

FILE

Subject

Fees & Salaries

Copy to

County Officers
Probate Judge



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

June 12, 1974

Opinion No. 74- 195

Vernon D. Grassie
Crawford County Attorney
Box 34
Girard, Kansas 66743

Dear Mr. Grassie:

You advise that pursuant to K.S.A. 59-215, the probate judge of Crawford County receives an annual salary of \$8,757. In addition, he receives the amount of \$2,500 under K.S.A. 59-211c, which provides thus:

"The probate and juvenile judge of Crawford county may, in his discretion, hold court regularly in the cities of Girard and Pittsburg, and in the event said court does establish a regular time for sitting in each of said cities, then in addition to the other compensation provided by law he shall receive the sum of two thousand five hundred dollars (\$2,500) annually to be paid from the general fund of such county."

As you point out, a five percent increase was granted by the 1973 Legislature in the compensation fixed by K.S.A. 29-215. However, no comparable increase was provided for the compensation allowed by K.S.A. 59-211c. You indicate that the filing fee has been established on the basis of the combined annual compensation allowed by K.S.A. 59-211c and -215, with the resulting "problem . . . that it appears the \$2,500.00 provided for in 59-211c is being treated as salary for establishing filing fees but is not salary for establishing salary increase."

K.S.A. 25-206 requires that the filing fee be fixed at a sum "equal to one percent (1%) of one (1) year's salary . . . as determined by the county election officer for county offices." The compensation provided by K.S.A. 59-211c and -215 does constitute the annual salary of the judge. This remains so

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notwithstanding the Legislature did not choose to authorize a percentage increase in one constituent portion of the combined salary during the 1973 session.

Yours very truly,

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

VERN MILLER
Attorney General

VM:JRM:jsm