

COUNTY HOSPITALS:  
BOARD OF TRUSTEES:  
BUDGET:

A county hospital established under the provisions contained in Sections 205.160 to 205.340 RSMo 1959 is governed by the requirements of Section 50.540, RSMo Cum. Supp., 1965, to the extent that the hospital board must submit its budget to the budget officer, but that said budget is not subject to revision as provided in Section 50.610 RSMo Supp., 1965.

OPINION NO. 554 (1966)  
113 (1967)

April 25, 1967

Honorable Lon J. Levvis  
Prosecuting Attorney  
Courthouse  
Mexico, Missouri



Dear Mr. Levvis:

This is in answer to your opinion request dated December 15, 1966, which request is, we presume, a copy of an inquiry directed to you from some member of the County Hospital Board of Trustees. The questions referred to are as follows:

"1. Was it the intent of the General Assembly that Audrain County Hospital, which employs a trained administrator and qualified staff to prepare its annual budget and which has a board of trustees of five people elected by the voters of Audrain County to approve and alter its annual budget, should have to submit the already approved budget for possible alteration by the county clerk and the county court? In general terms, isn't this the main provision of 50.540, 50.610 and 50.740 which go into effect January 1, 1967?"

"2. How can (and why should) the hospital board of trustees who has 'exclusive control of the expenditures of all moneys collected to the credit of the hospital fund. . .' and who has control of hospital money placed in the hands of the county treasurer, according to 205.190, and who certifies to the county court what the hospital maintenance tax levy will be

according to 205.200, allow its efforts in approving a budget to be subjected to the approval, rejection, and/or alternation by gentlemen (county clerk and county court) who need no more qualification for preparing a budget to hold their positions than do the duly elected members of the board of trustees and its hired administrator?

"3. Would a vote (by me) for such submission be a vote against exclusive control of hospital money as provided in 205.190?

"4. Can the Board of Trustees of Audrain County Hospital, with exclusive control of this money, approve of this control being transferred and still be in compliance with 205.190?"

From your letter we assume that the Audrain County Hospital has been established as a county hospital operating under a Board of Trustees under Sections 205.160 to 205.340 RSMo 1959.

Under these sections, the Board of Trustees has exclusive control of expenditures of all money collected to the credit of the Hospital Fund and you question the recent statutes, Sections 50.540, 50.610 and 50.740 RSMo. Cum. Supp. 1965 which seem to necessitate an approval of your budget by the budget officer of your county.

It is apparent that the first question to be determined is whether or not the provisions of these Sections are applicable to your hospital.

Section 205.190 RSMo 1959 (7) provides that the board of hospital trustees "shall file with the county court of said county a report of their proceedings" and "a statement of all receipts and expenditures" and "shall certify the amount necessary to maintain and improve the hospital for the ensuing year."

Section 205.200 RSMo 1959, further provides that the county court shall levy annually a tax to defray the amount required as certified to the court by the Board of Trustees of the hospital.

Section 50.540, Laws of 1965, provides that in class three (3) and four (4) counties, "each department, office, institution,

commission or court of the county receiving its revenues in whole or in part from the county, shall prepare and submit to the budget officer estimates of its requirements for expenditures and its estimated revenues for the next budget year."

The primary purpose of this budget requirement is to provide "ways and means for a county to record the obligations incurred and thereby enable it to keep the expenditures within the income", Traub vs. Buchanan County, 108 S.W.2d 340, 342; and "to regulate the usual operation of the regular departments of Government whose needs could be foreseen and planned." State v. Smith, 182 S.W.2d 571, 574.

Sections 205.160 to 205.340 RSMo 1959, which give exclusive control of hospital funds to the hospital board of trustees is a special law and hence prevails over Sections 50.540, 50.610 and 50.740, Cum. Supp. 1965.

This latter is a general law and as a special law prevails over any contrary general law, your actions would be governed by Sections 205.160 to 205.340 RSMo 1959. Gross v. Merchants-Produce Bank, 390 S.W.2d 591, 599 states:

"It is also a law of construction that where two statutes treat of the same subject matter, one being special and the other general \* \* \* the special act will prevail in its application to the subject matter as far as it comes within the special provision."

It is our opinion, however, that under Section 50.540, you must submit your budget to the county budget officer, and this budget becomes a part of the comprehensive budget but is not subject to revision as authorized under Section 50.610. In other words, although you must submit your budget, it cannot be changed or altered.

Inasmuch as your hospital board is not governed by the provisions of Section 50.540, et al, except as noted herein, it is unnecessary to answer the other questions you have propounded.

#### CONCLUSION

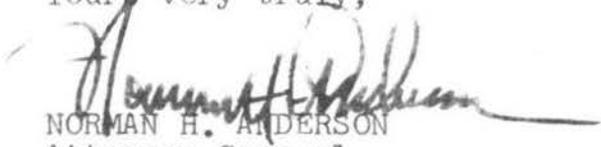
It is the opinion of this office that a county hospital established under the provisions contained in Sections 205.160 to 205.340 RSMo 1959 is governed by the requirements of Section 50.540 RSMo Cum. Supp. 1965, to the extent that the hospital board must submit its budget to the budget officer, but that said budget is not subject to revision as provided in Section 50.610 RSMo Supp. 1965.

Honorable Lon J. Levvis

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The foregoing opinion which I hereby approve was prepared by my assistant, O. Hampton Stevens.

Yours very truly,



NORMAN H. ANDERSON  
Attorney General