

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 7, 1977

ATTORNEY GENERAL OPINION NO. 77- 48

Mr. Jerry L. Harrison
Mitchell County Attorney
Box 298
Beloit, Kansas 67420

Re: Counties--County Treasurer--Fees

Synopsis: Monies deposited in the special fund pursuant to K.S.A. 8-145 may be used only to pay for necessary help and expenses allocable to administration of the motor vehicle registration law performed by the office of county treasurer. Annual bonuses for all deputies and assistants to the treasurer are not properly payable from said fund.

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Dear Mr. Harrison:

K.S.A. 8-145 permits the county treasurer to retain a prescribed portion of fees collected hereunder, to be deposited by the treasurer

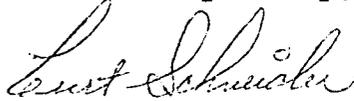
"in a special fund, which fund is hereby appropriated for the use of the county treasurer in paying for necessary help and expenses incidental to the administration of duties in accordance with the provisions of this law and extra compensation to the county treasurer for the services performed in administering the provisions of this act, which compensation shall be in addition to any other compensation provided by any other law. . . ."

Mr. Jerry L. Harrison
Page Two
February 7, 1977

You inquire whether, if the county treasurer does not employ any extra help solely for the purpose of taking license applications, transferring license number plates, and taking applications for certificate of title, that officer is permitted nonetheless to apply all or part of the monies in the special fund to the payment of bonuses for the regular employees in December of each year.

The proceeds of the fund are to be used only to pay, in addition to extra compensation to the county treasurer, the costs of necessary help and expenses incidental to administration of the act. The county treasurer must determine the number of positions on his or her staff which are properly and fairly allocable to the processing of license applications, and transfer and certificate of title applications. This may be one position, two or more positions, or a fraction thereof, e.g., one and one-half positions. Then, the costs of salaries chargeable to those positions may be paid from the special fund provided by K.S.A. 8-145. The fund may be used to provide extra compensation only to the treasurer. It may be used to provide compensation to his or her assistants and deputies, whose salaries are properly allocable to the administration of the motor vehicle registration law. Payment of annual bonuses, in addition to the regular salaries of office staff, on its face bears no relationship whatever to the costs of administration of the motor vehicle registration law, and in my opinion, is not justified by the terms of K.S.A. 8-145. The balance remaining in the fund at the end of the year, after payment of the costs properly allocable to administration of the vehicle registration law, should be credited to the county general fund.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: Mr. Alan Alderson
Assistant Revisor of Statutes
2nd Floor - State Capitol Building
Topeka, Kansas 66612