



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 28, 1978

ATTORNEY GENERAL OPINION NO. 78- 96

Mr. William P. Timmerman
Attorney at Law
Suite 208 - 400 North Woodlawn
Wichita, Kansas 67208

Re: Townships and Township Officers--Hospitals--Municipal
Bonds for Medical Clinic

Synopsis: K.S.A. 80-2128 empowers district hospital board of trustees to issue municipal bonds to pay the cost of medical clinics, as well as, hospitals, dental clinics and emergency medical services.

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Dear Mr. Timmerman:

As municipal bond counsel for several hospital districts you request my opinion whether K.S.A. 80-2128 authorizes the board of directors for a hospital organized and operated pursuant to K.S.A. 80-2113, et seq. to issue municipal bonds to pay the cost for constructing a medical clinic.

K.S.A. 80-2128 provides in part thus:

"The board of directors of such hospital district is hereby authorized to issue bonds for the purpose of providing funds to be used to reconstruct, build an addition to, or improve or equip an existing hospital, or for the purpose of acquiring a site and the construction and equipping of a new or additional

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hospital building, or for the purpose of acquiring a site for an addition to the existing hospital, or for the purpose of acquiring and equipping an existing privately-owned hospital."

The term "medical clinic" does not appear in the above quoted enabling language. However your attention is directed to the provisions of K.S.A. 80-2113 which states in part:

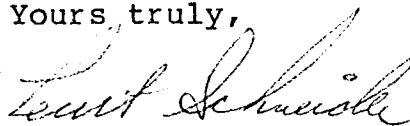
"(a) Any city of the third class is hereby authorized to join with any one, or more, townships or portions of one, or more, townships in the creation of a hospital district and in the maintenance, operation, improvement, equipment, enlargement, construction or reconstruction of a public hospital within such hospital district or the acquisition of an existing privately-owned hospital as hereinafter provided." [Emphasis supplied.]

It is also important to note paragraph (b) of K.S.A. 80-2113 which was added by the 1977 Legislature. It provides:

(b) For the purposes of this act, and the act of which this section is amendatory, the term 'hospital' shall also include a medical or dental clinic or emergency medical service."

Without undue elaboration, suffice it to say that the amended act and "act" noted in the above provisions clearly refer to Chapter 172, Laws of 1947 and Chapter 352, Laws of 1977 respectively. The obvious import of this expansion of the definition for hospital is of course to enable the concerned class of hospital districts to secure among other facilities a medical clinic. That K.S.A. 80-2128 is singularly designed as the financing vehicle to fund the facilities authorized in K.S.A. 80-2113 leads me to the conclusion that K.S.A. 80-2128 empowers the district hospital board of trustees to issue municipal bonds to pay the cost of medical clinics, as well as, hospitals, dental clinics and emergency medical services.

Yours truly,



CURT T. SCHNEIDER
Attorney General