" and special deputy coroners by the Jackson County Coroner. The fourth inquiry is in regard to the equipping of a laboratory in a non-county hospital, at the expense of Jackson County, Missouri. Each of said inquiries will be considered and answered herein.

In an opinion of this office written for Honorable William A. Collet, Prosecuting Attorney of Jackson County, Missouri, on November 21, 1958, it was concluded the Jackson County Coroner was unauthorized to appoint "special deputy coroners" except to fill positions created by statute.

Said opinion pointed out that Section 58.150 RSMo 1949, (substantially the same as Section 58.150 RSMo Cum. Supp. 1963, except for increased compensation of deputy coroners), created "special deputy" and "extra deputy" positions with statutory compensation. Since the statute did not grant the coroner power to appoint "no compensation" special deputies and extra deputies, he was unauthorized to appoint such "no compensation" deputies. A copy of this opinion is enclosed, and is believed to answer your third inquiry in the negative.

Your first inquiry asks if the Jackson County Coroner can appoint peace officers as Class "C" deputy coroners, who are to receive no compensation, other than that received from their respective sheriff or police departments.

The coroner is authorized by Section 58.150 RSMo Cum. Supp. 1963, to appoint deputies in Class A, B, C, and D, and to fix their compensation within the limits provided therein. It is noted the section mentions the appointment of compensated Class "C" deputies, consequently, for the same reasons given in the enclosed opinion, the coroner is unauthorized by said section to appoint Class "C", no compensation deputies, and our answer to the first inquiry is in the negative.

The second inquiry asks, if the coroner can appoint such Class "C" deputies to serve without compensation as aforesaid, can Jackson County, Missouri, pay for their training and necessary equipment for such training, at the University of Missouri at Kansas City, Missouri. Obviously this inquiry is based upon an affirmative answer being given to the first inquiry. Inasmuch as a negative answer was given to the first inquiry, it is believed to be unnecessary to answer the second one.

The fourth inquiry asks if the Jackson County Coroner can use funds received from Jackson County, Missouri, to purchase a toxicology laboratory, with ownership of the laboratory in a non-county hospital, where it is located, for use of the hospital and such coroner.

We understand the "funds received from Jackson County, Missouri," are those belonging to the county, regardless of the kind or class of county funds from which they might be taken.

No information is given in the inquiry concerning the hospital, except that is is described as "a hospital other than a county hospital." Regardless of the ownership of such hospital, the answer to the inquiry is the same.

The fourth inquiry involves the proposition as to whether a county or other political subdivision of the State of Missouri may grant public money or property to a private person, association or corporation.

A contribution of this kind has been held to be a violation of Article VI, Sections 23 and 25, Constitution of Missouri, by the Courts, unless the contribution falls within the exceptions stated therein, (said exceptions are inapplicable here and will not be quoted).

In an opinion of this office written for Honorable James T. Riley, Prosecuting Attorney of Cole County, Missouri, on February 29, 1952, the above mentioned Constitutional provisions were quoted and discussed, and in which it was pointed out said sections did not permit a political subdivision of the state to contribute public money or property to a private corporation. It was concluded that no Missouri County can contribute or give away public funds to the "Executive Committee of the Greater Jefferson City Committee, Inc.," a private corporation.

The factual situation involved in said opinion differs from the one now under consideration, yet the legal principles involved in each are the same, and for the same reasons given in such opinion, our answer to the fourth inquiry herein, is in the negative.

This view of the law, however, does not mean to say that no legal way can be found to accomplish the same or similar result. However, we feel compelled to limit our answer to the precise inquiry submitted.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

Enclosures (2)

PNC/sj