



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 10, 1978

ATTORNEY GENERAL OPINION NO. 78-259

Mr. John D. Philbrick
Director of Administration
Sedgwick County Courthouse
Wichita, Kansas 67203

Re: Courts--Nonjudicial Personnel--Insurance

Synopsis: There is no authority for any county to expend county funds for the payment of premiums for life insurance and other catastrophic insurance plans extended to nonjudicial personnel of the state court system whose salaries will be paid by the state effective January 1, 1979.

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Dear Mr. Philbrick:

You advise that you have received an inquiry from the Eighteenth Judicial District concerning continuation of life insurance and other catastrophic insurance plans which are now being furnished to employees of the judicial district, whose compensation will be paid by the State of Kansas effective January 1, 1979. Specifically, you inquire whether Sedgwick County may continue to pay the premiums on such insurance for the affected employees after January 1, 1979.

Section 1 of ch. 108, L. 1978, provides in pertinent part thus:

"On and after January 1, 1979, the state shall pay the salaries of all nonjudicial personnel of the district courts of this state, except for personnel enumerated in subsection

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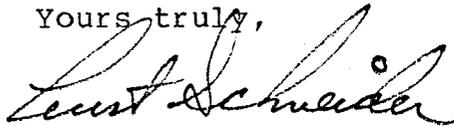
(b) of section 2, and no county may supplement the compensation of district court personnel paid by the state. . . . With regard to judicial and nonjudicial personnel of the district courts whose salary is payable by the state, the state shall provide for unemployment security coverage, employer contributions for retirement, workmen's compensation coverage, health insurance coverage and surety bond coverage."

Section 3 specifies that each county shall assist the state in paying the nonjudicial personnel costs of the district court in such county, by paying to the state the amounts prescribed in that section. The "base year court personnel costs of each county" are defined in subsection (b) thereof to include employer's contributions for all such personnel:

"As used in this subsection, the amount of employer's contributions shall mean the amount budgeted to provide for unemployment compensation coverage, employer contributions for retirement, workmen's compensation coverage, health insurance and surety bond coverage."

Concerning nonjudicial personnel of the unified state court system, counties have only those powers expressly granted by statute. I find no statutory authority, either express or implied, for any county to expend county funds for the payment of premiums for any insurance plans extended to such court personnel, except for those employer contributions expressly provided for in ch. 108, L. 1978. In particular, I find no authority for the county to expend county funds to furnish life insurance and other catastrophic insurance plans to nonjudicial employees of the state court system whose salaries will be paid by the state effective January 1, 1979. Accordingly, in my judgment, the county may not continue such payments thereafter.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj