



STATE OF KANSAS

## Office of the Attorney General

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Curt T. Schneider  
Attorney General

November 28, 1977

ATTORNEY GENERAL OPINION NO. 77- 365

The Honorable Patrick B. Augustine  
State Representative  
713 Ross Street  
Ellis, Kansas 67637

Re: County Treasurer--Employees--Status

Synopsis: Employees in the motor vehicle department of a county treasurer are not state employees, but rather employees of the county treasurer. Such employees may appropriately be included in a county union contract, with the cooperation of the county treasurer, notwithstanding they are not paid from funds budgeted and thereby appropriated by the board of county commissioners.

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Dear Representative Augustine:

You inquire concerning employees of the motor vehicle department of the Ellis County treasurer, whose salaries are paid from funds appropriated to the treasurer from fees as prescribed by K.S.A. 8-145.

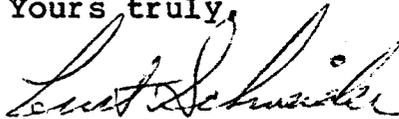
You inquire, first, whether these employees are indeed employees of the county treasurer or of the State of Kansas. The county treasurer is a county officer. In discharging the duties and responsibilities imposed on that office respecting the administration of the motor vehicle registration laws of the state, the county treasurer is engaged in the business of the state, and specifically the business of the Division of Vehicles of the Department of Revenue, and not the business of the county. However, just as the county treasurer is not a state officer or

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employee, deputies, assistants, clerks and others employed by the county treasurer in the motor vehicle department are likewise not state officers or employees. They remain employees of the officer by whom they were employed, i.e., the county treasurer.

Secondly, you ask whether these employees are "covered by a county union contract when they are not county employees and are not paid for by county money." It is unproductive and somewhat misleading to attempt to categorize these employees as county employees or as not county employees. They are paid from funds appropriated to a county official, the county treasurer, by operation of law, specifically K.S.A. 8-145, and not from funds budgeted and thereby appropriated by the board of county commissioners. By virtue of that appropriation, those funds become funds of the county treasurer, and not of the state, although they are dedicated to the administration of the motor vehicle registration laws, i.e., the conduct of state business by a county official. The revenue source for the salaries of these employees does not prohibit their inclusion in an appropriate county employee contract, which ordinarily must entail, of course, the cooperation of the county treasurer. It is impossible for me to respond categorically as a matter of law whether the existing employees are covered by a particular contract, for I have no information regarding the contract in question. However, in my judgment, these employees might appropriately be included in such a contract.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj