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January 8, 1969

OPINION NO. 69
OPINION NO. 408 (1968)
Answered by letter-Mansur

Dr. L. M. Garner
Acting Director
Division of Health
Broadway State Office
Building
Jefferson City, Missouri 65101

Dear Dr. Garner:

This is in response to your letter of October 14, 1968, in which you inquire whether it is necessary for a county which, prior to 1951, voted a tax for establishing, maintaining, and operating a county health center to submit the matters to a vote of the people after 20 years has elapsed before a tax may be levied for future maintenance.

According to the information you submit, several counties, prior to 1951, voted a tax for a period not exceeding 20 years for the establishment, building, maintaining, and operating a county health center together with the necessary personnel; and you inquire whether it is necessary for the question to be submitted again after the 20 year period has elapsed before another tax can be levied.

Section 205.045, RSMo, provides:

"In any county in which a county health center has been established, the rate of tax which has been authorized by the vote of the people of the county shall continue as the maximum rate, and the board of health center trustees shall determine annually the rate of the tax levy up to, but not exceeding, this maximum."

It is the opinion of this department that under this statute a board of trustees of the county health center have authority to determine annually the rate of tax levied up to, but not exceeding,

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the maximum rate that was authorized by a vote of the people when the health center was established; and it is not necessary for the matter to be submitted again to a vote of the people. If you have any further questions, please advise.

Yours very truly,

NORMAN H. ANDERSON
Attorney General