



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

July 28, 1975

ATTORNEY GENERAL OPINION NO. 75-307

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

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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