



STATE OF KANSAS

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July 5, 1979

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ATTORNEY GENERAL OPINION NO. 79-134

Mr. James W. Pattinson
Assistant County Counselor
County Courthouse, Suite 315
Wichita, Kansas 67203

Re: Counties and County Officers--Sheriffs--Costs
Relating to Appointment of Process Servers

Synopsis: A county may issue no fund warrants to cover the cost of providing uniforms to process servers appointed by the sheriff pursuant to Chapter 78 of the 1979 Session Laws of Kansas.

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Dear Mr. Pattinson:

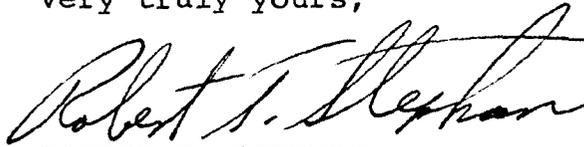
You request our opinion as to whether a county may issue no fund warrants to cover the cost of providing uniforms to process servers appointed by the Sedgwick County Sheriff pursuant to Chapter 78 of the 1979 Session Laws of Kansas.

Section 1(a) of said Chapter 78 abolishes the position of District Court Process Server and, with exceptions not relevant hereto, provides that, on and after June 18, 1979, "the office of sheriff in such county shall assume the duties of service of process for the district court of the county and there is hereby created job positions in such sheriff's office in a number equal to the number of job positions abolished in the district court of such county by this section." Section 1(c) thereof provides, in pertinent part, that the county shall pay the salaries of the newly-appointed process servers and that "[a] county may issue no fund warrants to cover costs imposed upon the county for calendar year 1979 pursuant to this section and such warrants may be issued without approval of the state board of tax appeals." (Emphasis added.)

Mr. James W. Pattinson
Page Two
July 5, 1979

In our judgment, these statutory provisions allow the issuance of no fund warrants for any calendar year 1979 cost imposed on the county by Section 1 of the act, i.e., any cost associated with the sheriff's office assuming the duties of service of process for the district court. Such costs could not have been anticipated or budgeted by the county, and it was clearly the legislative intent to make allowances therefor. Further, we have no hesitation in stating that the cost of providing uniforms for newly-appointed process servers is a cost for which no fund warrants may be issued. It should be noted that a sheriff has the option of excluding civil process servers from the uniform requirement (see K.S.A. 19-822); however, where the sheriff's policy is to adhere to the uniform requirement, the cost of providing uniforms is clearly a cost imposed on the county by the act, and no fund warrants may be issued therefor.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



W. Robert Alderson
First Deputy Attorney General

RTS:WRA:gk