

STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

July 26, 1978

MEMORANDUM

TO: All County and District Attorneys

FROM: Curt T. Schneider
Attorney General

I enclose to you a recent opinion of this office, No. 78-246 concerning expenditures from the prosecuting attorneys' training fund. I wish especially to call to your attention the requirement in K.S.A. 1977 Supp. 28-170a, that each county and district attorney file with this office and with the chairperson of the judiciary committees of the Kansas House of Representatives and Senate, on or before January 15 of each year, the accounting of receipts and expenditures from the fund, with the detailed information required by this statute.

CTS:kj

Enclosure



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Curt T. Schneider
Attorney General

July 25, 1978

ATTORNEY GENERAL OPINION NO. 78- 246

Mr. Perry Warren
Sherman County Attorney
Sherman County Courthouse
Goodland, Kansas

Re: County Attorneys--Prosecuting Attorneys' Training Fund-
-Disbursements

Synopsis: Disbursements from the prosecuting attorneys' training fund established by K.S.A. 1977 Supp. 28-170a are made upon the sole authority of the county or district attorney, and are not subject to the approval of the board of county commissioners.

* * *

Dear Mr. Warren:

K.S.A. 1977 Supp. 28-170a provides for a prosecuting attorneys' training fund. Subparagraph (b) provides for expenditures therefrom:

"Expenditures from the prosecuting attorneys' training fund shall be paid by the county treasurer upon the order of the county or district attorney and shall be used exclusively for the training of personnel in such attorney's office and costs related thereto."

Ordinarily, disbursements of county funds must comply with the University Procedure for the Payment of Claims and Other Indebtedness by Municipalities, K.S.A. 10-801 et seq. and K.S.A. 12-105.

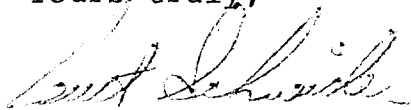
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This procedure governs any expenditure except when an applicable statute specifies otherwise in a particular instance. In the 1977 legislation creating the prosecuting attorneys' training fund, the legislature did specify how disbursements shall be made therefrom. The county or district attorney is the sole person authorized to approve expenditures from the fund, and he or she alone is the sole person required to render an accounting, on or before January 15 of each year, to this office and to the chairperson of the judiciary committee of the Kansas House of Representatives and Senate, of the amount paid into the fund, the amounts and purpose of each expenditure therefrom, and the balance as of December 31 of each year. Indeed, K.S.A. 1977 Supp. 28-170a(b) is quite specific as to the accounting required:

"The purpose for which each expenditure was made shall specifically identify the person or persons for whom the expenditure was made and, where applicable, the time and place where the training was received."

Thus, expenditures from the fund are subject to the approval of the board of county commissioners. The county treasurer must prepare and execute all warrants or warrant checks for disbursements from the fund made upon the sole authority of the county or district attorney.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj