

Subject FILE
County's Buildings
Hospitals

Copy to _____



ROBERT T. STEPHAN
Attorney General
2nd Floor, KANSAS JUDICIAL CENTER
TOPEKA, KANSAS 66612

STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215

*This opinion is overruled
in Attorney General Opinion
No. 74-120A, dated May
21, 1974.*

VERN MILLER
Attorney General

Opinion No. 74- 120

Mr. Donald D. Good, Esq.
Osborne County Attorney
Osborne County Courthouse
Osborne, Kansas 67473

RE: Maximum mill levy for county hospitals: K.S.A. 1973
Supp. 19-1801, K.S.A. 1973 Supp. 19-1809 and K.S.A.
1973 Supp. 79-1947.

Dear Mr. Good:

You have requested from this office an interpretation of K.S.A. 1973 Supp. 19-1801 and K.S.A. 1973 Supp. 19-1809 as they apply to the maximum mill levy for the operation of county hospitals authorized by said statutes. You advise that a hospital established pursuant to K.S.A. 19-1801 now needs additional funds beyond that produced by the present levy for that purpose of approximately 1.00 mill. Specifically your question is: what is the maximum mill levy the county commissioners may set pursuant to the above statutes which does not exceed the limit allowed under K.S.A. 1973 Supp. 79-1947?

K.S.A. 1973 Supp. 19-1801 authorizes county commissioners (in counties with less than 40,000 population) presented with the proper petition to submit for voter approval a question " . . . asking that a tax . . . be levied for the establishment and maintenance of a public hospital" We believe the statute clearly limits the levy amount to that approved by the voters. As such it may not be altered without another election brought pursuant to the specific provisions of the statute. Thus it remains a fixed sum even though it is less than the maximum allowed.

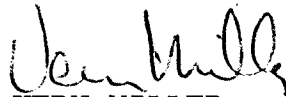
Where a county has proceeded to create a county hospital under K.S.A. 1973 Supp. 19-1801 and it now needs additional funds to maintain, operate, improve, furnish or equip it then the voters may approve an additional tax for this purpose above

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that authorized by vote under K.S.A. 1973 Supp. 19-1801. This levy is separate and distinct from the initial levy and is designed to enhance the county's capability to maintain the hospital once the levy to create and operate it under K.S.A. 19-1801 has been set; but it is specifically limited to an additional one mill by the provisions of K.S.A. 1973 Supp. 79-1947 unless a county qualifies for an exception allowing a greater increase. Your county, Osborne, does not qualify as an exception within the meaning of K.S.A. 1973 Supp. 19-1809 and is limited therefor to the one mill limit set by K.S.A. 1973 Supp. 79-1947.

Accordingly, the maximum levy allowable for county hospital operation is that amount derived by adding together the initial levy as approved pursuant to K.S.A. 19-1801 together with that approved under K.S.A. 1973 Supp. 19-1809. In your particular case where the voters approved a .42 mill levy to create the hospital, the maximum now allowable for operation, etc., providing the voters so approve, would be 1.42 mills.

Very truly yours,



VERN MILLER
Attorney General

VM:JPS:bw