ATTORNEY GENERAL OPINION NO. 76- 44a

The Honorable Norman E. Gaar
State Senator
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Counties--Home Rule--Bonds

Synopsis: A county may by charter resolution exempt itself from
K.S.A. 19-1878, and provide substitute and additional
provisions in lieu thereof, and general obligation bonds
issued pursuant to such charter resolution will be
approved by this office as issued under lawful authority.

Dear Senator Gaar:

In Opinion No. 76-44, I responded to your inquiry whether the Lyon
County Board of County Commissioners may, in the exercise of its
statutory powers of self-government under K.S.A. 19-101a et seq.,
by charter resolution exempt the county from K.S.A. 19-1878, and
enact substitute and additional provisions in lieu thereof, whereby
hospital revenue bonds might be issued under the authority of that
resolution.

I responded that the proposed charter resolution was fully within
the statutory power of the board under K.S.A. 19-101a, and that
obligations issued pursuant to the authority of this duly adopted
resolution would be approved by this office as based on lawful
authority therefor.

Mr. Winn of your firm has contacted us, advising that general
obligation bonds are proposed to be issued under the authority of
that resolution, rather than revenue bonds. Reviewing the resolution, it is my opinion that the proposed resolution provides lawful authority for the issuance of general obligation bonds thereunder, and such obligations would be approved by this office as being within the lawful authority of the board based on such a resolution.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

cc: Mr. James W. Winn
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