

COUNTY HOSPITAL: County Court is without authority to change location of county hospital built under provisions of Section 15192, R. S. Mo. 1939.

May 7, 1945.



Honorable John T. Buckley  
Representative  
Capitol Building, Room 403  
Jefferson City, Missouri

Dear Mr. Buckley:

Your letter to General Taylor, dated May 2, 1945, together with letter to you under date of April 30, 1945, from Mr. Ronnie F. Greenwell, has been referred to me for an opinion as requested therein. These letters are respectively, as follows:

"I am enclosing a letter which is self-explanatory.

"Will you please give us an opinion as early as you can so that I can transmit it to Mr. Greenwell at Hayti."

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"As you probably already know, we are holding an election May 19th for the purpose of issuing \$350,000.00 worth of bonds for a County Hospital to be located at or near Hayti. The question has come up regarding the location. Several reliable citizens, who are in a position to influence the results of the vote, believe it might be possible for the hospital to be built at some other town in the County after a favorable vote has been cast for the location at Hayti, therefore, it is extremely important that we have a ruling from the Attorney General at the earliest possible moment clarifying this particular matter. I wrote Mr. J. W. Burch,

Director of Extension Service, sometime ago and he referred the matter to the Attorney General but I have not heard from him as yet. In other words, we would like to know whether or not the location can be changed after the election. You are, of course, familiar with the situation in this County between Hayti and Caruthersville. Many voters in the Hayti territory feel that Caruthersville might be able to get a change in the location after a favorable vote has been cast for the hospital at Hayti.

"I will consider it a personal favor if you will get in touch with the Attorney General immediately and ask him to give us a ruling that can be published in our local papers regarding this matter."

The question which appears to be in Mr. Greenwell's letter is - Can the County Court change the location of a county hospital, after an election, from the location as stated in the petition presented to the court for that purpose?

With the scant information at hand and the information obtained from the County Clerk, we are taking the position that the petition requesting an election for a county hospital has been drafted in compliance with Chapter 126, Article 4, Section 15192, R. S. Mo. 1939, wherein it is stated as follows:

"Any county may establish a public hospital in the following manner: Whenever the county court of any county shall be presented with a petition signed by one hundred resident freeholders of such county, fifty of whom shall not be residents of the city, town or village where it is proposed to locate such public hospital, asking that an annual tax may be levied for the establishment and maintenance of a public hospital at a place in the county named therein, and shall specify in their petition the maximum amount of money proposed to be expended in purchasing or building said hospital, such county court shall submit the question to the qualified electors of the county at the next general

election to be held in the county, or at a special election called for that purpose, first giving ninety days' notice thereof in one or more newspapers published in the county, if any be published therein, or by posting written or printed notices in each township of the county, which notice shall include the text of the petition and state the amount of the tax to be levied upon the assessed property of the said county, which tax shall not exceed two (2) mills on the dollar, for a period of time not exceeding twenty years, and be for the issue of county bonds to provide funds for the purchase of a site or sites and the erection thereon of a public hospital and hospital buildings; and for the support of the same; which said election shall be held at the usual voting place in such county for voting upon county officers, and shall be canvassed in the same manner as the vote for county officers is canvassed."

It seems that this county hospital is to be, by the petition, located at or near Hayti, Missouri, and no doubt the petition is asking that said proposition be submitted to the voters for the purpose of levying an annual tax for the establishment and maintenance of such public hospital at a place in the county named in said petition.

It appears that if the petition, as presented, is drawn in compliance with the above section, stating the proposed location of the hospital, and submitted to the people for a vote to locate the hospital at this specific location, that the county court would then be without authority to select another or different location or community for said hospital from that named in the petition and as submitted to the voters, after a favorable election.

#### Conclusion

Therefore, it is the opinion of this department that where a county hospital is established under the provisions of

Hon. John T. Buckley

-4-

May 7, 1945

Section 15192, supra, that the county court would be without authority to locate such a hospital in any other locality than that named in the petition and presented to the voters, after a favorable election for that purpose.

Respectfully submitted,

GORDON P. WEIR  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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