



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 7, 1977

ATTORNEY GENERAL OPINION NO. 77-76

Mr. Lyndus A. Henry
County Counselor
Office of the Board of County Commissioners
Box 31-A
Olathe, Kansas 66061

Re: Counties--Warrants--Procedure

Synopsis: There is no statutory requirement that purchase orders, requisitions and warrant registers be executed by two members of the board of county commissioners, so long as the warrants and warrant checks themselves are executed as required by K.S.A. 10-803.

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Dear Mr. Henry:

You advise that currently under K.S.A. 19-212, the Johnson County board of county commissioners requires at least two signatures of the board on purchase requisitions, vouchers and the warrant register before it is considered to be approved and legal for payment by the county clerk. The board is considering delegating this authority by resolution to a staff member, such as the budget coordinator, to sign and hence approve these documents for payment. The board would still retain the ultimate fiscal responsibility for the expenditure of these funds.

K.S.A. 10-803, of the Uniform Procedure for the Payment of Indebtedness, provides in pertinent part thus:

Mr. Lyndus A. Henry
Page Two
March 7, 1977

"Warrants and warrant checks shall be signed by the chairman, mayor, president, trustee, director or other chief official, or in the absence of such officer, by the officer authorized by law to act in such officer's stead, and by the clerk, secretary or auditor or like officer, and the seal, if any, of the municipality need not be attached or impressed or shown by facsimile . . . Provided further, That a facsimile signature may be used when authorized by the official or officer as provided by article 40 of chapter 75 of the Kansas Statutes Annotated."


The term "claim" is defined by K.S.A. 12-105a(c) to mean

"the document relating to and stating an amount owing to the claimant by a municipality [which includes counties] for material or service . . . or some action taken by or for the municipality and for which the municipality may or may not be responsible in a liquidated or unliquidated amount."

K.S.A. 12-105b prescribes the procedure for processing those claims. I find no statutory requirement that purchase orders and requisitions, or warrant registers to be approved by two members of the board. It is sufficient only that the warrant or warrant checks themselves be executed as provided in K.S.A. 10-803. A record of warrants and warrant checks must be kept, pursuant to K.S.A. 10-804, but there is no requirement that the warrant register itself be executed in the same fashion as warrants and warrant checks.

Accordingly, the procedure you describe conforms fully, in my judgment, with applicable statutory provisions referred to above.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj