



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

May 19, 1983

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 83- 76

Rebecca Wilson Brunswig
Greeley County Attorney
P. O. Box 549
Tribune, Kansas 67879

Re: Courts -- District Courts -- District Court Ex-
penses Payable by Counties

Synopsis: Expenses related to a district court magistrate's attendance at educational programs and seminars are properly payable by county moneys if such expenses are within the budget as approved by the board of county commissioners and authorized by the administrative judge of the subject district court. Cited herein: K.S.A. 20-341, 20-346a(b), 20-348, 20-349.

* * *

Dear Ms. Brunswig:

You have requested an opinion from this office regarding whether expenses related to the district magistrate judge's attendance in her official capacity at meetings and educational seminars are properly payable by Greeley County. We note that auditors for Greeley County have advised that, in their opinion, the county is not allowed to expend moneys for such purpose because of the provisions of K.S.A. 20-341. According to correspondence from the auditors to Administrative Judge J. Stephan Nyswonger (submitted with your opinion request) it was the understanding of the auditors that district judge's travel expenses are reimbursed by the state of Kansas and that therefore, pursuant to K.S.A. 20-341, district magistrate judges should be reimbursed in the same manner.

K.S.A. 20-341 specifies that no distinction be made between district court judges, associate district judges and district

magistrate judges vis a vis reimbursement for expenses incurred in the performance of official duties. However, K.S.A. 20-341 does not designate either the state or county as responsible for payment of such expenses. Thus, we call your attention to K.S.A. 20-348 which provides a statutory basis for determining which district court expenses are properly payable by counties.

K.S.A. 20-348 requires the county to pay all operational expenses incurred by the district court except for those required by law to be paid by the state. Our review of relevant statutory law reveals no requirement that the state pay expenses related to the attendance of district magistrate judges at educational meetings and seminars. Therefore, this responsibility devolves to the counties pursuant to K.S.A. 20-348. Cf. K.S.A. 20-346a(b). However, this responsibility is conditioned on the prior approval by the board of county commissioners of such expenses as a budget matter and submission by the administrative judge as an authorized expenditure pursuant to the scheme specified in K.S.A. 20-349.

K.S.A. 20-349 requires the administrative judge for each judicial district to prepare the district court's budget and submit same for review and approval by the board of county commissioners of each county within the judicial district. Further, K.S.A. 20-349 specifies that

"[a]fter the amount of said district court budget is established, the expenditures under said budget, other than expenditures for job positions contained in the budget, shall be under the control and supervision of the administrative judge, subject to supreme court rules relating thereto, and the board of county commissioners shall approve all claims submitted by the administrative judge within the limits of said district court budget."

Hence, the administrative judge has control of expenditures made pursuant to the budget approved by the board of county commissioners. Moreover, the board of county commissioners must approve payment of claims submitted by the administrative judge which are "within the limits of said district court budget." See Attorney General Opinion Nos. 77-180 and 80-32, enclosed.

In the factual situation described, you have not specified whether expenses related to the district court magistrate's attendance at educational and training seminars were specifically included in the district court's budget as approved by the Board of County Commissioners of Greeley County, or are

Rebecca Wilson Brunswig

Page Three

viewed merely as an item of general operating expenses within said budget. However, if the administrative judge authorized expenditures under same, then the board of county commissioners must approve the claims as submitted by the administrative judge, so long as the claims are within budget limits.

In conclusion, expenses related to a district court magistrate's attendance at educational programs and seminars are properly payable by county moneys if such expenses are within the budget as approved by the board of county commissioners and authorized by the administrative judge of the subject district court.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Robert Vinson Eye
Assistant Attorney General

RTS:BJS:RVE:hle