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Subject Courts
District Attorney
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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

July 3, 1974

Opinion No. 74- 218

Jack N. Williams
Assistant District Attorney
Director, Consumer Protection Division
18th Judicial District
Sedgwick County Court House
525 N. Main
Wichita, Kansas 67203

Dear Jack:

You inquire whether approval by the Board of County Commissioners is required to authorize expenditure of funds derived exclusively from a subgrant made by the Governor's Committee on Criminal Administration to the District Attorney for the Eighteenth Judicial District.

K.S.A. 22a-101 directs that "in no event shall said district attorney be deemed an officer of any county." A grant of exclusively federal moneys made to the District Attorney effects a grant only to that office, and not to the county in which he holds his office. A different conclusion may be required for funds which are not exclusively federal, but that question is not considered here. Under K.S.A. 19-212, the board of county commissioners is empowered to

"examine and settle all accounts of the receipts and expenses of the county, and to examine and settle and allow all accounts chargeable against the county; and when so settled, they may issue county orders therefor, as provided by law."

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The funds in question are granted neither to the county, nor to a county officer. Accordingly, we conclude that approval by the Board of County Commissioners is not required to authorize their expenditure by the subgrantee.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm