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ELEEEMCSYNARY INSTITUTIONS:
COUNTY BUDGET ACT:

Care of patients in Missouri State Sanatorium and Missouri State School cannot be paid out of Class 1; must be paid out of Class 5.

May 10, 1941



Honorable W. Ed. Jameson,
President, Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Sir:

This Department is in receipt of your request for an official opinion, which reads as follows:

"I quote you from a letter written by Mr. J. R. Oliver, County Clerk of Dunklin County, to the Honorable Wilson Bell on March 20, 1941, which reads in part as follows:

"According to the State Auditor's budget form for 1941 they specify that State Eleemosynary Institutions' accounts be paid out of Class 5 and Dunklin County set the same up in that class this year and I know of no other way these accounts can be paid."

"We have always understood that pauper patients for the four mental hospitals were to be paid out of Class 1 warrants. Heretofore most of the counties have been paying the Missouri State Sanatorium and the Missouri State School out of Class 1 warrants. Some of these counties are now beginning to send in Class 5 warrants for payment of patients in these two institutions. Will you kindly furnish this office with an opinion with reference to this matter?"

"I will also ask if the state institutions can accept warrants of any class from the counties in payment of the keep of pauper patients?

"The Eleemosynary Board will appreciate an opinion from you with reference to these matters."

The first question presented in your request is, May the expense for the care of patients in the Missouri State Sanatorium and the Missouri State School be paid by the counties out of Class 1 of the county budget?

Section 10911, R. S. Mo. 1939, provides in part as follows:

"The court shall classify proposed expenditures in the following order:

"Class 1: The county court shall set aside and apportion a sufficient sum to care for insane pauper patients in state hospitals. Class 1 shall be the first obligation against the county and shall have priority of payment over all other classes.

"Class 5: The county court shall next set aside a fund for the contingent and emergency expense of the county, the county court may transfer any surplus funds from classes 1, 2, 3, 4 to class 5 to be used as contingent and emergency expenses. From this class the county court may pay contingent and incidental expenses and expense of paupers not otherwise classified. No payment shall be allowed from the funds in this class for any personal service, (whether salary, fees, wages or any

other emoluments of any kind whatever) estimated for in preceding classes."

Section 10914, R. S. Mo. 1939, provides:

"The court shall show the estimated expenditures for the year by classes as follows:

"Class 1: Care of paupers declared by lawful authority to be insane (in state hospitals).

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"Class 5: Contingent and emergency expense. -- The County court may transfer any surplus funds from class 1, 2, 3, and 4 to class 5 to be used as contingent and emergency expenses. Purposes, for which the Court proposes the funds in this class shall be used, shall be shown."

It will be noted that the Legislature, by the County Budget Act, has provided that only insane pauper patients in "state hospitals" may be paid for by the county out of Class 1. The "expense of paupers not otherwise classified" shall be taken care of by Class 5.

Section 9258, R. S. Mo. 1939, provides as follows:

"The state hospital No. 1, at Fulton, the state hospital No. 2, at St. Joseph, the state hospital No. 3, at Nevada, the state hospital No. 4, at Farmington, the Missouri state sanatorium, at Mount Vernon, and the Missouri state school at Marshall, are hereby declared to be state eleemosynary institutions of the state of Missouri within the meaning of the provisions of this article."

Under the provisions of the above statute, the Legislature has designated four eleemosynary institutions as state hospitals, while those institutions at Mount Vernon and at Marshall are given the appellation of "the Missouri state sanatorium" and "the Missouri state school." By this designation, our General Assembly has provided that those institutions at Fulton, St. Joseph, Nevada and Farmington shall be state hospitals, while the other two eleemosynary institutions are given other designations.

Furthermore, it will be noted that Article II, Chapter 51, of the Revised Statutes of Missouri, 1939, deals specifically with state hospitals, while Article V of Chapter 51 provides for the State Sanatorium at Mount Vernon, and Article VI of Chapter 51 relates to the Missouri State School at Marshall.

In view of what has been said above, when the County Budget Act says that the care for insane pauper patients in "state hospitals" shall be paid out of Class 1, it obviously meant only those institutions specifically designated as state hospitals in the statutes. Therefore, the care of the indigent patients in the Missouri State Sanatorium and the Missouri State School may not be paid for by the counties out of Class 1, but must be paid out of Class 5 of the county budget.

In response to your second question, enclosed find copy of an opinion previously rendered to you, under date of May 19, 1936, which we believe answers this question in full.

Conclusion

It is, therefore, the opinion of this Department that the care of county patients in the Missouri State Sanatorium at Mount Vernon and the Missouri State School

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at Marshall must be paid out of Class 5 of the county budget, and cannot be paid out of Class 1 of the same.

Respectfully submitted,

ARTHUR O'KEEFE
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APPROVED:

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Enc.