



STATE OF KANSAS

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April 8, 1988

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ATTORNEY GENERAL OPINION NO. 88- 52

The Honorable Clyde D. Graeber
State Representative, Forty-First District
Room 175-W, Statehouse
Topeka, Kansas 66612

Re: Cities and Municipalities--Port Authorities--
Ability to Issue Revenue Bonds

Synopsis: K.S.A. 1987 Supp. 12-3415(b) stipulates that a port authority may not issue revenue bonds without first having received approval, by resolution, of the governing bodies of the cities and counties which comprise such port authority. Cited herein: K.S.A. 1987 Supp. 12-3402; 12-3415.

* * *

Dear Representative Graeber:

As Representative for the Forty-First District you seek an opinion concerning the authority of the Leavenworth county port authority created pursuant to K.S.A. 1987 Supp. 12-3402 et seq. to issue revenue bonds.

K.S.A. 1987 Supp. 12-3415(a) allows port authorities to issue bonds for purposes enumerated therein.

The question you raise is whether an agreement entered into between the city of Leavenworth and Leavenworth county in December, 1969, would constitute the necessary authorization for the port authority to issue bonds. K.S.A. 1987 Supp. 12-3415(b) states:

"The port authority shall not issue bonds without first having received approval, by resolution, of the governing body of the cities or counties which comprise such port authority." (Emphasis added).

Subsection (b) by its specific language requires that cities and counties which comprise a port authority shall pass a resolution before such port authority may issue revenue bonds. In our opinion, the statute is unambiguous on its face. It is a fundamental principle of statutory construction that the purpose and intent of the legislature governs when that intent may be ascertained from the statute. In re Estate of Estes, 239 Kan. 192, 195 (1986); State v. Thompson, 237 Kan. 562, 563 (1985).

Acts of the legislature which make provision for the issuance of bonds customarily provide specific procedures which must be followed in order that the bonds are properly authorized. Had the legislature intended to allow port authorities to issue revenue bonds other than through the enabling mechanism of a resolution, they easily could have made provision for alternative methods. In our opinion, execution of an agreement does not satisfy a statute which requires approval by resolution.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas

Rebecca E. Floyd

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Assistant Attorney General