



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ROBERT T. STEPHAN  
ATTORNEY GENERAL

August 9, 1982

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ATTORNEY GENERAL OPINION NO. 82-171

Nadine Stutzman  
Register of Deeds  
Republic County Courthouse  
2330 M Street  
Belleville, Kansas 66935

Re: Counties and County Officers -- Register of Deeds --  
Eligibility to Serve on City Library Board

Synopsis: Neither K.S.A. 12-1222 nor the common law doctrine  
of incompatibility of offices precludes a person  
from simultaneously being the county register of  
deeds and a member of a city's library board.  
Cited herein: K.S.A. 12-1218 and 12-1222.

\* \* \*

Dear Ms. Stutzman:

You have requested an opinion from this office regarding  
whether you may serve simultaneously as Republic County  
Register of Deeds and as a member of the Belleville City  
Library Board. Belleville is the county seat of Republic  
County.

K.S.A. 12-1222 states in relevant part:

"[N]o person holding any office in the municipi-  
pality shall be appointed a member [of the  
library board] while holding such office."  
(Emphasis added.)

K.S.A. 12-1218(a) defines "municipality" to mean county, town-  
ship, or incorporated city. We think the clear import of the  
above-emphasized language is to prohibit the appointment of  
the officers of a municipality to the library board of the  
same municipality. Were this not the case, the legislature

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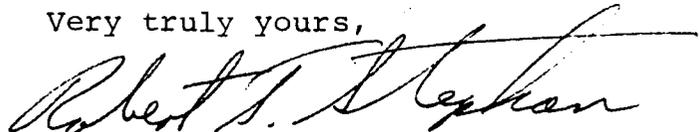
might have used the adjective "any" rather than "the." Having chosen the word "the" the prohibition is limited.

Hence, it is our opinion that the language of K.S.A. 12-1222 is intended to preclude an officer of a municipality from being appointed to the library board of such municipality. However, the statute does not preclude a county officer from serving on a city library board.

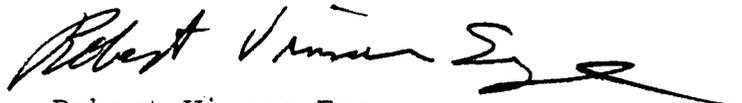
Moreover, we do not believe the common law doctrine of incompatibility of offices precludes such simultaneous office holding. We find nothing inconsistent in the functions of these two offices, such that it would be contrary to public policy considerations for one person to hold both offices. Abry v. Gray, 58 Kan. 148 (1897); Dyche v. Davis, 92 Kan. 971 (1914).

Therefore, it is our opinion that one person may simultaneously hold the offices of county register of deeds and member of a city library board.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Robert Vinson Eye  
Assistant Attorney General

RTS:BJS:RVE:hle