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April 17, 1986

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ATTORNEY GENERAL OPINION NO. 86- 56

The Honorable Larry E. Erne
State Representative, Seventh District
Room 281-W, State Capitol
Topeka, Kansas

Re: Forestry, Fish and Game--Fish Hatchery Revenue
Bonds--Disposition of Bond Proceeds

Synopsis: The proceeds of revenue bonds issued under the
provisions of K.S.A. 1985 Supp. 32-603 may be
used for research and testing of water quality at
the new state fish hatchery. Cited herein: K.S.A.
1985 Supp. 32-601, 32-603, 32-606.

* * *

Dear Representative Erne:

You request our interpretation of K.S.A. 1985 Supp. 32-603. Specifically, you ask whether the proceeds of revenue bonds issued under the provisions of the aforesaid statute may be used for research and testing of water quality at the new state fish hatchery.

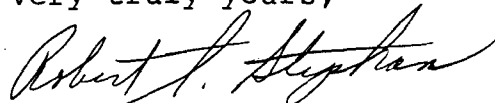
K.S.A. 1985 Supp. 32-601 et seq. confers authority upon the Kansas Fish and Game Commission to issue and sell fish hatchery revenue bonds and to sell hatchery stamps to retire the bonds. K.S.A. 1985 Supp. 32-603 provides, in part, that the Commission may issue revenue bonds "for the purpose of paying all or part of the cost of acquiring a site, constructing, reconstructing, improving, expanding, equipping and stocking a fish hatchery." (Emphasis added.)

K.S.A. 1985 Supp. 32-606 restricts use of bond proceeds as follows:

"The proceeds derived from the sale of all revenue bonds issued under this act shall be deposited to the credit of the commission in a bank, banks, or the depositories designated by the commission and kept in a separate fund and used solely for the purpose for which the revenue bonds are authorized. The commission is authorized to make all contracts and execute all instruments which in its discretion may be deemed necessary or advisable for the purpose of acquiring a site, constructing, reconstructing, improving, expanding, equipping and stocking a fish hatchery, and to provide for the manner of disbursement of the funds for such purposes." (Emphasis added.)

As the underscored portion of the above-quoted statute indicates, the proceeds of bonds issued under K.S.A. 1985 Supp. 32-601 et seq. may be used for the purpose of improving a fish hatchery. In our judgment, this language would authorize any expenditure which facilitates the operation of a fish hatchery. Clearly, moneys expended for research and testing of water quality at a fish hatchery facilitate operation of the hatchery, since fish cannot live in polluted water. Accordingly, it is our opinion that the proceeds of revenue bonds issued under the provisions of K.S.A. 1985 Supp. 32-603 may be used for research and testing of water quality at the new state fish hatchery.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
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