



STATE OF KANSAS

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May 8, 1985

ATTORNEY GENERAL OPINION NO. 85- 46

Fred W. Rausch, Jr.
Bond Counsel, City of Hays
Suite 202, Ambassador Building
220 Southwest 33rd Street
Topeka, Kansas 66611

Re: Aircraft and Airfields--Municipal Airports and Fields--
Municipal Airfields and Airports; Issuance of Bonds
Following Election

Synopsis: A city may, through the adoption of a valid charter ordinance, exempt itself from that part of K.S.A. 3-113 which requires an election prior to the issuance of airport improvement bonds. Cited herein: K.S.A. 3-113; Kan. Const., Art. 12, §5, L.1979, ch. 52, §§59-78.

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Dear Mr. Rausch:

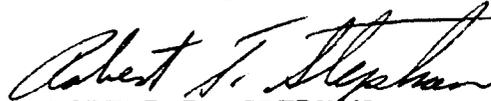
You request our opinion as to whether the City of Hays may exempt itself from that portion of K.S.A. 3-113 which prescribes that a city may issue bonds (for the development and improvement of a municipal airport) only after an election as provided by law.

K.S.A. 3-113 authorizes any city to develop and improve a municipal airport pursuant to the procedures provided therein, and applies to all Kansas cities. However, under Article 12, Section 5 of the Kansas Constitution, a city may by charter ordinance exempt itself from all or any part of a nonuniform

enactment of the legislature, and provide substitute and additional provisions on the same subject. In this regard, K.S.A. 3-113 is part of an enactment (L. 1979, ch. 52) having 202 sections, many of which are nonuniform in their application to cities. See L. 1979, ch. 52, §§59-78. The fact that K.S.A. 3-113 may be uniform in its application (a question we need not reach) is irrelevant in view of the other clearly nonuniform sections, which "taint" the entire act. See City of Junction City v. Griffin, 227 Kan. 332, 336-337 (1980).

Accordingly, it is our opinion that a city may, through the adoption of a valid charter ordinance, exempt itself from that part of K.S.A. 3-113 which requires an election prior to the issuance of airport improvement bonds.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS;JSS:TRH:jm