



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 8, 1977

ATTORNEY GENERAL OPINION NO. 77- 51

Mr. Robert M. Socolofsky
Assistant Neosho County Attorney
123 West Main
Chanute, Kansas 66720

Re: Counties--Officers--Salaries

Synopsis: If a board of county commissioners chooses to exempt itself from the compensation prescribed for it by K.S.A. 1976 Supp. 28-810(a), it may do so by a charter resolution which prescribes a different amount, or by providing in lieu thereof that the amount shall be as subsequently prescribed by said board of county commissioners.

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Dear Mr. Socolofsky:

You inquire concerning the proper form of a charter resolution which is adopted pursuant to K.S.A. 1976 Supp. 19-101b to exempt Neosho County from K.S.A. 1976 Supp. 28-810(a), which prescribes the compensation for members of the board of county commissioners. Specifically, the question is raised whether, because the latter statute specifies specific dollar amounts, a charter resolution exempting the county therefrom must also list a specific dollar amount, or whether it may include only an authorization for the commissioners to fix their own salaries.

K.S.A. 19-101b(b) commences thus:

"A charter resolution is a resolution which exempts a county from the whole or any part of an act of the legislature and

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which may provide substitute and additional provisions on the same subject."

If the board of county commissioners wishes to exempt itself from the compensation prescribed for them by K.S.A. 1976 Supp. 28-810(a), it may do so by inserting in lieu thereof a different amount or, alternatively, it may prescribe in lieu of the amount fixed by the legislature that the amounts of such compensation shall be as prescribed by the board of county commissioners. If, then, the charter resolution becomes effective, such compensation may thereafter be fixed by ordinary resolution, as distinguished from a charter resolution. There is no requirement that in exempting itself from the amount prescribed by the legislature, that it insert in lieu thereof only a different amount.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj