

FILE

Subject

*State Board
General*

Copy to



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

January 21, 1974

Opinion No. 74- 24

Dale E. Saffels, Chairman
Advisory Council on Ecology
Room 540E
State Office Building
Topeka, Kansas 66612

Dear Mr. Saffels:

As chairman of the State Advisory Council on Ecology, you inquire concerning the appropriate interpretation of K.S.A. 74-6103, which states in pertinent part thus:

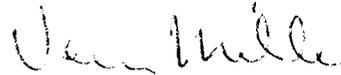
"Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties The comprehensive health planning program of the state board of health shall serve as secretariat for the council and shall provide such clerical and other staff assistance as may be necessary to assist the council in the performance of their duties. The director of health is hereby authorized to provide for the payment of expenses incurred by the council in carrying out the provisions of this act, and the director of accounts and reports is hereby authorized to draw warrants upon the state treasury . . . upon presentation of duly itemized vouchers approved by the director of health."

You inquire whether the Council has the right to specify the job description and salary of its staff ecologist, or whether it is required to utilize the position of health planning analyst as the staff person as directed by the Comprehensive Health Planning Office. Your other questions deal with the respective control to be exercised by the Council, as opposed to that exercised by the Comprehensive Health Planning Program, over the budget submitted for the Council.

Dale E. Saffels
January 21, 1974
Page Two

The statute is most unexplicit on these matters. However, the Comprehensive Health Planning Program of the State Board of Health is directed by law to serve as the "secretariat" of the Council, which we take to mean that the Program is the provider of secretarial, clerical and other assistance as is necessary to enable the Council to perform its duties. Thus, the Program remains in substantial legal control over the administrative and supportive services upon which the Council must depend to perform its functions. Obviously, the Council and the Program may disagree over what is "necessary" to enable the Council to perform its duties. However, to the extent that the Program is the body or agency legally empowered to provide those services, its decisions on such matters is substantially determinative of the content of budget requests submitted in behalf of the Council, and of the job descriptions and salaries of personnel supplied for the Council.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm