

SENATE JUDICIARY COMMITTEE

January 23, 1970

RE: SENATE BILL NO. 372

Hearing Attorney General Kent Frizell,  
Assistant Richard J. Foth  
Assistant Edward G. Collister  
Assistant Robert Hoffman

The Senate Judiciary Committee met January 23, 1970 in Room 523 with the Vice Chairman, Senator J. C. Tillotson, presiding. All members were present except Senators Ball, Bell, Gaar, Pomeroy, Rogers, Smith, Steineger, Storey and Van Sickle.

Attorney General Kent Frizell appeared in favor of Senate Bill No. 372, stating that this bill was introduced at the request of his office. He gave some introductory remarks, a copy of which is attached hereto and made a part of the minutes of this meeting. A discussion followed with Senators Hodge, Arvin, Herd, and Foster. Senator Tillotson asked the Attorney General if information requested by Sub-committee "A" regarding the number of agencies was available and the Attorney General introduced Edward G. Collister, who was prepared to give statistics regarding the agencies, number of attorneys employed, both permanent and temporary and the amount of money paid to them. His statement of statistics is attached hereto and made a part of the minutes of this meeting.

Mr. Collister also told of some instances of county Attorneys writing briefs and appearing in Supreme Court. He stated that some county attorneys write good briefs and some do not; He also stated that the Attorney General has no control over county attorneys and is governed by a very old statute dating back to about 1850. He cited some examples occurring in Johnson County and stated that someone is needed to try cases both at the local level and state level.

Robert Hoffman was introduced and stated he had been in the office of Attorney General for eighteen years and that this bill

had been discussed by Attorney Generals as far back as John Anderson. He stated he was in accord with the previous speakers' statements and could give lots of examples along this line.

Senators Winter, Hodge and Arvin engaged in a question and answer discussion.

The meeting was adjourned to meet January 26, 1970 at 11 A.M. in Room 523.

  
Martha P. Welch, Recording Sec.

MINUTES APPROVED:

  
J.C. TILLOTSON, VICE CHAIRMAN

January 26, 1970

EXCEPT AS OTHERWISE NOTED, THE INDIVIDUAL REMARKS RECORDED HEREIN HAVE NOT BEEN TRANSCRIBED VERBATIM AND THIS RECORD HAS NOT BEEN APPROVED BY THE COMMITTEE OR BY THE INDIVIDUALS MAKING SUCH REMARKS.

The committee requested a computer search of the Kansas statutes to determine what statutory authorization existed for employment of attorneys. The first list of twenty agencies are those given specific authority by statute to hire their own attorney of their own choosing. The second list of nine agencies are agencies authorized to employ an attorney either appointed by the Attorney General or with the approval of the Attorney General. There are five additional agencies listed <sup>below</sup> ~~in the third~~ list for which there are statutory references to an attorney, but there is no specific authorization for that agency or anyone else to employ an attorney for the agency.

- 65-2838.    Board of Healing Arts -- May direct its regularly employed attorney to file petition; no provision for hiring an attorney.
- 66-106.    Corporation Commission -- Speaks of "the attorney for the commission"; no specific authorization for appointment of attorney.
- 74-3302.    Forestry, Fish and Game -- Speaks of chief legal counsel; no specific mention of hiring attorneys.
- 74-5326-27. Board of Examiners of Psychologists -- Speaks of attorney; no specific authority to employ or appoint.
- 75-3513.    State Department of Social Welfare -- Mentions chief legal counsel.

AGENCY APPOINTS--NO A.G. INVOLVEMENT

1. Credit Union Administrator -- 17-2234.
2. Insurance Commissioner -- 2 special attorneys, 40-110.
3. State Labor Commissioner, 44-611,  
(Emp. Sec. Div.) 44-714.
4. Armory Board, 48-317.
5. K.T.A., 68-2004.
6. State Board of Health, 74-901.
7. Kansas Rental Board, an attorney, 74-1406.
8. Board of Examiners in Optometry, 74-1504.
9. Board of Pharmacy, an attorney, 74-1607.
10. State Board of Embalming, 74-1704.
11. Board of Tax Appeals, one, 74-2435.
12. Director of Property Valuation, 74-2440.
13. Department of Revenue, 74-2443.
14. Real Estate Commission, 74-4205.
15. State Park & Resources Authority, 74-4809.
16. Board of Examiners for Hearing Aid, 74-5806.
17. Advisory Council on Intergovernmental Relations, 74-5907.
18. Governor, 75-108  
-116  
-3102, Pardon Attorney.
19. Secretary of State, one, 75-3105.
20. Revisor of Statutes, an attorney appointed by Supreme Court  
-- He appoints assistants, 77-301.

AGENCY APPOINTS W/ A.G. APPROVAL OR A.G. APPOINTS

1. State Board of Engineering Examiners,  
W/ approval of A.G. (an attorney), 26a-109.
2. State Grain Inspection Dept.,  
A.G. represents, 34-111.
3. A.B.C.,  
A.G. appoints assistant, 41-201. .
4. Civil Rights Commission,  
A.G.'s approval, 44-1003.
5. Defense of members of National Guard, etc.,  
approved by A.G., 48-241a.
6. State Board of Education,  
Approval of A.G., 72-7512.
7. State Highway Commission,  
A.G. appoints one, 74-2006.
8. Defense of Governor, Adjutant General, Superintendent of  
Highway Patrol, 75-3217, A.G. approves.
9. Department of Administration,  
A.G. appoints, 75-3704.

NOVEMBER SALARIES PAID IN 12-1-1969

Agency Code	Agency	Code	#Positions	Amount
046	Board of Agriculture	0655	1	746.00
143	Corporation Commission	0655	1	854.00
276	Highway Commission	0655	10	9,926.00
3	Kansas State Fair	0655	1	83.00
549	Real Estate Commission	0655	2	225.00
562	Board of Tax Appeals	0655	1	854.00
565	Department of Revenue	0655	5	4,789.00
709	Water Resources Board	0655	1	375.00
143	Corporation Commission	0654	6	4,290.00
272	Highway Commission	0654	7	5,098.00
565	Department of Revenue	0654	2	834.50
055	Animal Health Department	0656	1	828.00
143	Corporation Commission	"	1	1,243.00
240	Forestry, Fish & Game	"	1	1,435.00
264	State Board of Health	"	1	1,243.00
276	Highway Commission	"	2	2,921.67
562	State Board of Tax Appeals	"	1	1,077.00
563	Property Valuation	"	1	1,130.00
565	Department of Revenue	"	1	1,505.00
628	Board of Social Welfare	"	1	1,579.00
210	Employment Security	1957	4	3,626.00
331	Insurance Department	"	1	890.00
563	Property Valuation	"	1	787.83
628	Social Welfare	"	4	3,658.00
652	Department of Education	1958	1	1,077.00
210	Employment Security	1962	(1) ?	1,130.00
				<u>46,069.17</u>
052	ABC	0840	1	958.33
082	Attorney General	0840	12	12,407.65
094	Bank Commissioner	"	1	352.70
173	Department of Administration	"	1	1,416.00
521	Penal Institutions	"	1	916.66
			<u>77</u>	<u>72,460.84</u>
			12 X	809,530.08
		Code 272		<u>266,846.74</u>
				1,076,376.82

Salaried state Lawyers \$809,530.08  
12 MN. BASIS

add. contract services \$266,846.74

IF the above 72 Attorneys, roughly 36 are  
Unauthorized According to prior lists of statutory  
Authorizations