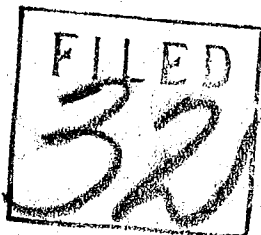


COUNTY MEMORIAL
HOSPITALS:
STATE AID:

Section 13.600 of the 1955-1957 State of Missouri Appropriation Law does not authorize any additional amount to a county for its memorial hospital if the county has received its full authorization of \$10,000 under the provisions of Section 184.290.



November 17, 1955

Honorable C. Rouss Gallop
Director, Department of Welfare
Health and Welfare
State Office Bldg.
Jefferson City, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"Confirming our telephone conversation of last Friday, perhaps we could help your County and mine if we could get a favorable opinion on Section 13.600, Page 183 of the 1955-1957 State of Missouri Appropriation Laws.

"Audrain County received \$10,000 for the memorial addition to the hospital and I understand Callaway County did too. As I read this Section, it seems to me that for this biennium, for the purpose of memorial additions, County Hospitals are entitled to \$20,000.

"If this was throwing money away, I naturally wouldn't be in favor of it, but it seems the Legislature has set this up for a good cause and I think we should take advantage of it if at all possible."

Section 13.600 of the 1955-1957 State of Missouri Appropriation Law (House Bill No. 588) reads as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the Post-war Reserve Fund, the sum of Twenty Thousand Dollars (\$20,000.00), for the purpose

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of granting aid to counties of this state which comply with all provisions of law relating to the granting of such aid, and for the purchase or erection of a memorial hospital or erection of a memorial addition to an existing county hospital, commemorating the services of our Armed Forces during World War II, for the period beginning July 1, 1955 and ending June 30, 1957."

All reference to statutes, unless otherwise indicated, will be to Revised Statutes of Missouri 1949.

Section 305.230 reads as follows:

"In appreciation of the services of our gallant armed forces and to perpetuate the memory of their heroic achievements in the war against Germany, Japan and their allies and to promote the advancement of aviation in the name of those who gave their lives as members of our gallant forces in the war against the aforesaid enemies, cities, towns and counties are hereby authorized to purchase sites and construct and operate airfields in such counties or near such cities and towns and to receive free technical advice from the division of resources and development; provided further, that when any city, town or county in Missouri shall certify to the governor that it has appropriated a specific sum for the aforesaid purpose and is ready to proceed with the purchase or construction of such airfields a like sum not exceeding ten thousand dollars shall be allotted to said city, town or county from the appropriation herein made for such purpose but said sum shall be released to such city, town or county only after the division of resources and development has certified to the governor that in their judgment the airfield in question is desirable and in the interest of the development of aviation and that the funds proposed are adequate to complete the project; and provided further, that cities, towns or counties are hereby authorized to receive federal grants

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in addition to all other grants or funds made available for such purpose under this section."

Section 184.290 reads as follows:

"Any county in this state, except as provided in section 184.300, shall be eligible to receive state financial aid to be paid from moneys appropriated therefor upon certification to the governor by the county court that such county has available an adequate sum of money to be used for the purchase or erection and the operation of a county memorial hospital, or a memorial addition to an existing county hospital, commemorating the services of our armed forces during World War II and upon certification to the governor by the director of the division of health of the state department of public health and welfare that the purchase or erection and operation of the proposed county memorial hospital, or a memorial addition to an existing county hospital, is, in his judgment, in the interest of public health and welfare and that sufficient funds are available to finance not only the purchase or erection of the memorial hospital, or a memorial addition to an existing county hospital, but also the operation of such hospital. State financial aid allocated to a county eligible for aid under the provisions of sections 184.290 and 184.300 shall be equivalent to the amount of money actually expended by the county in the purchase or erection of a memorial hospital, or a memorial addition to an existing county hospital, but in no case shall such state financial aid to any county exceed ten thousand dollars."

Section 184.300 reads as follows:

"Any county which has received any state financial aid under the provisions of section 305.230, RSMo 1949, shall not be eligible for state financial aid under the provisions of sections 184.290 and 184.300. Any county receiving state financial aid under the provisions of sections 184.290 and

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184.300 shall not be eligible to receive state financial aid under the provisions of section 305.230, RSMo 1949."

It would appear that Section 184.290, supra, clearly limits the aid to a county to \$10,000. The words "in no case" do not mean "at any one time."

Section 13.600 is not a basic, enabling act. It is an appropriation act, raising money that the enabling act, Section 184.290, authorizes.

Section 13.600 merely appropriated \$20,000. It did not amend Section 184.290, not attempt to amend it, by raising the amount from ten to twenty thousand.

"Sections 184.300 and 305.230 are not invalid here since the question concerns additional amounts only under 184.290. The question is: Does Section 13.600 of the appropriation act amend Section 184.290 by raising the amount to \$20,000? The answer is: It does not."

CONCLUSION

It is the opinion of this department that Section 13.600 of the 1955-1957 State of Missouri Appropriation Law does not authorize any additional amount to a county for its memorial hospital if the county has received its full authorization of \$10,000 under the provisions of Section 184.290.

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

Yours very truly,

JOHN M. DALTON
Attorney General

HPW/lc/bi