



STATE OF KANSAS

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February 8, 1988

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ATTORNEY GENERAL OPINION NO. 88- 18

Gunnar A. Sundby
Atchison County Attorney
Courthouse
Atchison, Kansas 66002

Re: Counties and County Officers -- Sheriff -- Uniforms
and Display of Badges by Sheriff and Deputies;
Requirements; Exceptions; Allowance for Uniform
Expense in Counties Under 200,000

Synopsis: K.S.A. 19-822 requires counties to furnish uniforms
for the county sheriff and his deputies. K.S.A.
19-823 mandates that, in counties of less than
200,000 population, the county pay an additional
ten dollars per month allowance for uniform
expenses. The provisions of the two statutes
should be read together and not as alternatives.
Cited herein: K.S.A. 19-822; 19-823; 19-824.

* * *

Dear Mr. Sundby:

As Atchison County Attorney you request our opinion on the
duty of Atchison county to purchase uniforms for the sheriff
and his deputies and to pay for uniform expenses. You refer
us to K.S.A. 19-822 and 19-823 and ask if K.S.A. 19-823, which
provides for a minimum \$10 uniform expense allowance in some
counties, should be read as a substitute or a supplement to
the language of K.S.A. 19-822 which states that the county
shall furnish uniforms.

K.S.A. 19-822 dictates that the county "shall" furnish a distinctive uniform. Whether such statutory language is mandatory or discretionary can be determined by statutory construction rules used to interpret the intent of the legislature. See generally, Matzke v. Block, 542 F.Supp. 1107 (Kan. 1982); Griffen v. Rogers, 232 Kan. 168 (1982).

When construing a statute, the entire act must be considered. Matter of Estate of Estes, 239 Kan. 192 (1986). Whenever possible, effect should be given to every part of the entire act. State v. Keely, 236 Kan. 555 (1985). If a possible conflict exists every effort should be made to reconcile the various provisions in order to make statutes in the same act consistent, harmonious and sensible. Jackson v. City of Kansas City, 235 Kan. 278 (1984). This is especially true when the statutes are in pari materia (on the same matter). Capital Services, Inc. v. Dahlinger Pontiac-Cadillac, Inc., 232 Kan. 419, appeal after remand, 10 Kan.App.2d 328 (1983); Western Kansas Exp., Inc. v. Dugon Truck Line, Inc., 11 Kan.App.2d 336 (1986).

K.S.A. 19-824 authorizes the attorney general to designate the required uniform for all county sheriffs and their deputies. (See attached letter dated December 29, 1987 from Attorney General Stephan to all county sheriffs, describing the required uniform). As this uniform must be worn by all sheriffs and their deputies, it follows that there is a duty to purchase this mandatory uniform.

K.S.A. 19-823 states that:

"County sheriffs and their deputies in counties of less than two hundred thousand (200,000) population shall each receive an allowance for uniform expense of not less than ten dollars (\$10) per month, to be paid by the county which such officers serve."

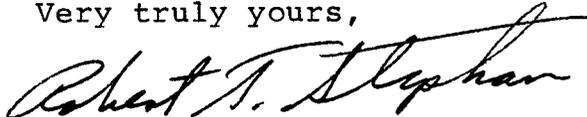
This language does not revoke, substitute for, or except application of the provisions contained in K.S.A. 19-822 or K.S.A. 19-824. Purchase of the uniforms required by K.S.A. 19-824 mandate expenditures in excess of the ten dollar per month sum allowed under K.S.A. 19-823. Thus, the ten dollars allowance cannot be logically expected to pay for the entire expense involved in providing uniforms. If, as mandated by

statutory construction rules, K.S.A. 19-822, K.S.A. 19-824, and K.S.A. 19-823 are read together as consistent and harmonious, it can be seen that the ten dollar expense allowed by K.S.A. 19-823 is in addition to providing the uniform.

K.S.A. 19-823 is not an alternative source of payment for the required uniforms. Pursuant to K.S.A. 19-823, smaller counties are authorized to provide ten dollars per month for uniform "expense." Such expenses may be those connected with upkeep and cleaning. The purpose of such additional authorization may be due to the normally smaller budgets in smaller counties, making reduced sheriff's salaries a likelihood. Where officers receive less compensation it is logical that they would be less likely to be able to afford to pay for their own uniforms and more likely that they need an extra ten dollars per month to keep those uniforms in good condition.

Therefore, it is our opinion that, pursuant to K.S.A. 19-822, Atchison county must provide the sheriff and his deputies with the proper uniforms dictated by K.S.A. 19-824 and, pursuant to the applicability of K.S.A. 19-823, with a minimum of ten dollars per month for connected uniform expenses.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Theresa Marcel Nuckolls
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RTS:JLM:TMN:bas