Mr. Jerry Powell  
Executive Director  
Public Employee Relations Board  
701 Jackson - Offices 202-204  
Topeka, Kansas 66603  

Re: Administrative Law--Boards and Commissions--Votes  

Synopsis: The affirmative vote of a majority of the Kansas Public Employee Relations Board is necessary to constitute board action.

Dear Mr. Powell:

You advise that at the present time, the Kansas Public Employee Relations Board is operating with but three of the five authorized members. K.S.A. 1974 Supp. 75-4323 commences thus:

"(a) There is hereby created the public employee relations board, which shall consist of five (5) members appointed by the governor . . . ."

You inquire whether the vote of a majority of the three members constitutes board action, or whether action must receive the vote of a majority of five, its legal composition.

K.S.A. 77-201 provides in pertinent part thus:

"In the construction of the statutes of this state the following rules shall be
observed, unless such construction would be inconsistent with the manifest intent of the legislature or repugnant to the context of the statute:

*       *       *

Fourth. Words giving a joint authority to three or more public officers shall be construed as given such authority to a majority of them, unless it be otherwise expressed in the act giving the authority."

The authority of the Board is vested in a board of five members. That authority may thus be exercised only by a majority of the board, and board action thus is taken only by the affirmative vote of a majority of the full membership, or presently, by all of the present membership, for we find no provision in the Kansas Public Employer-Employee Relations Act which provides otherwise.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj