

HOUSE BILL No. 2596

By Representatives Goering, Barbieri-Lightner, Brunk, Burgess, Carter, Dahl, DeCastro, Goico, Howell, Huebert, Huff, Humerickhouse, Huy, E. Johnson, Landwehr, Light, Long-Mast, Loyd, Mason, McCreary, McLeland, Merrick, Judy Morrison, Myers, Newton, Novascone, Owens, Patterson, Sawyer, Schwab, S. Sharp, Siegfroid, Tafanelli and D. Williams

1-26

AN ACT concerning district attorneys; relating to the budget of the office; amending K.S.A. 22a-106 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 22a-106 is hereby amended to read as follows: 22a-106. (a) *The district attorney shall submit a budget for the financing of the operation of the district attorney's office to the board of county commissioners for the board's approval which shall itemize the funds necessary to carry out the function of such office. The county commissioners shall determine and allow such reasonable sums from funds of the county for the compensation of assistants, deputies and other stenographic, investigative and clerical hire and for other expenses of such office as may be necessary to carry out the function of such office.*

(b) ~~Within the limits of appropriations therefor the budget for the financing of the operation of the district attorney's office as approved by the board of county commissioners, the district attorney shall appoint such assistant district attorneys, deputy district attorneys and other stenographic, investigative and clerical hire as may be necessary to carry out the functions of the district attorney's office in such judicial district, and he. The district attorney shall determine the annual compensation of each assistant district attorney and other persons appointed pursuant to this subsection. The county commissioners shall determine and allow such reasonable sums from funds of the county for the compensation of assistants, deputies and other stenographic, investigative and clerical hire and for other expenses of such office as may be necessary to carry out the function of such office.~~

(c) *Any expenditure outside of the budget approved by the board of county commissioners shall be submitted to the board for approval in advance. Such expenditure shall be approved by the board of county commissioners if such expenditure is necessary to carry out the functions of*

1 *the district attorney's office.*

2 ~~(b)~~ (d) Each assistant and deputy district attorney shall have been
3 regularly admitted to practice law within the state of Kansas prior to ~~his~~
4 *such attorney's* appointment. Each district attorney and ~~his~~ *all* assistant
5 district attorneys shall devote full time to official duties and shall not
6 engage in the civil practice of law, except as required in performing ~~his~~
7 *the* official duties while serving as district attorney or assistant district
8 attorney, ~~and~~. *Such attorneys* shall not refer any client or other person or
9 any matter to any designated attorney or firm of attorneys.

10 ~~(c)~~ (e) The board of county commissioners of each county contained
11 in judicial districts 3, 7, 10, 18, 27 and 29 shall provide suitable office
12 space within such county for the district attorney, ~~his~~ assistants, deputies,
13 office personnel and equipment.

14 ~~(d)~~ (f) Notwithstanding any of the provisions of ~~this act~~ *article 1 of*
15 *chapter 22a of the Kansas Statutes Annotated, and amendments thereto,*
16 the district attorney, with the approval of the board of county commis-
17 sioners, may appoint and employ special counsel when necessary to assist
18 the district attorney in the discharge of ~~his~~ *the district attorney's* duties,
19 such special counsel not to be subject to the restrictions contained in
20 ~~paragraph (b)~~ *subsection (d)* herein.

21 ~~(e)~~ (g) Any county contained in judicial districts 3, 7, 10, 18, 27 or 29
22 may receive and expend for the operation of the office of district attorney
23 any federal moneys made available therefor.

24 Sec. 2. K.S.A. 22a-106 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.

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