



STATE OF KANSAS

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August 24, 1988

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ATTORNEY GENERAL OPINION NO. 88-119

Mr. Jonathan P. Small, Chartered
Judge Advocate
Kansas Military Board
Suite 304, Capitol Tower
400 West Eighth Street
Topeka, Kansas 66603

Re: Militia, Defense and Public Safety--Armories--
Insurance Required

Synopsis: Pursuant to the provisions of K.S.A. 48-323, the Kansas Military Board is to procure and keep in force fire and extended coverage insurance on armories under its control. Although the term "armory" is not defined in the statute, such term would include storage buildings (constructed upon property generally managed and cared for by the Kansas Military Board pursuant to K.S.A. 48-301 et seq.) designed and used principally for military equipment storage. Cited herein: K.S.A. 48-301; 48-303; 48-323, as amended by L. 1988, ch. 301, §12.

* * *

Dear Mr. Small:

You request our interpretation of K.S.A. 48-323. Specifically, you advise that several storage buildings have been constructed upon property managed and cared for by the Kansas Military Board pursuant to K.S.A. 48-301 et seq., and that these buildings are designed and used principally for military equipment storage. You ask whether these storage

buildings are within the definition of an armory, as that term is used in K.S.A. 48-323, and whether, therefore, they are subject to the insurance requirements prescribed by the aforesaid statute.

K.S.A. 48-323, as amended by L. 1988, ch. 301, §12, provides as follows:

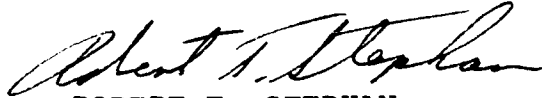
"(a) All armories under the control of the Kansas military board by virtue of being established pursuant to K.S.A. 48-301, and amendments thereto, or by virtue of a transfer pursuant to K.S.A. 48-319, and amendments thereto, shall be insured and subject to the provisions of subsection (b).

"(b) The board having control of the armories enumerated in subsection (a) shall procure and keep in force fire and extended coverage insurance. In the event of fire or other damage for which coverage is included pursuant to such insurance, the proceeds of such insurance shall be used for the reconstruction or repair of the damaged armory."

The term "armory" is not defined in the above-quoted statute or elsewhere in chapter 48 of Kansas Statutes Annotated. However, references to the purposes of such structures are found at K.S.A. 48-301 and 48-303, with the later statute authorizing the Kansas Military Board to provide an armory to be used, inter alia, for the purpose of storing "the ordinance stores and quartermaster stores and other property issued to the organization occupying said armory." Additionally, as the term "armory" is not defined in article 3 of chapter 48 of Kansas Statutes Annotated, we must conclude that the legislature used the term according to its natural and ordinary meaning. Roda v. Williams, 195 Kan. 507 (1965), syllabus ¶3. In this regard, the term "armory" is defined in Webster's Third New International Dictionary (1966) to include "a place where arms and military equipment are deposited." Inasmuch as the buildings you inquire about are being used to provide an additional storage facility for military equipment used by Kansas National Guard units, it would appear that such outbuildings would fall within the commonly accepted understanding of the term armory.

In summary, pursuant to the provisions of K.S.A. 48-323, as amended, the Kansas Military Board is to procure and keep in force fire and extended coverage insurance on armories under its control. Although the term "armory" is not defined in the statute, such term would include storage buildings (constructed upon property generally managed and cared for by the Kansas Military Board pursuant to K.S.A. 48-301 et seq.) designed and used principally for military equipment storage.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:JLM:TRH:jm