



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

February 17, 1975

Opinion No. 75- 72

Mr. Larry R. Mears  
Atchison County Attorney  
Atchison County Courthouse  
Atchison, Kansas 66002

Dear Mr. Mears:

You advise that the Atchison County Board of County Commissioners is considering changing the payment of salaries and wages to county employees from a monthly to a semi-monthly or bi-weekly basis. You question whether K.S.A. 19-208 prohibits such a change.

K.S.A. 19-206 requires that in all counties having more than 8,000 inhabitants, the board of county commissioners shall meet in regular session on the first Monday of each month. This section permits, in addition, special sessions on call of the chairman for the transaction of any business whether general or special, "as often as the interest and business of the county may demand." K.S.A. 19-208 states thus:

"It shall be the duty of said board of county commissioners to allow monthly, at the meetings of the board of county commissioners, as fixed in section one [19-206] of this act, any and all claims against the county, as is provided by law, including claims for salaries of all county officers."


These two sections, originally enacted as part of one enactment, do not apply uniformly to all counties. Therefore, the county may exempt itself from their operation by means of a charter resolution adopted in the exercise of the statutory powers of self-government, or home rule, conferred by K.S.A. 19-101a.

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As written, K.S.A. 19-208 mandates monthly allowance of all claims against the salary, including claims for salaries of county officers. This section may be construed to require that the commissioners meet at least monthly, and not to forbid more frequent regular action on the allowance of such claims, at such more frequent meetings as are expressly permitted by K.S.A. 19-206.

It is our view that K.S.A. 19-208 does not expressly, nor by necessary or reasonable implication, forbid the allowance of claims, including those for wages and salaries of county employees, on a basis more frequent than monthly. Any lingering doubt concerning the construction of this provision may be eliminated by adoption of a charter resolution, however, exempting the county from this provision, and providing expressly for bi-weekly payment.

Yours very truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj