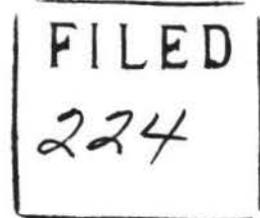


OPINION NO. 224
Answer by Letter (Ashby)

August 20, 1968



Honorable Maurice B. Graham
Prosecuting Attorney
Madison County
148 East Main Street
Fredericktown, Missouri 63645

Dear Mr. Graham:

This letter responds to your inquiry whether the county court and the hospital board of trustees are authorized or have power to purchase land which is adjacent immediately to the hospital site and the, (a) lease the land at nominal cost to a private not-for-profit corporation for the purpose of building a medical facility to provide office space for physicians; or (b) build a building and provide office space for physicians, the physicians to pay nominal rent to the county for use of such office space; or (c) lease the land to a group of two or more physicians for a nominal rental, the group to then build a facility to provide office space for the physicians.

The Madison County Hospital is a public hospital organized under Section 205.160, RSMo 1959, and is supported by funds derived from taxes imposed upon the public for the purpose. Section 25, Article VI, of the Missouri Constitution, provides as follows:

"No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation except as provided in Article VI, Section 23(a) * * *."

You state in your letter that the sole purpose of this project is to furnish office space in order to attract physicians

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to come to your community. While we do not quarrel with your purpose, we advise that such an expenditure would violate Section 25, Article VI, of the Missouri Constitution, which we have set out above.

For the reasons above, we must conclude that the questions you submitted by your letter which have for their purpose the sole object of furnishing and building a building for the purpose of furnishing office space to private physicians and thereby attract physicians to your community, would be in violation of Section 25, Article VI, of the Missouri Constitution. We regret that our answer is not more favorable to this very worthwhile project. However, as you pose the problem to us, we must reply in the negative.

Very truly yours,

NORMAN H. ANDERSON
Attorney General