



STATE OF KANSAS

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ATTORNEY GENERAL

January 27, 1981

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ATTORNEY GENERAL OPINION NO. 81- 24

Mr. Michael H. Haas  
Sheridan County Attorney  
Hoxie, Kansas 67740

Re: Counties and County Officers--Hospitals--Bond Limitations

Synopsis: The restriction on bond issues imposed by K.S.A. 1980 Supp. 19-1815e does not apply to city bonds issued under the provisions of K.S.A. 1980 Supp. 12-1774 and retired in part by a tax levy authorized by K.S.A. 1980 Supp. 19-1809. Bonds issued by the county for a long term care facility pursuant to K.S.A. 1980 Supp. 19-1815e are subject to the \$750,000 bonded debt limitations contained therein. Cited herein: K.S.A. 1980 Supp. 12-1774, 19-1809 and 19-1815e.

\* \* \*

Dear Mr. Haas:

As Sheridan County Attorney, you inquire whether bonds issued under K.S.A. 1980 Supp. 19-1809 are limited by the provisions of K.S.A. 1980 Supp. 19-1815e. You state that the Sheridan County Hospital Board is contemplating adding an addition to the long term care facility of the county hospital.

Generally speaking, K.S.A. 1980 Supp. 19-1815e is a statute which enables certain counties to issue bonds for constructing additions or enlargements to hospitals or long term care facilities. The statute places a limit of \$750,000 on bonds issued under its authority. K.S.A. 1980 Supp. 19-1809, on the other hand, enables counties to levy a tax to pay for a portion of bonds issued by cities within the county under the authority of K.S.A. 1980 Supp. 12-1774, and to pay for a portion of certain other public hospital functions. Notably,

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K.S.A. 1980 Supp. 19-1809 contains no provisions authorizing the issuance of bonds.

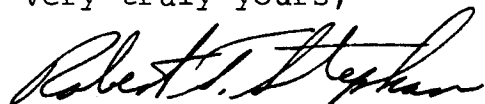
K.S.A. 1980 Supp. 12-1774 is part of an act allowing cities certain powers for the redevelopment of central business district areas. Cities may issue special obligation bonds for certain purposes defined within the act, and counties are allowed to levy a tax to pay for a portion of these bonds. K.S.A. 1980 Supp. 19-1809 is the statute within the county hospital act which allows counties to pay for a portion of these special obligation bonds.

Confusion with the interpretation and interaction of these three statutes arises when special obligation bonds of the city are used to add long term care additions to a public hospital for the purpose of redevelopment of the central business district area. In such cases it is not the county which issues bonds, though it may pay for a portion of such bonds under K.S.A. 1980 Supp. 19-1809, so the limitations of K.S.A. 1980 Supp. 19-1815e do not apply, even though a long term care facility is being constructed.

Money raised under the authority of a K.S.A. 1980 Supp. 19-1809 tax levy need not always be used to pay for a portion of K.S.A. 1980 Supp. 12-1774 bonds. This money also may be used for "the operation, management, regulation, improvement, maintenance, furnishing and equipment of any public hospital." K.S.A. 1980 Supp. 19-1809. Likewise, the limitations of K.S.A. 1980 Supp. 19-1815e do not apply in this situation since no bonds are issued.

To summarize, it is our opinion that the restriction on bond issues imposed by K.S.A. 1980 Supp. 19-1815e does not apply to city bonds issued under the provisions of K.S.A. 1980 Supp. 12-1774 and retired in part by a tax levy authorized by K.S.A. 1980 Supp. 19-1809. Bonds issued by the county for a long term care facility pursuant to K.S.A. 1980 Supp. 19-1815e are subject to the \$750,000 bonded debt limitations contained therein.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Bradley J. Smoot  
Deputy Attorney General

RTS:BJS:phf