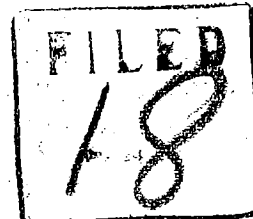


TOWNSHIPS: Two or more townships may cooperate in the building of one nursing home to serve the participating townships.

NURSING HOMES:

August 28, 1959



Honorable J. W. Colley
Prosecuting Attorney
Dade County
Greenfield, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"The city of Lockwood and the township board of Lockwood township have presented a question to me and I will need an opinion from your office before I can answer the inquiry.

"A Senate Bill No. 252, passed by the 7th General Assembly provides the manner by which a County or Township Board of any township may provide funds for construction and equipment of Nursing Homes. It appears that now Lockwood Township wants to join with three other adjoining townships and establish a Nursing Home to be located in the town of Lockwood. Therefore, the question I need answered, is whether or not, this Senate Bill No. 252, would permit two or more townships going together and voting bonds to provide funds for construction and equipment of ONE Nursing Home.

"This Act clearly provides for the township board of any township to provide funds for a Nursing Home but I am rather dubious about two or more townships making it a combined project. Of course this Act does not become effective until about the first of September but I will appreciate an opinion from your office by that date if convenient."

Honorable J. W. Colley

Senate Bill No. 252 enacted by the 70th General Assembly

reads:

"Section 1. Section 205.375, RSMo 1957 Supp., is repealed and one new section enacted in lieu thereof, to be known as section 205.375, to read as follows:

205.375. 1. For the purposes of this section 'nursing home' means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services.

(1) Which is operated in connection with a hospital, or

(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the state.

"2. The county court of any county or the township board of any township may acquire land to be used as sites for, construct and equip nursing homes and may contract for materials, supplies and services necessary to carry out such purposes.

"3. For the purpose of providing funds for the construction and equipment of nursing homes the county courts or township boards may issue bonds as authorized by the general law governing the incurring of indebtedness by counties, or may provide for the issuance and payment of revenue bonds in the manner provided by and in all respects subject to chapter 176, RSMo, which provides for the issuance of revenue bonds of state educational institutions.

"4. The county courts or township boards may provide for the leasing and renting of the nursing homes and equipment on the terms

Honorable J. W. Colley

and conditions that are necessary and proper to nonprofit organizations for the purpose of operation in the manner provided in subsection 1."

Under the above, it is clear that a township board of trustees may erect a township nursing home and finance the construction and operation of it in the manner set out in Senate Bill No. 252.

We now direct attention to Sections 70.210 through 70.220, RSMo, Cum. Supp. 1957, which read:

Section 70.210.

"As used in sections 70.210 to 70.320, the following terms mean:

(1) 'Governing body', the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) 'Political subdivision', counties, townships, cities, towns, villages, school, county library, road, drainage, sewer, levee and fire districts."

Section 70.220.

"Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision. If such contract or cooperative action shall be entered into between a

Honorable J. W. Colley

municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, said contract or cooperative action must be approved by the governing body of the unit of government in which such elective or appointive official resides."

The above states that a township is a political subdivision (numbered paragraph 2, Section 70.210). Section 70.220 provides that political subdivisions may cooperate in the construction and operation of any facility or public improvement or for a common service provided that the subject and purposes "shall be within the scope of the powers of such municipality or political subdivision." Since the erection of a nursing home is within the scope of the powers of a township, we believe that a number of townships may cooperate in the erection of a single nursing home for the use of the participating townships.

In such a proceeding, each participating township would vote bonds for such township, the proceeds of which would be used for the common purpose.

CONCLUSION

It is the opinion of this department that two or more townships may cooperate in the building of one nursing home to serve the participating townships.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

HPW:bw