



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

July 28, 1981

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ATTORNEY GENERAL OPINION NO. 81- 175

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

Re: Counties and County Officers -- Hospitals -- Long-Term Care Facilities; Bonded Debt Limits

Synopsis: Bonds issued for the purpose of paying the costs of constructing a long-term care facility pursuant to K.S.A. 1980 Supp. 19-1815e, as amended by section 1 of 1981 Senate Bill No. 213, are not subject to the bonded debt limits contained in K.S.A. 1980 Supp. 19-1869. Cited herein: K.S.A. 1980 Supp. 19-1801, K.S.A. 19-1815, K.S.A. 1980 Supp. 19-1815e (as amended by L. 1981, ch. 118, §1), 19-1869.

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Dear Mr. Haas:

You request the opinion of this office regarding K.S.A. 1980 Supp. 19-1815e, as amended by section 1 of 1981 Senate Bill No. 213 (L. 1981, ch. 118). The 1981 amendments to this section eliminated the bonded debt limitation of \$750,000 for general obligation bonds issued for the construction of additions and enlargements to county hospitals, and the construction of long term care facilities and medical clinics operated pursuant to K.S.A. 1980 Supp. 19-1801 through 19-1815. Prior to the amendment of 19-1815e, this section concerned only counties having a population under five thousand. As amended by Senate Bill No. 213, 19-1815e may apply to any county operating a hospital under K.S.A. 1980 Supp. 19-1801 through 19-1805.

Specifically, you desire to know if the county is now free of any bonded debt limitations when constructing a long-term care facility as authorized by this section or whether the county

Michael H. Haas
Page Two
July 28, 1981

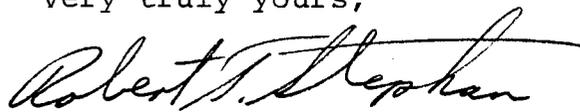
is constrained by the terms of K.S.A. 1980 Supp. 19-1869, which provides in pertinent part:

"The board of county commissioners of any county establishing and maintaining a hospital under the provisions of K.S.A. 19-1801 to 19-1815, and amendments thereto, are hereby empowered by resolution and order of said board to submit to the qualified electors of the county at a general or special election the question of the issuance of the bonds of said county in an amount not exceeding the sum of four hundred thousand (\$400,000) for the purpose of constructing enlargements and additions to said hospital, equipping and furnishing the same, and the acquisition of necessary ground therefor, and further for the purpose of purchasing or constructing and equipping medical clinics used in connection with the operation of said county hospitals."

Both 19-1815e (as amended) and 19-1869 apply to counties operating hospitals pursuant to 19-1801 through 19-1815. Both authorize construction of additions and enlargements to a hospital. However, there are differences. The former section authorizes either the construction or purchase of a medical clinic while the latter statute authorizes only the construction of medical clinics. More importantly for your inquiry, K.S.A. 1980 Supp. 19-1869 does not refer to long-term care facilities. K.S.A. 1980 Supp. 19-1815e, as amended, does. Thus, since 19-1869 does not cover long-term care facilities, we cannot conclude that 19-1869 places a limit on bonds issued for the purpose of constructing a long-term care facility pursuant to 19-1815e, as amended.

Therefore, it is our opinion that bonds issued for the purpose of paying the costs of constructing a long-term care facility pursuant to K.S.A. 1980 Supp. 19-1815e (as amended by L. 1981, ch. 118) are not subject to the bonded debt limits contained in K.S.A. 1980 Supp. 19-1869.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:jm