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September 6, 1979

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ATTORNEY GENERAL OPINION NO. 79- 207

The Honorable Norman E. Gaar
State Senator
Seventh District
2340 West 51st Street
Westwood, Kansas 66205

Re: Cities and Municipalities--Power to Issue Industrial
Revenue Bonds for Sites Outside the City--Interpretation
of K.S.A. 1978 Supp. 12-1741

Synopsis: According to K.S.A. 1978 Supp. 12-1741 any city has
the power to issue revenue bonds for the acquisition
and development of sites "in any city or its
environs without limitations as to distance" (emphasis
added). "Environs" is defined as "the suburbs or
districts around about a city or other populated
place" and "any adjoining or surrounding region or
space." A city may, therefore, issue industrial
revenue bonds for the development of a site where such
site is separated from the issuing city by the incorpo-
rated limits of another city.

* * *

Dear Senator Gaar:

You inquire whether K.S.A. 1978 Supp. 12-1741 authorizes a
city to issue industrial revenue bonds in accordance with 1978
Supp. 12-1740 et seq. where the "area between the site of the
facilities and the city limits of the issuer city lies within
the incorporated limits of another city."

The Honorable Norman E. Gaar
Page Two
September 6, 1979

K.S.A. 1978 Supp. 12-1741 provides in pertinent part:

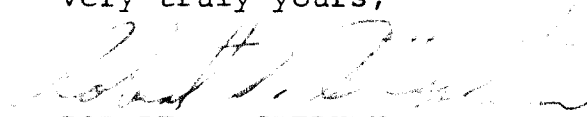
"Any city shall have power to issue revenue bonds . . . to acquire sites therefor . . . with power to enter into leases . . . for . . . facilities to be constructed in any city or its environs without limitations as to distance, providing the governing body of said city declares that said facility, if in being, would promote the welfare of the city." (Emphasis added.)

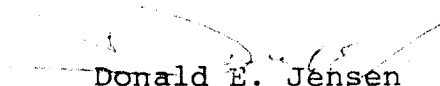
The issue presented in your request is whether the site of the facilities is within the "environs" of the issuer city even though the site is separated from the issuer city by the incorporated city limits of another city. The answer to your inquiry will therefore depend upon an interpretation of the word "environs" as used in K.S.A. 1978 Supp. 12-1741.

K.S.A. 77-201 Second specifies that "[w]ords and phrases shall be construed according to the context and approved usage of the language." "Environs" is defined in Webster's Third New International Dictionary 760 (1968) as "the suburbs or districts around about a city or other populated place," and "any adjoining or surrounding region or space." (Emphasis added.) Given this definition, the site of the facilities is within the environs of the issuing city. The site does not "adjoin" the issuing city but does "surround" it. Furthermore, K.S.A. 1978 Supp. 12-1741 specifies that there is no "limitation as to distance."

In the absence of any case law construing "environs" as used in K.S.A. 1978 Supp. 12-1741, and based on the general definition of that word, we are of the opinion that a city may, subject to the limitations of K.S.A. 1978 Supp. 12-1741, issue industrial revenue bonds for the development of a site where such site is separated from the issuing city by the incorporated limits of another city.

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Donald E. Jensen
Assistant Attorney General

RTS:BJS:DEJ:jm