



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 9, 1977

ATTORNEY GENERAL OPINION NO. 77- 82

Mr. Sheldon E. Morton
Lincoln County Attorney
116 South Fourth
Lincoln, Kansas 67455

Re: Townships--Halls--Levies

Synopsis: A township has no authority to join together with another township for the joint maintenance of a township hall which is located in another county, except when two or more adjoining townships in a single county erect a hall for their joint use and benefit under K.S.A. 80-107.

* * *

Dear Mr. Morton:

K.S.A. 80-115 provides in pertinent part thus:

"The township board of any township which has a township hall, or which uses part of a township water department building or township fire department building as its township hall, is hereby authorized and empowered to levy an annual tax of not to exceed one (1) mill on the taxable tangible property in such township, to provide a special fund for the purpose of repairing, equipping and maintaining such township hall, or to be used in purchasing and moving, or constructing a building and acquiring a site for, and the furnishing and equipping of any such building, or a part of any site or building in conjunction with a site or building for other township uses.

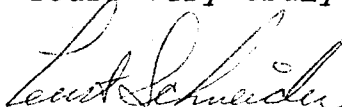
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You advise that a proposal has been advanced whereby two townships in Lincoln County, along its northern border, in conjunction with two townships in Mitchell County, along its southern border, each levy an annual tax of not to exceed one mill on the taxable tangible property in each respective township to provide a special fund for the purpose of maintaining a township hall, the former Hunter High School building, which is located in Mitchell County. The question which is raised is whether these townships have the authority to levy an annual tax as described above to be used to maintain a township hall which is located outside the township, and indeed, outside of Lincoln County.

Despite the constitutional provision for home rule by cities, and the statutory home rule provisions concerning counties, townships may act only with express statutory authority. K.S.A. 80-115 does not authorize the expenditure of township funds for the maintenance of the hall of another township. K.S.A. 80-107 authorizes two or more adjoining townships which are located in the same county to erect a township hall for the joint benefit and use of those two or more adjoining townships, after approval thereof by a vote of the electors. It extends only to the erection of a hall, however, and does not authorize townships to join together to maintain a township hall which they have not jointly constructed. Because a township has no authority to join with other townships for the maintenance of a hall for their joint use and benefit except as provided by K.S.A. 80-107, K.S.A. 80-115 does not authorize the use of township funds for the maintenance of a township hall located in another county, or, indeed, in another township, except when authorized by K.S.A. 80-107.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj