

FILE

Subject

*Fees & Salaries  
County officers*

Copy to



STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
Attorney General

February 22, 1974

Opinion No. 74- 65

Howard M. Wilson  
Norton County Attorney  
Norton, Kansas

Dear Mr. Wilson:

You inquire whether a regional mental health center which is supported partially by county tax funds, federal grants and patient fees is bound by the statutory mileage limit of ten cents per mile for employees, board members and other personnel. The center is established, we assume, under K.S.A. 19-4001 et seq. by the county or a combination of counties formed in order to provide mental health services. Members of the board are officers of the counties which they represent.

K.S.A. 28-169 states thus:

"In any county having a population of 80,000 or less, the board of county commissioners shall allow any county officer, deputy or employee his actual and necessary traveling expenses incurred in the performance of his duties and shall allow mileage to any such officer, deputy, or employee at the rate prescribed by law for each mile actually and necessarily traveled in the performance of his duties."

Employees of the board are, in our view, employees of the county for the purposes of this statute, and hence, subject to the limitation of K.S.A. 75-3203, which is made applicable to county employees by K.S.A. 28-169.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Vern Miller".

VERN MILLER  
Attorney General

VM:JRM:jsm