



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 21, 1977

ATTORNEY GENERAL OPINION NO. 77- 254

Mr. Donald A. Bell
Curfman, Brainerd, Harris, Bell,
Weigand & Depew
Suite 830 First National Bank Building
Wichita, Kansas 67202

Re: Counties--County Buildings--Public Building Bonds

Synopsis: Pursuant to K.S.A. 19-15,114, adding an asphaltic overlay to an airport runway may be considered as an "improvement" to a "public building," and such a project may be financed thereunder by the issuance of general obligation bonds.

* * *

Dear Mr. Bell:

As municipal bond counsel for Harvey County, Kansas, you request the opinion of this office relative to the application of the County Public Building Act (K.S.A. 19-15,114 et seq.) to a proposed improvement project planned for the Newton City-County Airport. You advise that a federal grant has been authorized to provide funds for an asphaltic overlay to an existing runway at the airport and the county is required to provide an amount equal to ten per cent of the total grant. Specifically you ask whether the provisions of K.S.A. 19-15,114 et seq. authorize the county to issue public building bonds thereunder to provide the needed funds for this project.

K.S.A. 19-15,114(a) provides thus:

"'Public building' shall mean and include any building or structure determined

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by the board of county commissioners to be necessary to the county for any public county purpose." [Emphasis added.]

And, K.S.A. 19-15,114(b) provides:

"'Improve' shall mean and include alteration, repair, reconstruction, remodeling, furnishing, equipping, extending, adding to, enlarging or any other work which will enhance, extend or restore the value or utility of the public building."

K.S.A. 19-15,115 provides in pertinent part thus:

"The board of county commissioners of any county may when it deems necessary . . . improve any existing public building."

The question here presented is essentially whether the runway for an airport can be reasonably construed as following within the above quoted definition for "public building." At best, the term "runway" would more probably come within the meaning of "structure" rather than "building." "Structure" is not specifically defined in the statute. Absent such provision it is the rule of statutory construction in this jurisdiction that ". . . words in common use are to be given their natural and ordinary meaning . . ." *Roda v. Williams*, 195 Kan. 507, 511, 407 P.2d 741 (1965); 2A *Sutherland, Statutory Construction*, § 47.28 (4th ed. 1973). We note the definition for "structure" as found in *Webster's New Third International Dictionary* (1966):

"structure: . . . something constructed or built"

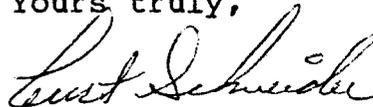
Whether the runway operated by the city and county is considered separately or as an integral and indispensable element of an airport facility, the result is the same: employing the above referenced rule of statutory construction and the definition of "structure," as it operates per the statutory definition for "public buildings"

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as above quoted, the addition of an asphaltic overlay can be reasonably considered as an improvement to "something constructed or built." It should be pointed out that this conclusion is in keeping with the previous positions of this office regarding the wide scope of the projects which may be financed under the provisions of K.S.A 19-15,114 as manifest by the legislature's use of the broad and flexible definitions for both the term "public building" and "improve" and which are carefully qualified by the provision that the desired projects be found by the board of county commissioners to be "necessary to the county for any public county purpose."

Accordingly it is my considered opinion that adding an asphaltic overlay to an airport runway is an improvement falling within the purview of K.S.A. 19-15,114 et seq. and as such may be financed thereunder by the issuance of general obligation bonds provided of course the remaining statutory provisions are fully satisfied.

Yours truly,



CURT T. SCHNEIDER
Attorney General

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