

SENATE BILL No. 374

By Committee on Federal and State Affairs

3-6

9 AN ACT concerning certain county and district attorneys; requiring com-
10 pliance with policies adopted by board of county commissioners;
11 amending K.S.A. 22a-106 and repealing the existing section.
12

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

14 Section 1. K.S.A. 22a-106 is hereby amended to read as follows: 22a-
15 106. (a) Within the limits of appropriations therefor *and subject to the*
16 *provisions of subsection (f)*, the district attorney shall appoint such assis-
17 tant district attorneys, deputy district attorneys and other stenographic,
18 investigative and clerical hire as may be necessary to carry out the func-
19 tions of the district attorney's office in such judicial district, and he shall
20 determine the annual compensation of each assistant district attorney and
21 other persons appointed pursuant to this subsection. The county com-
22 missioners shall determine and allow such reasonable sums from funds
23 of the county for the compensation of assistants, deputies and other sten-
24 ographic, investigative and clerical hire and for other expenses of such
25 office as may be necessary to carry out the function of such office.

26 (b) Each assistant and deputy district attorney shall have been regu-
27 larly admitted to practice law within the state of Kansas prior to his ap-
28 pointment. Each district attorney and his assistant district attorneys shall
29 devote full time to official duties and shall not engage in the civil practice
30 of law, except as required in performing his official duties while serving
31 as district attorney or assistant district attorney, and shall not refer any
32 client or other person or any matter to any designated attorney or firm
33 of attorneys.

34 (c) The board of county commissioners of each county contained in
35 judicial districts 3, 10, 18 and 29 shall provide suitable office space within
36 such county for the district attorney, his assistants, deputies, office per-
37 sonnel and equipment.

38 (d) Notwithstanding any of the provisions of this act the district at-
39 torney, with the approval of the board of county commissioners, may
40 appoint and employ special counsel when necessary to assist the district
41 attorney in the discharge of his duties, such special counsel not to be
42 subject to the restrictions contained in paragraph (b) herein.

43 (e) Any county contained in judicial districts 3, 10, 18 or 29 may

1 receive and expend for the operation of the office of district attorney any
2 federal moneys made available therefor.

3 *(f) If a county contained in judicial district 3, 10, 18, or 29 has*
4 *adopted a home rule charter for county government pursuant to K.S.A.*
5 *19-2680 et seq., and amendments thereto, and such charter, as approved*
6 *by the voters, contains provisions which require the district attorney to*
7 *comply with and follow policies and procedures of the board of county*
8 *commissioners, the district attorney for such district shall be included*
9 *within the term "county official" for purposes of K.S.A. 19-2680 et seq.,*
10 *and amendments thereto. Such district attorney shall, for all administra-*
11 *tive practices, comply with the following:*

12 *(1) Personnel policies and procedures established by the board of*
13 *county commissioners for all county employees other than elected officials;*

14 *(2) any pay plan established by the board of county commissioners*
15 *for all county employees;*

16 *(3) the budget for the financing of the district attorney's office as*
17 *approved by the board of county commissioners; and*

18 *(4) the purchasing and financial policies established by the board of*
19 *county commissioners applicable to expenditures and acquisitions made*
20 *for the operations of the office.*

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

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