

FILE

Subject

Counties
General

Cc to



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

September 30, 1974

Opinion No. 74-329

The Honorable Joe Warren
R. R. 1
Maple City, Kansas 67301

Dear Senator Warren:

K.S.A. 1973 Supp. 19-4427 prescribes the composition and method of selection of members of the county law enforcement agency established thereunder. This section was amended by 1974 House Bill 1349, see. ch. 132, L. 1974, to permit, upon the filing of a sufficient petition, a special election upon the proposition of electing the members of the agency. If the proposition is approved, the members of the agency will thereafter be elected at a special election to be held at the time of the next succeeding general election.

You inquire whether it is permissible, and indeed, constitutional, for the legislature to provide thus for a change in the method of selection of members of the agency.

The agency exists as a creature of statute. The legislature is free to change the statutory basis for the agency, including provisions for selection of members thereof, and to provide the electors of the political subdivisions involved an opportunity to vote whether the members of the agency shall be elected or appointive. We see no constitutional objection to such a change.

Very truly yours,

VERN MILLER
Attorney General

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