HOSPITALS:
HOSPITAL DISTRICTS:
ELECTIONS:
BONDS:

Hospital district pays election expense for election of members of hospital board and election for bond issue of district.

OPINION NO. 192

April 27, 1966

FILED
192

Honorable Don Owens
Senator of 20th District
Missouri Senate
Gerald, Missouri

Dear Senator Owens:

This is in answer to your letter of recent date in which you request an official opinion from this office on the following question:

> "Is a hospital district authorized and required to pay the election expenses incurred in elections of members of the board of directors of a hospital district and the expenses of an election to authorize a bond issue of such hospital district for construction of a hospital building?"

Chapter 206 RSMo Cum. Supp. 1965, provides for the establishment of hospital districts.

Section 206.090 RSMo Cum. Supp. 1965, provides that after the establishment of a hospital district, the determining county court (the county court which ordered the election to determine whether a hospital district should be established) shall divide the hospital district into six election districts for the election of hospital district directors and shall order an election for all six directors within ninety days after the order establishing such hospital district. Such Section also provides that the first six directors shall serve staggered terms and their successors shall serve six year terms.

Section 206.100 RSMo Cum. Supp. 1965, provides that the hospital district board of directors shall possess all of the legislative and executive powers of the district.

After a hospital district has been organized, such district shall under Section 206.110 RSMo Cum. Supp. 1965, exercise all powers incidental, necessary, convenient, or desirable to carry out and effectuate the specific powers in such section enumerated.

In the absence of any statutory provision as to the source from which election costs for district directors are to be paid (and there is no such provision) there is an obligation on the part of the hospital district to pay such costs.

The election of hospital district directors after the establishment of the hospital district is for the benefit of such district because such district functions only through its board of directors which under Section 206.100 is specifically granted power to exercise all of the legislative and executive power of such district.

Since such election is for the benefit of the hospital district, the cost of such election must be paid from district funds.

The power and authority to make such payment is granted to the district by the provisions of Section 206.110 because the district could not function without a board of directors and the expenditure for the election of such directors is as necessary for the carrying out of the functions of the hospital district as are the expenditures specifically authorized by Section 206.110.

Section 206.120 RSMo Cum. Supp. 1965, provides for the calling of an election by the hospital district board of directors on the question whether bonds shall be issued for the construction of hospitals. There is no specific statutory provision as to the source of the payment of expenses incurred in the holding of such an election.

The reasoning above set out concerning elections for members of a hospital district board of directors is equally applicable to an election to determine whether bonds shall be issued by the hospital district since one of the powers given by Section 206.110 to the hospital district is the power to issue bonds for accomplishing any of the district corporate purposes. Establishment and maintenance of a hospital is one of the corporate purposes of a hospital district.

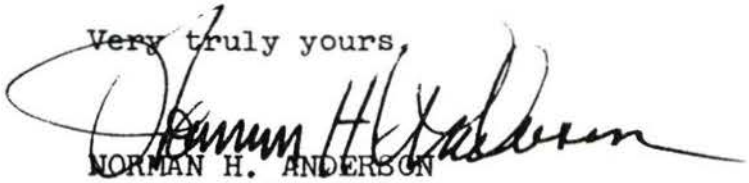
The power and authority to hold such bond election carries with it under the provisions of Section 206.110, the power and authority necessary to carry out and effectuate district purposes and authorizes the payment out of district funds of election expenses incurred in a hospital district election to determine whether bonds shall be issued by such district.

CONCLUSION

It is the opinion of this office that a hospital district, organized under Chapter 206 RSMo Cum. Supp. 1965, has the power, authority and obligation to pay expenses incurred in the holding of elections of members of the board of directors of the hospital district and elections to determine whether bonds shall be issued by such district for the construction of a hospital.

The foregoing opinion which I hereby approve was prepared by my assistant, Mr. C. B. Burns, Jr.

Very truly yours,



NORMAN H. ANDERSON
Attorney General