



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

September 13, 1974

Opinion No. 74-321

Mr. Norman Gaar
Senator, Seventh District
2340 West 51st Steet
Westwood, Kansas 66205

RE: K.S.A. 1973 Supp. 3-314

Dear Senator Gaar:

You have requested an interpretation by this office of K.S.A. 1973 Supp. 3-314. You advise that Johnson County through its county commissioners desires to fund construction, alterations, etc., of certain "airport oriented structures and facilities for warehousing, industry and transportation facilities" upon public airport property authorized and established pursuant to K.S.A. 1968 Supp. 3-302 through the issuance of revenue bonds authorized by the above statute and payable as per K.S.A. 1973 Supp. 3-315. Specifically you inquire as to the meaning of the term "facilities" as it is employed in defining those projects for which revenue bonds may be issued.

K.S.A. 1973 Supp. 3-314 provides in pertinent part:

"Any county which has established a public airport pursuant to the authority granted in K.S.A. 1968 Supp. 3-302, may, through its board of county commissioners, issue revenue bonds for the requisition, construction, alteration, repair, improvement, extension or enlargement of any facility of such airport." [Emphasis added.]

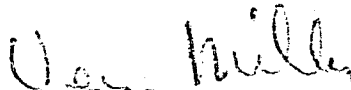
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Nothing within the statute appears to define precisely the legislative intent in utilizing the term "facilities". However, certain phrases within the act and its title appear determinative. The prepositional phrase, "of such airport" modifying "facilities," appears ostensibly to limit the application of this term to only those structures, with functions directly related to airports. The same conclusion necessarily follows from an examination of the bill's title (Chapter 11, Laws of 1969):

"AN ACT relating to the issuance of revenue bonds in certain counties for airport purposes, providing the manner of issuing said bonds; and prescribing the conditions and limitation thereon."
[Emphasis added.]

Again a prepositional phrase, "for airport purposes," categorically restricts the application of "facilities" to those structures requisite to facilitate the functioning of an airport. [See "facility" as defined by Webster's Third New International Dictionary (1966).] Accordingly, it is the opinion of this office that revenue bonds may be issued under K.S.A. 1973 Supp. 3-314 for the purpose of funding the acquisition, construction, alteration, repair, improvement, extension or enlargement of "facilities" whose direct function is designed to serve the operation of the public airport. The necessary corollary follows that those projects designed to function for purposes other than facilitating or supporting the airport and its mission are not authorized financing via such revenue bonds, notwithstanding said structures are to be located on public airport property.

Very truly yours,



VERN MILLER
Attorney General

VM:JPS:bw