



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 27, 1975

Opinion No. 75- 87

The Honorable John F. Hayes
State Representative
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Dear Representative Hayes:

K.S.A. 19-228 presently provides in pertinent part as follows:

"The board of county commissioners shall cause to be published a statement, at the end of each month, of all sums of money allowed, and for what purpose"

You enclose a copy of a bill which you propose to be introduced by the House Judiciary Committee which would except from this requirement the board of county commissioners in any county "having a population of not less than sixty thousand (60,000) nor more than one hundred thousand (100,000)"


You inquire whether, should this bill become law, other counties could exempt themselves from K.S.A. 19-228 as amended, in the exercise of the statutory powers of home rule granted by K.S.A. 19-101a(a), which commences thus:

"Counties are hereby empowered to transact all county business and perform such powers of local legislation and administration as they deem appropriate, subject only to the following limitations, restrictions, or prohibitions: First, counties shall be subject to all acts of the legislature which apply uniformly to all counties"

The Honorable John F. Hayes
Page Two
February 27, 1975

In order to permit the exercise of county home rule powers concerning a particular subject matter, that subject matter must be an appropriate subject of "local legislation and administration. The publication of county expenditures is essentially a local matter. It affects no other county and no other political subdivision, and it is not a matter of statewide concern. K.S.A. 19-228, as it presently reads, applies uniformly to all counties, however, and thus, imposes a requirement from which no county may presently exempt itself by the exercise of county home rule powers. If, however, one or more counties are exempted from its requirement, as proposed by the amendment, K.S.A. 19-228 as amended would no longer "apply uniformly to all counties," and the board of county commissioners of any other county would thereafter be entitled, in our opinion, to exempt themselves from its requirement of monthly publication of its expenditures.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

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