



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

April 23, 1975

Opinion No. 75-177

Mr. Tim W. Ryan
Clay County Attorney
Clay County Courthouse
Clay Center, Kansas 67432

Dear Mr. Ryan:

You inquire whether monies in the county welfare fund may be used to establish a mental health center pursuant to K.S.A. 19-4001 et seq.

K.S.A. 19-4001 sets out the services which the center is authorized to render:

"Out patient and inpatient diagnostic and treatment services; rehabilitation services to individuals returning to the community from an inpatient facility; consultative services to schools, courts, health and welfare agencies, both public and private, and conducting, in collaboration with other agencies when practical, in-service training for students entering the mental health professions; educational programs, information and research. The community facilities for the mentally retarded may render the following services: Pre-school, day care, work activity, sheltered workshops, sheltered domiciles, parent and community education and, in collaboration with other agencies when practical, clinical services, rehabilitation services, in-service training for students entering professions dealing with the above aspects of mental retardation, information and research."

These services are all services which are consistent with the social welfare purposes for which monies in the social welfare

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fund were levied, and in our opinion, the use of those funds for such purposes is fully consistent with the constitutional requirement of Article 9, § 5 of the Kansas Constitution, which requires that

"No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied."

It is on this constitutional requirement that Opinion No. 74-369, was based, and it is consistent with this constitutional requirement to spend the remaining monies in that fund for the purposes set out in K.S.A. 19-4001 et seq.

We have not set out any general guidelines for the use of these funds, leaving it to the discretion of local boards of county commissioners with the single requirement being that the monies in question be spent for service programs consistent with the welfare purposes for which the monies were originally levied and collected.

If further questions arise concerning this project, please feel free to call upon us.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj