



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

May 3, 1977

ATTORNEY GENERAL OPINION NO. 77-150

Mr. Gerald E. Williams
City Attorney of Lenexa
124 North Cherry
Olathe, Kansas 66061

Re: Cities and Municipalities--General Obligation Bonds--Fire-Fighting Equipment

Synopsis: Cities operating a fire department may issue their general obligation bonds to pay the cost of purchasing new motors and pumps for existing fire-fighting equipment pursuant to K.S.A. 1976 Supp. 12-110c.

* * *

Dear Mr. Williams:

You ask for my opinion whether the City of Lenexa pursuant to the authority found at K.S.A. 1976 Supp. 12-110c may purchase replacement motors and pumps for worn out machinery which could be placed back into the city fire department's inventory. Specifically you ask, first, if the term "acquire" as used in the statute, can be construed to mean "purchase," and second, whether purchasing replacement components can be considered "equipment."

Of course, statutes must be construed if possible to give effect to their ultimate purpose as manifested by their language. *Jolly v. Kansas Public Employee Retirement System*, 214 Kan. 200, 519 P.2d 1391 (1974); *Clark v. Murray*, 141 Kan. 533, 41 P.2d 1042 (1935). K.S.A. 1976 Supp. 12-110c provides in pertinent part thus:

Mr. Gerald E. Williams
Page Two
May 3, 1977

"Any city operating a fire department is hereby authorized to acquire fire-fighting equipment for the use of such city department and pay the cost thereof by the issuance of its general obligation bonds maturing not more than ten (10) years from their date.
. . ." [Emphasis added.]

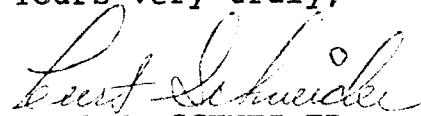
The act does not provide a specific definition for the terms "acquire" or "equipment." However, it is a general rule of statutory construction in this jurisdiction that absent such provision "words in common use are to be given their natural and ordinary meaning. . . ." *Roda v. Williams*, 195 Kan. 507, 511, 407 P.2d 741 (1965); 2A *Sutherland, Statutory Construction*, § 47.28 (4th ed. 1973). We note the definition for both words as found in *Webster's New Third International Dictionary* (1966):

"acquire: . . . to come into possession, control, or power of disposal"

"equipment: . . . the physical resources serving to equip a person or thing as (1) the implements (as machinery or tools) used in an operation or activity"

In keeping with the above quoted general rule of statutory construction and the definitions for "acquire" and "equipment" it is reasonable to conclude that under the circumstances which you relate, K.S.A. 1976 Supp. 12-110c permits the city to purchase, (thereby coming into possession of) replacement components for fire-fighting equipment which entail essentially implements, machinery or tools used in fire-fighting operations, assuming of course that the remainder of said statute and the General Bond Law (K.S.A. 10-101, et seq) are properly complied with.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj