

COUNTY PUBLIC HEALTH  
CENTERS:  
TITLE TO REAL ESTATE:

Title to real estate purchased for the use of a county public health center should be vested in the county for the use and benefit of the county health center or council or its successors.

November 9, 1950



Mr. Robert A. Dempster  
Prosecuting Attorney  
Scott County  
Sikeston, Missouri

Dear Sir:

You have requested an official opinion from this department upon the following question:

"In 1945 the Legislature passed some new laws with reference to the creation of county health centers. Laws of Missouri, 1945, page 965; Revised Statutes of Missouri, 1939, as amended, Sections 9854.101 and subsequent sections. By authority of this new law the people of Scott County voted a County Health Center. The Health Center was incorporated by pro forma decree and is functioning under that entity.

"The probability of acquiring real estate for the purpose of maintaining the Center has arisen. We would like your opinion as to whether title to such real estate should be taken in the name of the Scott County Health Council, the incorporated body, or in the name of Scott County for the benefit of the Scott County Health Council. Your opinion on this matter will be greatly appreciated."

Section 37 of Article IV of the Constitution of 1945, provides as follows:

"The health and general welfare of the people are matters of primary public concern; and to secure them the general assembly shall establish a department of public health and welfare, and may grant power with respect thereto to counties, cities or other political subdivisions of the state."

Section 9854.108 R.S.A. (Laws 1945, page 969, Section 8)

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provides as follows:

"All buildings that may be erected or constructed under this act shall have the plans and specifications approved by the board of directors of the official health organization and bids advertised for according to law for other county public buildings."

Section 9854.110 R.S.A. (Laws 1945, page 969, Sec. 10) provides as follows:

"Any person, firm, organization, society or corporation, desiring to make donations of money, personal property or real estate for the benefit of such health center, shall have the right to vest title of such property so donated, in the county or counties, to be controlled when so accepted by the official health organization, according to the terms of deed, gift, devise or bequest of such property."

Section 9854.111 (Laws 1945, page 969, Sec. 11) provides as follows:

"The public health center is established, maintained and operated for the improvement of health of all inhabitants of said county or counties."

Section 2480, R. S. Mo. 1939, provides as follows:

"The said court shall have control and management of the property, real and personal, belonging to the county, and shall have power and authority to purchase, lease or receive by donation any property, real or personal, for the use and benefit of the county; to sell and cause to be conveyed any real estate, goods or chattels belonging to the county, appropriating the proceeds of such sale to the use of the same, and to audit and settle all demands against the county."

This section refers to the county court and its administration of the affairs of the county.

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The statutes referred to above creating the county health centers seem to show an intention on the part of the Legislature that the title of the property purchased or donated for the use of the public health centers would be vested in the county (or counties, in the event that the public health center served more than one county). The public health center to be within the constitutional provision cited must be considered a part of the county and the county government. The county is a political subdivision of the state but the public health center is not itself a political subdivision of the state.

The Supreme Court of Missouri in the case of Chouteau v. City of St. Louis, 56 S.W. 2d 1050, 331 Mo. 1206, said:

" \* \* \* Of course, 'a county may take and hold property for such purposes as are authorized by statute, by donation, by devise or by dedication.' 15 C.J. p. 532

\* \* \* \* \*

" \* \* \* And in Abernathy v. Dennis, 49 Mo. 468, loc. cit. 470, we said: 'Counties are mere subdivisions of the State for governmental purposes, capable, however, of holding the title in fee to such lands as may be donated to them for their own use.' \* \* \* "

#### CONCLUSION

It is the conclusion of this department that title to the real estate to be purchased by the Scott County health council should be vested in the name of Scott County for the use and benefit of the Scott county health council or its successors.

Respectfully submitted,

APPROVED:

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