



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

October 30, 1979

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ATTORNEY GENERAL OPINION NO. 79-250

David L. Higgins  
Weeks, Thomas, Lysaught & Mustain, Chartered  
Home State Bank Building  
Minnesota at Fifth  
P. O. Box 1028  
Kansas City, Kansas 66117

Re: Cities and Municipalities--Port Authorities--Area  
of Jurisdiction

Synopsis: Pursuant to K.S.A. 12-3405, the jurisdiction of a  
port authority extends to all of the city or county  
which created it, and to any other property outside  
these limits which has been conveyed to it.

\* \* \*

Dear Mr. Higgins:

In your letter of September 11, 1979, you advise us that your  
firm represents the Kansas City, Kansas, Port Authority, an  
entity created by the City of Kansas City, Kansas, pursuant to  
K.S.A. 12-3402. You request the opinion of this office on the  
following question:

"Does K.S.A. 12-3405 provide the authority  
for the City of Kansas City, Kansas, Port  
Authority to purchase land which is con-  
tiguous to and a part of another tract,  
with the majority thereof being within  
the City of Kansas City, Kansas, and a  
minor portion thereof being outside the  
city limits?"

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You also state that the land outside the city limits lies in Leavenworth County, is contiguous with the rest of the tract which lies within the city limits, and is desired for industrial use by the Port Authority, which seeks to buy it.

Kansas cities and counties are empowered by K.S.A. 12-3402 to establish public bodies "corporate and politic" which shall be agencies of the state and which shall be called port authorities. Such a body may sue and be sued, may be supported by a tax levy, and may be dissolved by the local government which created it. K.S.A. 12-3406 grants a port authority so created the power to purchase or otherwise obtain or dispose of transportation facilities, borrow money, exercise the power of eminent domain, acquire or dispose of land within its jurisdiction, and various other prescribed activities. There are also numerous provisions in the enactment involving the sale and issuance of bonds, again for the purpose of upgrading a city or county's transportation facilities, whether river-oriented or not.

The language you inquire about is contained in K.S.A. 12-3405, and in pertinent part, states:

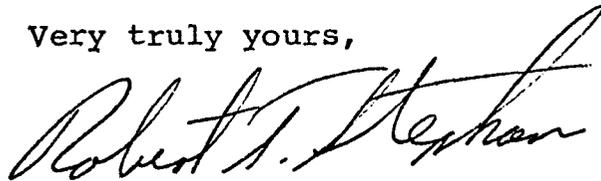
"The area of jurisdiction of a port authority created in accordance with K.S.A. 12-3402 shall include all of the territory of the city or county, or combination thereof, creating it, together with any other property outside thereof conveyed to it . . . ." (Emphasis added.)

The primary rule for the construction of a statute is to find the legislative intent from its language, and where the language used is plain and unambiguous and also appropriate to an obvious purpose, the intent of the legislature, as expressed by the words used, should prevail. Jackson County State Bank v. Williams, 1 Kan.App.2d 649 (1977), State v. V.F.W. Post No. 3722, 215 Kan. 693 (1974), Brinkmeyer v. City of Wichita, 223 Kan. 393 (1978), and City of Overland park v. Nikias, 209 Kan. 643 (1972). In determining legislative intent, courts are not limited to a mere consideration of the language employed, but may properly look to the historical background of the enactment, the circumstances attending its passage, the purposes to be accomplished, and the effect the statute may have under the various constructions suggested. State ex rel., v. City of Overland Park, 215 Kan. 700 (1974); State v. Luginbill, 223 Kan. 15 (1977). Finally, it is presumed that the legislature does not commit "useless and senseless" acts, i.e., it does not enact laws which have no meaning or purpose. Herd v. Chambers, 158 Kan. 614 (1944).

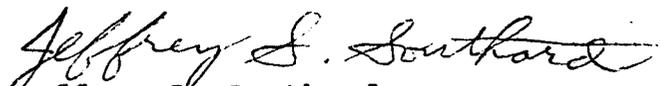
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Considering your inquiry in the context of these rules of construction, it is our opinion that the intent and effect of the language underscored above in K.S.A. 12-3405 is to extend the jurisdiction of the Port Authority to include land outside the boundaries of the City of Kansas City which has been conveyed to it. The language is plain and unambiguous, and may be presumed to have been placed there for a reason. This interpretation also is in accord with the overall purpose of the enactment, which is to create a governmental unit designed to provide and develop various facilities for the transportation of goods in and out of a city or county. Given the increasingly interwoven nature of the Kansas cities and counties in the greater Kansas City metropolitan area, such expanded jurisdiction as is provided here is a practical necessity. When this fact is considered in conjunction with the principle that a statute is presumed to have the effect which its words import, it is our opinion that K.S.A. 12-3405 was intended to have precisely the effect which it appears to, and that a port authority may indeed have jurisdiction over land which is conveyed to it, even when that land is outside of the geographic boundaries of the entity which created it initially.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Jeffrey S. Southard  
Assistant Attorney General

RTS:BJJ:JSS:gk