



STATE OF KANSAS

*Office of the Attorney General*

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

CURT T. SCHNEIDER  
*Attorney General*

January 23, 1976

ATTORNEY GENERAL OPINION NO. 76- 25

Donald A. Bell  
CUREMAN, BRAINERD, HARRIS, BELL, WEIGAND & DEPEW  
Law Offices  
Suite 830 First National Bank Building  
Wichita, Kansas 67202

Re: Cities and Municipalities--Buildings, Structures  
and Grounds--Acquisition or Construction of Public  
Buildings

Synopsis: The City of Haysville may, under the provisions of  
K.S.A. 12-1736 and K.S.A. 12-1737, repair, remodel  
and make additions to city offices, public libra-  
ries, auditoriums, community or recreational  
buildings without first submitting the question  
to a vote of the electors.

\* \* \*

Dear Mr. Bell:

You have requested my opinion concerning whether K.S.A. 12-1736,  
et seq., mandates an election be held when the city wishes to  
repair, remodel and make additions to an existing city building.

K.S.A. 12-1736 provides in pertinent part:

"Any city in this state may erect or con-  
struct, acquire by gift, purchase, condem-  
nation or lease a public building or build-  
ings and procure any necessary site therefor  
by gift, purchase or condemnation and may  
alter, repair, reconstruct, remodel, replace  
or make additions to, furnish and equip a  
public building or buildings."

Donald A. Bell  
Page Two  
January 23, 1976

K.S.A. 12-1737(h) further qualifies this power by providing:

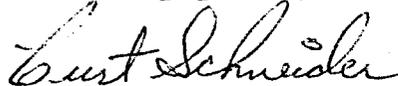
"An election upon the issuance of bonds under the authority of this act shall be required for the purpose of acquiring or constructing city offices, public libraries, auditoriums, community or recreational buildings."

The specificity of the words "acquiring or constructing" in the relationship of K.S.A. 12-1736 and K.S.A. 12-1737 leads me to conclude that an election is not required to repair, remodel, or make additions to a previously existing city office, public library, auditorium, community or recreational building.

In conferring these powers upon the city, K.S.A. 12-1736 clearly segregates the capability to the city to construct or acquire by gift, purchase, condemnation, or lease a public building and the power to alter, repair, remodel, make additions to, furnish or equip a public building. K.S.A. 12-1737 provides alternative methods of financing for the city to employ in the pursuit of either category of undertakings. The proviso to subsection (h) merely restricts the city's power in regards to the initial construction or acquisition of the listed public buildings.

Accordingly, it is my opinion that the city of Haysville may, under the provisions of K.S.A. 12-1736 and K.S.A. 1737, repair, remodel and make additions to city offices, public libraries, auditoriums, community or recreational buildings without first submitting the question to a vote of the electors.

Sincerely yours,



CURT T. SCHNEIDER  
Attorney General

CTS:HTW:bv