



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

February 12, 1975

Opinion No. 75-59

Mr. Larry D. Ehrlich
Russell County Attorney
Russell County Courthouse
Russell, Kansas 67665

Dear Mr. Ehrlich:

We have your letter of February 10. I enclose a copy of Opinion No. 74-382, which you have requested.

In addition, you inquire whether it is mandatory that the board of county commissioners authorize additional compensation to the county clerk, county treasurer, county attorney, register of deeds and the sheriff when a federal reservoir is located within the county.

Although the precise language differs in particular respects unimportant to the question you raise, the language in each of the statutes in question provides substantially that whenever there is located in any county a federal reservoir which results in added duties for the county officer in question, the board of county commissioners "shall" by resolution fix and allow additional compensation in an amount not less than a prescribed percentage and not greater than a prescribed percentage of the annual salary prescribed by law. We concur fully with your opinion that, given the presence of a federal reservoir, and upon a finding that such federal reservoir results in added duties for the county officer in question, it is mandatory that the county commissioners authorize and pay increased compensation within the limits prescribed in the applicable statutes. I enclose copies of Opinion Nos. 74-189, 74-109, and -99, concerning such increases. I hope these will be helpful to you.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj