



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

December 22, 1975

ATTORNEY GENERAL OPINION NO. 75- 469

Mr. Bob Severance, Director
North Central Kansas Area Vocational-
Technical School
Post Office Box 626
Beloit, Kansas 67420

Re: Schools--Vocational Education--Public Building
Commission Revenue Bonds

Synopsis: An area vocational-technical school is not defined as the same entity as a school district, and accordingly can not arrange with a city public building commission to lease or rent buildings maintained and operated pursuant to K.S.A. 1974 Supp. 12-1758.

* * *

Dear Mr. Severance:

You request an opinion from this office inquiring whether the North Central Kansas Area Vocational-Technical School may secure new facilities by leasing or renting buildings constructed and financed by the City of Beloit through a public building commission created pursuant to K.S.A. 1974 Supp. 12-1757, *et seq.*

Any building which is to be leased pursuant to the authority granted by K.S.A. 1974 Supp. 12-1763 must be constructed, reconstructed, purchased or otherwise acquired under the powers delineated in K.S.A. 1974 Supp. 12-1758. That is to say, the building commission can only lease those buildings which are

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". . . maintained and operated for a county courthouse, and the housing and accomodation of county offices or county business or for city offices or such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, *including administrative offices for school districts . . .*" K.S.A. 1974 Supp. 12-1758 [Emphasis supplied.]

(See, Attorney General Opinion No. 75-227, addressed to Mr. David M. Mills, dated May 16, 1975, attached hereto). It is readily apparent that facilities for a vocational-technical school do not fall under one of the above enumerated purposes for which buildings may be constructed. Thus, the question evolves to whether the vocational-technical school may qualify as a "school district" as that term is employed in the above quoted statute.

The North Central Kansas Area Vocational-Technical School is specifically identified in K.S.A. 72-4412(c) as an "area vocational-technical school", which is defined in the same paragraph as

"any vocational educational school which immediately prior to the effective date of this act was designated as a Type II area vocational technical school under authority of laws repealed by this act."

"School district" is defined in paragraph (d) of said statute as

". . . any school district of this state offering and teaching at least grades 10-12."

We believe this contradistinction made within the same act conclusively manifests an intent by the Legislature to accord each educational unit a separate identity. Thus, as noted, *supra*, the area vocational-technical school is not enumerated in K.S.A. 1974 Supp. 12-1758, and accordingly, a public building commission may not construct, reconstruct, purchase or otherwise acquire buildings

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to be leased by an area vocational-technical school notwithstanding the authority granted via K.S.A. 1974 Supp. 12-1763.

Yours very truly,

A handwritten signature in cursive script that reads "Curt Schneider". The signature is written in black ink and is positioned above the typed name.

CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj

cc: Mr. Ken Smith
Stifel Nicholas & Company, Inc.
111 South Main
Wichita, Kansas