

FILE

Subject

*Jefferson County
Officers - 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 28, 1974

Opinion No. 74- 28

Gary L. Nafziger
Jefferson County Attorney
Jefferson County Courthouse
Oskaloosa, Kansas 66066

Dear Mr. Nafziger:

You inquire concerning compensation provided by ch. 175, L. 1973, for the sheriff, probate and county judge, and yourself, as county attorney, of Jefferson County. You advise that as of January 1, 1973, the total assessed valuation was \$30,320,031.00, and the total population of the county is 12,631. A federal reservoir is located in Jefferson County, which is located adjacent to a county containing an active military installation, Ft. Leavenworth, and adjacent to a county containing a state institution of higher education, the University of Kansas. In addition, the county contains a state correctional institution, being the Kansas State Penitentiary Honor Farm. You state that the county is located adjacent to a county containing a state security hospital. I enclose a copy of Opinion No. 74-4 dealing with the compensation of sheriffs under ch. 175, § 8, L. 1973. We assume you refer to the Boys' Industrial School in Shawnee County. In the enclosed opinion, it is concluded that Larned State Hospital constitutes the only state security hospital.

In a county having a population of more than 10,000 and not more than 15,000 the base salary for the sheriff is \$7,010. Because of the presence of a federal reservoir within the county and because the assessed valuation does not exceed \$45,000,000, the board of county commissioners shall allow additional compensation equal to not less than twenty percent (20%) nor more than fifty percent (50%). In addition, because the county is also located adjacent to a county in which there is located an active

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military establishment, Ft. Leavenworth, the board of county commissioners is also required to authorize additional compensation of not to exceed fifteen percent of the annual salary of \$7,010, if the military establishment "results in added duties for the sheriff.

Under ch. 175, § 3, L. 1973, the base salary of the county attorney in a county such as Jefferson is \$6,879. Because it adjoins counties having an active military establishment and a state institution of higher education, an increase of not to exceed fifteen percent (15%) of the prescribed annual salary is authorized, although not required. Because of the presence of a state correctional institution in the county, the board of county commissioners may authorize, in addition, additional compensation in the amount of fifteen percent (15%) of the annual salary, in this case, the amount of \$6,879 stated above. This increase is permitted, but is not mandatory. Thus, your salary may range from the base of \$6,879 to a maximum of \$8,942.70, as we compute it.

The base salary of the probate judge is \$5,924. Because the county adjoins one in which there is located an active military establishment, if it results in added duties for the probate judge, the board of county commissioners may authorize additional compensation of not to exceed fifteen percent (15%) of the annual salary prescribed herein. Under ch. 175, § 59, L. 1973, because more than two hundred fifty cases were filed during the preceding year, the probate judge may receive for his services as county judge the equivalent of five percent of his salary as probate judge for every two hundred fifty cases filed during the preceding year, excluding the first two hundred fifty cases filed.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm