

MISSOURI STATE SCHOOL:

Division of Mental Diseases having established a location at Higginsville, Missouri, as a unit of the Missouri State School in pursuance of Section 202.590, RSMO 1949, it is the opinion of this office that the money appropriated for the use of the Missouri State School for "erection of a building or buildings suitable for housing 500 additional patients and equipment for such buildings" may be used to erect such building or buildings at the Higginsville, Missouri, location.



March 16, 1954

Honorable Christian F. Stipp  
Representative of Carroll County  
House of Representatives  
Jefferson City, Missouri

Dear Mr. Stipp:

We herewith render our opinion based upon your request of February 24, 1954, which request reads as follows:

"Section 5.150 of House Bill #383 of the Sixty-Seventy General Assembly, regular session, provides as follows:

"There is hereby appropriated out of the state treasury, chargeable to the funds herein designated, for the use of the Missouri State School, for payment of salaries and wages of the officers and employees; for the original purchase of property; for the repair and replacement of property; and for the operating and other expenses; for the period beginning July 1, 1953 and ending June 30, 1955.

"For the Missouri State School, payable from General Revenue Fund as follows:

"Personal Service:

"Salaries of the superintendent, psychiatrists, psychologists, social workers, assistant physicians, dentists, steward, and other employees. . . \$1,200,000.00

"Additions:

"Erection of a building or buildings suitable for housing 500 additional patients and equipment for such buildings. . . . . \$1,000,000.00'

"This said House Bill No. 383 containing the quoted portion of said Section 5.150 was approved by the Governor on July 14, 1953.

Honorable Christian F. Stipp

"At that time the Missouri State School consisted of the Missouri State School at Marshall, the Missouri State School at Carrollton, and the St. Louis Training School. At that time there were no schools in temporary or permanent camps established in any other place in this state by the Division of Mental Diseases within the meaning of Section #202.590, Revised Statutes of Missouri 1949.

"Thereafter, on February 3, 1954, the Director of the Division of Mental Diseases, with the approval of the Director of the Department of Public Health and Welfare, by departmental order, established upon state-owned property formerly known as the Confederate Home at Higginsville a unit of the Missouri State School.

"I respectfully request an opinion from your office on the question of whether or not the sum of one million dollars appropriated by said Section 5.150 of said House Bill #383 may be used for the erection of a building or buildings suitable for housing five hundred additional patients at Higginsville.

"In my opinion the legislature must have the correct answer to this question before it can properly consider the subject of an additional appropriation for the branch of the Missouri State School at Higginsville as requested in the recent message of the Governor, and I therefore request a prompt reply."

It is noted first, that the appropriation bill referred to, Section 5.150 of House Bill No. 383, 67th General Assembly, contains no reference to the place at which the building or buildings shall be erected. Looking only to such appropriation bill, then, there would be no legal objection to the erection of the buildings or building at Higginsville.

Does the general law contain any express or implied prohibition against the erection of such building or buildings at Higginsville? We think not, but believe that Section 202.590,

Honorable Christian F. Stipp

RSMo 1949, expressly permits the Division of Mental Diseases to establish "such other schools in temporary or permanent camps \* \* \* in other places in this state." Said section reads in full as follows:

"There is hereby established in this state a colony for feeble-minded and epileptics, to be known as 'The Missouri State School,' which shall consist of the Missouri State School at Marshall, the Missouri State School at Carrollton, the St. Louis Training School, and such other schools in temporary or permanent camps as the division of mental diseases may establish in other places in this state."

This section after naming the Missouri State School at Marshall, the Missouri State School at Carrollton and the St. Louis Training School, provides specific authority for the Division of Mental Diseases to establish other schools in other places in this state as units of the Missouri State School. It was in pursuance of this authority that Higginsville was established as one of such units. Having been established as one of such units, it stands on the same footing as those specifically named in the law - at least so far as the appropriation measure is concerned.

Construing the appropriation bill with reference to this section, we conclude that the \$1,000,000.00 appropriated by Section 5.150 of House Bill No. 383, 67th General Assembly, may be used for the "erection of a building or buildings suitable for housing 500 additional patients and equipment for such buildings" to be located at Higginsville, Missouri, such location having been established as a unit of the Missouri State School by order of the Director of the Division of Mental Diseases with the approval of the Director of the Department of Public Health and Welfare.

#### CONCLUSION

The Division of Mental Diseases having established a location at Higginsville, Missouri, as a unit of the Missouri State School in pursuance of Section 202.590, RSMo 1949, it is the opinion of this office that the money appropriated for the use of the Missouri State School for "erection of a building or buildings suitable for housing 500 additional patients and equipment for such buildings" may be used to erect such building or buildings at the Higginsville, Missouri, location.

Honorable Christian F. Stipp

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Don W. Kennedy.

Very truly yours,

JOHN M. DALTON  
Attorney General