



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

September 19, 1977

ATTORNEY GENERAL OPINION NO. 77-302

Mr. Don Vsetecka
Finney County Attorney
118 West Pine Street
Garden City, Kansas 67846

Re: Courts--Budgets--Reduction

Synopsis: Under K.S.A. 1976 Supp. 20-349, as amended by ch. 119, § 4, L. 1977, the board of county commissioners may review and reduce the budget of the district court. It may not decrease said budget below the aggregate budgets of 1) state courts of limited jurisdiction in said county and 2) support personnel of the district court who were paid by county funds in the 1976 calendar year. The statutory "floor" below which the board may not reduce the district court budget is fixed by the funds budgeted for these purposes in 1976, and not by the funds expended for those purposes in that year, whether the expenditures fall below or are in excess of that budget.

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Dear Mr. Vsetecka:

You advise that the District Judge of the Twenty-Fifth Judicial District has submitted a budget for operation of the district court to the board of county commissioners of Finney County, Kansas, for operation of the court in 1978. The commissioners reviewed the budget and reduced the requested amounts substantially prior to approval thereof.

Thus, you advise that the question has arisen whether the "1978 budget . . . cannot be less than the 1976 budget or whether it is based on the actual expenditures of the department for 1976."

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In this instance, you indicate, the 1976 expenditures of the district court exceeded its budget, and the court has taken the position that the commissioners may not reduce the budget of the district court below the level of 1976 expenditures. K.S.A. 1976 Supp. 20-349, as amended by ch. 110, § 4, L. 1977, provides in pertinent part thus:

"The administrative judge in each judicial district shall be responsible for the preparation of the budget to be submitted to the board of county commissioners of each county. The board of county commissioners shall then have final authority to determine and approve the budget for district court operations payable by their county No board of county commissioners shall decrease such budget for district court operations to a level below the aggregate budgets of state courts of limited jurisdiction and the support personnel paid by county funds which were authorized in such county in the 1976 calendar year." [Emphasis supplied.]

The purpose of the underscored language is to prescribe a minimum below which the board of county commissioners could not reduce the district court budget. It may not reduce the budget below the aggregate budgets of 1) state courts of limited jurisdiction therein, and 2) of support personnel paid by county funds "which were authorized in such county in the 1976 calendar year." In my judgment, the reference to the 1976 aggregate budgets for the described purposes is explicit, and clearly identifies the funds budgeted in 1976 for the cited purposes, i.e., courts of limited jurisdiction, and support personnel paid by county funds, as the measure below which the board may not reduce the district court budget. I find little language which identifies expended funds, rather than budgeted funds, as the statutory "floor." In many instances, the funds expended for courts of limited jurisdiction and for support personnel in 1976 may fall below the budgeted funds rather than exceed the budgeted amounts, as occurred in Finney County. Thus, use of expended funds, rather than budgeted funds, might impose a greater constraint on many district court budgets than the legislature intended, in my judgment.

The legislature did not direct that future budgets could not be decreased below funds expended for state courts of limited jurisdiction and support personnel paid by county funds. Rather, it

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directed that district court budgets not be decreased "to a level below the aggregate budgets" for those purposes. Thus, in my judgment, it is the budgeted funds for 1976, rather than the expended funds in that year, which provides the "floor" beneath which the board of county commissioners may not reduce the budget of the district court.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj