



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

*Curt T. Schneider*  
*Attorney General*

March 6, 1978

ATTORNEY GENERAL OPINION NO. 78- 108

Mr. Fred W. Rausch  
Attorney and Counselor at Law  
Suite 600  
First National Bank Tower  
Topeka, Kansas 66603

Re: Schools--Hearings--Compensation

Synopsis: K.S.A. 72-5440(b) does not authorize the compensation of members of hearing committees serving pursuant to K.S.A. 72-5436 et seq

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Dear Mr. Rausch:

As attorney for U.S.D. 292, you inquire whether members of hearing committees who serve pursuant to K.S.A. 72-5436 et seq may be compensated for their services pursuant to K.S.A. 72-5440. In pertinent part K.S.A. 72-5440 provides as follows:

"Each member of the hearing committee shall be paid subsistence allowance, mileage and other expenses as provided in K.S.A. 1976 Supp. 75-3223 and amendments thereto. The cost for the services of members of the hearing committees shall be borne equally by the parties."

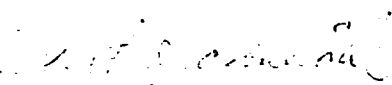
K.S.A. 75-3223 provides in pertinent part as follows:

"Whenever it is provided by law that a member of a board is to receive compensation as provided in this section such member shall be paid per diem compensation thirty five dollars (\$35) for each day of actual attendance at any meeting of such board or any subcommittee meeting authorized by such board."

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Thus, K.S.A. 75-3223 authorizes compensation only as provided by law. K.S.A. 72-5440 authorizes only subsistence allowance, mileage and other expenses and does not authorize payment of compensation. Therefore, the payment of compensation to members of hearing committees serving pursuant to K.S.A. 72-5436 et seq, is not authorized.

Very truly yours,

  
CURT T. SCHNEIDER  
Attorney General

CTS:WEM:jm