



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

November 29, 1977

ATTORNEY GENERAL OPINION NO. 77- 366

Mr. Lynn Burris, Jr.
Director
Kansas Park and Resources Authority
503 Kansas Avenue
Topeka, Kansas 66603

Re: State Park and Resources Authority--Joint Council on
Recreation--Appropriations

Synopsis: There are no appropriations for the 1977 fiscal year
to the State Park and Resources Authority to pay any
compensation, subsistence, mileage or other allowances
incurred by members of the Joint Council on Recreation.

* * *

Dear Mr. Burris:

The Joint Council on Recreation, created by K.S.A. 1976 Supp.
74-4528, consists in part of persons appointed by the governor
from

"each of the following state authorities,
boards, and commissions: The state forestry,
fish and game commission, the state park and
resources authority, the department of trans-
portation, the state water resources board."

You advise that Governor Bennett has appointed a member of the
State Highway Advisory Commission, not a salaried state employee,
to represent the Department of Transportation. The question has

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arisen whether the Park and Resources Authority is responsible to pay the allowances of this person which are authorized by K.S.A. 1976 Supp. 74-4531, which states in pertinent part, thus:

"Members of the joint council on recreation board [sic] attending meetings on such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid compensation, subsistence allowance, mileage and other expenses as provided in Section 1 [75-3223] of this act."

Apparently, it has been suggested that the Authority is responsible for these payments under K.S.A. 74-4529, which states thus:

"The council shall meet immediately following its appointment and shall elect from its membership a chairman and vice-chairman. Thereafter, the officers shall be elected annually. *The state park and resources authority shall serve as secretariat for the council and shall provide such staff and services with appropriations made for such purpose.*" [Emphasis supplied.]

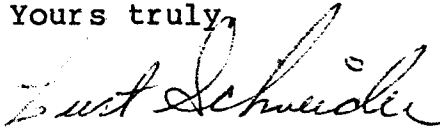
I have reviewed the appropriations made by the 1977 legislature to the State Park and Resources Authority, at ch. 10, § 34, ch. 23, § 6, and ch. 24, § 44, L. 1977, and I find no appropriation to the Authority for the purpose of providing staff and services to the Joint Council on Recreation.

You advise that the Authority now pays travel and per diem payments for the three members at large and for the member representing the Park Authority itself, it has never assumed responsibility for such payments to representatives of other agencies. Finding no 1977 appropriation to the Authority for the payment of costs and allowances due to members of the Joint Council on Recreation, there is no authority, in my judgment, for the State Park and Resources Authority to make such payments on behalf of any member of the Joint Council, including either the at large members or the representative of the Authority itself. When attending meetings of the Joint Council on Recreation, the representative of the State Park and Resources Authority is there

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not on the business of the Authority itself, but rather on the business of the Joint Council, and unless and until an appropriation is made to the State Park and Resources Authority to pay those allowances accruing under K.S.A. 1976 Supp. 74-4531, members of the Joint Council may not be paid any compensation, subsistence, mileage or other allowances due them for attending meetings of the Joint Council on Recreation or subcommittees thereof.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj