



STATE OF KANSAS

*Office of the Attorney General*

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*Curt T. Schneider*  
*Attorney General*

June 28, 1977

ATTORNEY GENERAL OPINION NO. 77- 217

Mr. Michael H. Haas  
Sheridan County Attorney  
Sheridan County Courthouse  
Hoxie, Kansas 67740

Re: Counties--Health Insurance--Judicial Employees

Synopsis: Whether a county bears the costs of health insurance premiums for its own county employees under a group health insurance plan covering said employees, the county is required by section 10 of 1977 House Bill 2642 to pay the premium costs necessary to provide the judicial employees in that county with coverage under the state plan, or coverage which is at least equal thereto, both in cost and benefits.

\* \* \*

Dear Mr. Haas:

Section 10 of House Bill No. 2642 provides in pertinent part thus:

"With regard to district court officers and employees whose total salary is payable by a county, such county shall either provide for insurance coverage for hospitalization, medical services, surgical services and other health services at least equal to insurance coverage provided to other state officers and employees pursuant to K.S.A. 1976 Supp. 75-4108, and any amendments thereto, or shall pay the employer's costs for enrolling such employees under the same insurance coverage

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plan provided to other state officers and employees. In the event a county elects the latter type of insurance coverage, counties shall remit the employer and employee premiums to the director of accounts and reports in accordance with the directions of said director and counties may adopt the same type payroll deduction plan for employee premiums as provided in K.S.A. 1976 Supp. 75-4108 . . . ."

You advise that although Sheridan County has a group health insurance plan for its employees, the county does not pay the employees' premiums. You inquire whether, under the 1977 bill cited above, the county must now pay the insurance premiums for the judicial employees in the county, although it does not do so for county employees.

With the 1976 statutory implementation of court unification as mandated by the 1972 amendments to Article 3 of the Kansas Constitution, employees of the courts, excepting, of course, municipal courts, became employees of the state judicial system, and were no longer employees of the respective boards of county commissioners. At the same time, no statutory provision was made to extend the health insurance coverage theretofore applicable to all state employees to this new group of state employees. Section 10 and allied amendments were enacted to extend to judicial employees the same health insurance coverage heretofore applicable to other state employees.

In section 10, once again, the counties were chosen as the instrumentality through which this policy would be effected. Recognizing that in some counties judicial employees might have enjoyed health insurance benefits which were in some respects superior to that of the state plan, the legislature chose to permit counties to provide the required coverage through either of two options. First, a county may enroll the judicial employees in that county in the state plan. Should the county choose to do so, it may adopt the same payroll deduction plan for employee premiums as is applicable to state employees under K.S.A. 1976 Supp. 75-4108a, and the county must remit both the employer and employee shares of premium to the Director of Accounts and Reports. Alternatively, in lieu of enrolling the judicial employees in the state plan, the county may provide health insurance coverage for the judicial employees in that county under a plan selected by the board of

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county commissioners. In that event, the coverage must be "at least equal" to that provided under the state plan both in cost and benefits. The fact that the board of county commissioners does not pay the health insurance premiums for county employees does not relieve the county from assuming the premium costs necessary to provide the required coverage for the judicial employees in that county, for those costs are made a liability of the county by statute, regardless of any provisions the county has made for its own employees.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: Mr. James R. Cobler, Director  
Division of Accounts & Reports

Mr. Lyle E. Ford, Chief  
Payroll Section