

April 27, 1966



Honorable David Thomas
Prosecuting Attorney
Carroll County
Carrollton, Missouri

Dear Mr. Thomas:

This is in response to your inquiry concerning whether or not unused State Hospital lands at Carrollton, Missouri, may be leased to a private individual without legislative authority.

We understand that you are referring to lands presently held and occupied, although not used in the normal sense, by the Carrollton State School and Hospital. The Carrollton School and Hospital is established pursuant to Section 202.591, RSMo 1959, and is combined with the Marshall State School and Hospital and the Higginsville State School and Hospital under one superintendent. This complex is under the administrative control of the Division of Mental Diseases and hence within the Department of Public Health and Welfare by virtue of Section 191.010, RSMo 1959.

Title to the land is, under Section 191.120, RSMo 1959, vested in the incumbent Director of the Department of Public Health and Welfare.

We are enclosing an opinion dated October 9, 1950, to Samuel Marsh the then incumbent Director of the Department of Public Health and Welfare which is relative to the question.

We held therein that the legislature would have to enact legislation giving the Director specific authority to enter into such a lease.

Our present review of the law reveals that there is no general statutory authority to make such a conveyance and accordingly it is our opinion that such a lease cannot be entered into in the absence of specific legislative authority.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

JCK:df
Enclosure: Opinion to Samuel Marsh,
October 9, 1950.