

Subject

*Gove & Salaries County
Officers Probate Judge*



Copy to

STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

December 3, 1974

Opinion No. 74- 382

Mr. Lawrence H. Litson
Gove County Attorney
Gove, Kansas 67736

Dear Mr. Litson:

You advise that your Probate Judge has raised some question whether ch. 361, § 53, L. 1974, affects the additional compensation which probate judges in counties with a population of under 10,000 have received heretofore based upon the county court caseload.

Section 53 of the 1974 enactment prescribes salaries for probate judges in counties having a population of not more than 24,000. A reading of the salary schedule therein reflects substantial increases, in one instance, from \$5,592 to \$9,000 per annum, and in counties with a population of more than 10,000 and not more than 24,000 persons, from varying amounts, of \$5,924, \$6,256 and \$6,588, to \$13,000. The last sentence of that section states thus:

"Probate judges whose compensation is fixed under the provisions of this section shall not receive any compensation or fees for services pursuant to K.S.A. 28-806 and amendments thereto."

K.S.A. 28-806 was also amended by the 1974 Legislature, see ch. 171, L. 1974. This amendment was to correct errors in the earlier enactment, to assure that all probate judges receiving additional compensation for cases handled in the county court would receive compensation based on the number of cases handled. The last sentence of § 53, ch. 361, L. 1974, prohibits payment, on and after January 13, 1975, of any additional compensation based on K.S.A. 28-806 to county judges whose salaries are fixed by ch. 361, L. 1974, for services performed as county judge. Thus, judges in

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counties under 10,000 may not, on and after January 13, 1975,
receive additional compensation based on the county court
caseload.

If further questions remain concerning this matter,
please do not hesitate to call upon us.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:tp