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
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,

VERN MILLER
Attorney General

VM:JRM:jsm