

LAGERS:
PENSIONS:
RETIREMENT:
POLITICAL SUBDIVISION:
COUNTY HEALTH CENTER:

A county health center established pursuant to Chapter 205, RSMo 1969, is not a political subdivision within the meaning of Section 70.600(19), and that the board of trustees of a county health center cannot establish a plan for the pensioning of its officers and employees separate and apart from that provided in Chapter 70, RSMo, providing for the Missouri Local Government Retirement System.

OPINION NO. 225

December 31, 1974

Honorable W. Clifton Banta, Jr.
Prosecuting Attorney
Mississippi County
Post Office Box 469
Charleston, Missouri 63834



Dear Mr. Banta:

This official opinion is in response to your request for a ruling on the following question:

"Can a county health center organized under Chapter 205 RSMo. in a county having an assessed valuation of over \$40,000,000.00 provide for the pensioning of its officers and employees under a plan separate and apart from that provided in Chapter 70 RSMo."

Section 70.615, RSMo 1969, provides:

". . . except that any political corporation or subdivision of this state, now having or which may hereafter have an assessed valuation of forty million dollars or more, which does not now have a pension system for its officers and employees adopted pursuant to state law, may provide by proper legislative action of its governing body for the pensioning of its officers and employees and the widows and minor children of deceased officers and employees under a plan separate and

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apart from that provided in sections 70.600 to 70.670 and appropriate and utilize its revenues and other available funds for such purposes."

The issue, as we view it, is whether a county health center created pursuant to Chapter 205 is either a political subdivision or a political corporation within the meaning of the above section. It is our opinion that it is not.

Section 70.600(19), RSMo Supp. 1973, defines for the purposes of this chapter a political subdivision as:

" . . . any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts;"

Section 205.010, RSMo 1969, provides that any county may establish a county health center. If the county court is presented with a petition signed by a certain number of qualified voters, the question must be presented to the voters at an election whether the county shall establish and maintain a county health center. A review of the rest of the provisions of Chapter 205 relating to county health centers makes it clear that a county health center is not a separate and distinct entity apart from the county. Rather, it is an arm of the county government. There is a board of trustees elected by the voters to govern the operation of the county health center. Section 205.090 provides that the board of trustees shall make an annual report of their proceedings to the county court and shall also submit to the county budget officer a budget for the ensuing year.

Consequently, it is our view that a county health center is not a separate and distinct entity. It is part of the county government which is a political subdivision of the state.

We note that there is a special statute which defines a county hospital as a "political subdivision" for the purposes of Sections 70.600-70.760, RSMo 1969. (Section 205.192, RSMo Supp. 1973). There is no comparable section applicable to county health centers.

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CONCLUSION

Therefore, it is the opinion of this office that a county health center established pursuant to Chapter 205, RSMo 1969, is not a political subdivision within the meaning of Section 70.600(19), and that the board of trustees of a county health center cannot establish a plan for the pensioning of its officers and employees separate and apart from that provided in Chapter 70, RSMo, providing for the Missouri Local Government Retirement System.

The foregoing opinion which I hereby approve was prepared by my assistant, Daniel P. Card II.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General