



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

February 16, 1978

ATTORNEY GENERAL OPINION NO. 78-87

Mr. Lynn Burris, Jr.
Director
Kansas State Park and
Resources Authority
503 Kansas Avenue
Topeka, Kansas 66601

Re: State Boards, Commissions and Authorities--State Park
and Resources Authority--Authority to Accept Money Be-
quests, Gifts and Donations

Synopsis: (1) The Kansas State Park and Resources Authority is
statutorily authorized to accept money bequests, gifts
and donations without necessity of securing legislative
authorization.
(2) Gifts or payments for a particular purpose received
by the state do not require legislative action to estab-
lish the necessary fund outside the general fund.

* * *

Dear Mr. Burris:

You request my opinion whether the Kansas State Park and Resources
Authority may accept money gifts and donations pursuant to K.S.A.
1977 Supp. 74-4510.

K.S.A. 1977 Supp. 74-4510 provides in pertinent part thus:

"The authority is hereby granted the
following additional powers, rights and privi-
leges for the purpose of acquiring, maintain-
ing, extending and improving all state parks

Mr. Lynn Burris, Jr.
Page Two
February 16, 1978

authorized and designated by the legislature of the state of Kansas and park facilities:

(1) To acquire by purchase, lease, agreement, or condemnation or to accept donations, bequests, devises or gifts of any and all lands, or real property authorized and designated by the legislature of the state of Kansas, and personal property and moneys necessary or convenient to the exercise of powers, rights and duties conferred upon it by this act" [Emphasis supplied.]

The express language of this statute categorically permits the Authority to accept money donations, gifts and bequests. It has been suggested, however, that the above emphasized words require legislative authorization and designation for the acceptance of such moneys. I can not subscribe to this position.

The words "authorized and designated by the legislature of the state of Kansas" are employed in this statute as, what is referred to in grammarian parlance, a past participle phrase. Close analysis of the complete sentence will further reveal that this phrase modifies the dual objective of the preposition "of" (immediately following the word "gifts"): "any and all lands, or real property." What can not be said is the emphasized phrase, *supra*, also modifies personal property and moneys; to do so would ignore fundamental techniques of functional English grammar and usage.

Accordingly it is my opinion the manifest legislative intent of K.S.A. 1977 Supp. 74-4510 empowers the Authority to accept money donations, bequests or gifts without the need for legislative authorization or designation.

Another point raised in your letter addresses the question whether donations of money and like gifts when received must be placed in the general fund. K.S.A. 75-3036 states partly:

". . . , but moneys received or to be used under . . . the terms of a gift or payment

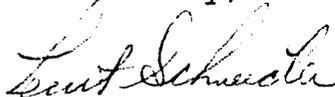
1. Note the additional delineation of powers of K.S.A. 74-4509(f) which requires the Authority to seek legislative authorization only for its real estate transactions whereas such is not required for operations dealing with personalty.

Mr. Lynn Burris, Jr.
Page Three
February 16, 1978

for a particular purpose are to be kept as
separate funds and shall not be placed in
the general fund"

To the extent that such moneys as are received by the state fall
within the above quoted exception it would be my judgment that
legislative action is not required to create a specific fund;
but the director of accounts and reports could do so on his own
initiative.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj

cc: Mr. W. Keith Weltmer
Secretary of Administration
Department of Administration
2nd Floor - State Capitol
Topeka, Kansas 66612

Mr. Harold Gibbon
Assistant Director
Division of Accounts and Reports
Department of Administration
State Office Building
Topeka, Kansas 66612