

NURSING HOME DISTRICTS:

A nursing home district may not annex territory of another nursing home district.

OPINION NO. 361

August 21, 1969

Honorable Dan Bollow  
Prosecuting Attorney  
Shelby County Court House  
Shelbyville, Missouri 63469

Dear Mr. Bollow:

This is in response to your request for an official opinion of this office on the following question:

"Do the provisions of Section 198.320, Revised Statutes of Missouri, Laws 1963, authorize a duly incorporated nursing home district to annex the whole territory of another duly incorporated nursing home district, by the procedure therein set forth, where the nursing home district to be annexed does not operate a nursing home and has no indebtedness?"

Section 198.320, RSMo Supp. 1967, has no provisions for the annexation by one nursing home district of another nursing home district.

Section 198.200, RSMo Supp. 1967, states:

". . . The territory contained within the corporate limits of an existing nursing home district shall not be incorporated in another nursing home district."

Since there are no exceptions to this provision, we are of the opinion that the prohibition therein contained would apply in case of incorporation of territory of one district by another district by means of annexation.

We are of the opinion that the above cited statute would apply even though the territory to be annexed is part of a nursing home district which has no indebtedness and does not operate a nursing home. We base this conclusion on the fact that a nursing home district is declared "organized" once the election results creating it

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have been certified, Section 198.270, RSMo Supp. 1967. Section 198.200 (2), RSMo Supp. 1967, provides:

"When a nursing home district is organized it shall be a body corporate and political subdivision of the state . . ."

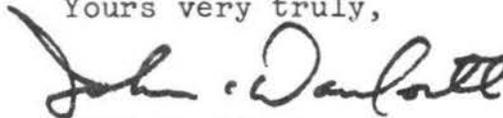
Thus the existence of a nursing home district does not depend on whether or not it has any indebtedness or operates a nursing home.

We also direct your attention to Attorney General Opinion No. 262, May 2, 1968, to the Honorable Winston V. Buford, Prosecuting Attorney of Shannon County. In that opinion we held a nursing home district created under Section 198.200, RSMo et seq., is a political subdivision of the State of Missouri and as such has no power to dissolve in the absence of statutory authority providing for such dissolution. House Bill No. 469, Truly Agreed To And Finally Passed by the 75th General Assembly, provides a statutory method for dissolution in the case of inactive nursing home districts. The Governor has not acted on this bill as of the date of this letter. We are enclosing with this opinion a copy of the Opinion to Mr. Buford and a copy of House Bill No. 469.

CONCLUSION

It is therefore the conclusion of this office that a nursing home district may not annex territory of another nursing home district.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 262  
5-2-68, Buford

House Bill No. 469  
75th General Assembly