The Honorable Robert G. Frey
Majority Leader
Kansas House of Representatives
451 Harold Boulevard
Liberal, Kansas 67901

Re: Counties and County Officers -- General Provisions -- Home Rule Powers; Limitations


Dear Representative Frey:

You have requested that this office render an opinion regarding whether pursuant to K.S.A. 19-101a the Board of County Commissioners of Seward County may exempt itself, by charter resolution, from the bonded debt limitations specified in K.S.A. 1981 Supp. 10-306.

K.S.A. 19-101a provides, in pertinent part, as follows:

"(a) Counties are hereby empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate, subject only to the following limitations, restrictions, or prohibitions:

... Fourth, counties shall be subject to acts of the legislature prescribing limits of bonded indebtedness." (Emphasis added.)

In conclusion, the exercise of county home rule powers is restricted or limited by K.S.A. 19-101a, Fourth, regarding "acts of the legislature prescribing limits of bonded indebtedness." Even though the limits of bonded indebtedness prescribed by K.S.A. 1981 Supp. 10-306 do not apply uniformly to all counties, a county is precluded by K.S.A. 19-101a, Fourth, from exempting itself from these limits.

Very truly yours,

ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS

Robert Vinson Eye
Assistant Attorney General

Enc.