

FILE

Subject

*Highways - Road Bridges  
County Maintenance*

Copy to



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

August 28, 1974

Opinion No. 74-297

Mr. Gordon Davis, Jr.  
Dickinson County Attorney  
Sunflower Building  
Abilene, Kansas

Dear Mr. Davis:

This letter is in response to your telephone inquiry of this date. As we understand the situation the electors in Dickinson County on August 6, 1974, voted in favor of a proposition to levy an annual tax not to exceed five mills pursuant to chapter 102, 1974 Session Laws. Chapter 102 provides that the funds so accrued are for the purpose of:

". . . the construction, reconstruction, improvement, repair and maintenance of county roads . . . ."

The proposition before the voters contained the additional phrase "and bridges." The question then becomes: Is the use of the fund jeopardized because of this inclusion? In our view it is not.

K.S.A. 1973 Supp. 77-201 *Fifth* provides:

"The words 'highway' and 'road' include public bridges, and may be held equivalent to the words 'county way,' 'county road,' 'common road,' 'state road,' and 'territorial road.'"

Applying this rule of statutory construction to chapter 102, the term "county roads" would include public bridges. Therefore the inclusion of "and bridges" in the proposition is unnecessary, and does not, in our opinion, jeopardize the levy

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in any manner. The presence of the words "and bridges" merely clarifies, for the information of the electorate, the uses of the levy which are in fact permitted by law.

Yours very truly,



VERN MILLER  
Attorney General

VM:DMH:jsm