ATTORNEY GENERAL OPINION NO. 76-147

The Honorable Robert R. Sanders
State Printer
201 West Tenth
Topeka, Kansas 66612

Re: State Officers--Deputies and Assistants--Unclassified Service to the State Printer

Synopsis: Any person employed as private secretary to the state printer and paid from funds lawfully available therefor, through and until June 30, 1977, is a member of the unclassified service of the state civil service. Travel expenses of the state printer incurred in the performance of official duties of the office, in advising and conferring with Kansas state officials to improve the printing services of the state, are subject to K.S.A. 1975 Supp. 75-3216.

Dear Mr. Sanders:

You inquire, first, whether as an elected official you may employ a secretary in the unclassified service.

K.S.A. 1975 Supp. 75-2935 states in pertinent part thus:

"The civil service of the state of Kansas is hereby divided into the unclassified and the classified service.

(1) The unclassified service comprises positions held by state officers and employees who are:
(c) except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition there-to, ten (10) deputies, clerks or employees . . . ."

With the enactment of 1976 House Bill No. 2882, K.S.A. 1975 Supp. 75-1001a is amended to provide in pertinent part as follows:

"The state printer elected at the general election in November of 1974 shall serve the term provided for by law ending June 30, 1977. The elective office of state printer is hereby abolished on July 1, 1977. The state printer shall advise and confer with state agencies and state government officials on matters of printing for the purpose of improving efficiency and economy and upgrading printing services of the state."

Thus, you remain an elected official. Any private secretary which you employ is, perforce, a member of the unclassified service. It may be, however, that there are no funds with which to employ staff for your office. Section 19 of 1976 House Bill No. 2925 appropriates from the state general fund the sum of $18,900 to the agency of the state printer, which is required by the terms of the appropriation to be applied to the salary of that officer. If other funds are lawfully available for the employment of a secretary for your office, any person so employed would be a member of the unclassified service.

Secondly, you inquire concerning payment of travel expenses in your behalf. As an elected state officer, payment of travel expenses incurred in travel in the performance of the official duties of your office is subject to K.S.A. 1975 Supp. 75-3216.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

cc: Mr. Thomas Pitner
Chief Attorney
Department of Administration