



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

March 21, 1975

Opinion No. 75- 128

Mr. John D. Osborn
Calihan, Green, Calihan & Loyd
118 West Pine Street
Garden City, Kansas 67846

Dear Mr. Osborn:

You inquire whether there is "any obligation on the part of a recipient of revenue sharing funds to set aside a portion of said funds for distribution to social services such as High Plains Villages, Inc., a non profit organization functioning as a group care home for boys."

Title 31, U.S.C. § 1222(a), of the State and Local Fiscal Assistance Act of 1974, provides thus:

"Funds received by units of local government under this subchapter may be used only for priority expenditures. For purposes of this chapter, the term 'priority expenditures' means only--

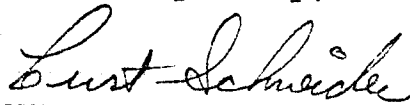
- (1) ordinary and necessary maintenance and operating expenses for -
 - (A) public safety (including law enforcement, fire protection, and building code enforcement),
 - (B) environmental protection, (including sewage disposal, sanitation, and pollution abatement),
 - (C) public transportation (including transit systems and streets and roads),
 - (D) health,
 - (E) recreation,
 - (F) libraries,
 - (G) social services for the poor or aged, and
 - (H) financial administration; and
- (2) ordinary and necessary capital expenditures authorized by law."

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Neither in the Act, nor in the regulations adopted by the Department of the Treasury, is there any requirement that revenue sharing funds be expended for any particular priority expenditure, or that any particular priority expenditure receive a fixed percentage or proportion of the total revenue sharing funds distributed to a recipient government.

Thus, there is no such obligation as you describe in your letter.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Curt Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj