

As Amended by House Committee

Session of 2017

SENATE BILL No. 149

By Committee on Judiciary

2-3

1 AN ACT concerning the attorney general; relating to briefs in a criminal
2 matter or postconviction case in the supreme court or court of appeals;
3 **legal representation charges; legal services; creating the attorney**
4 **general's state agency representation fund.**

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

7 Section 1. In a criminal matter or a postconviction case in the Kansas
8 supreme court or the Kansas court of appeals:

9 (a) A copy of each brief must be served on the attorney general of
10 Kansas; and

11 (b) no brief may be filed by or on behalf of the state of Kansas or any
12 officer or agent of the state unless the approval of the attorney general or a
13 member of the attorney general's staff is endorsed on the brief.

14 **Sec. 2. (a) The attorney general may determine, fix and establish**
15 **a system of legal representation charges and collect such charges from**
16 **any state agency to which the attorney general provides legal services.**
17 **The attorney general may determine the amount of legal**
18 **representation charges due from a state agency by use of a schedule of**
19 **fees and costs for legal services published by the attorney general or**
20 **by entering into an agreement with a state agency for payment by**
21 **such agency for legal services. Such schedule of fees and costs shall not**
22 **exceed the amount of compensation established pursuant to K.S.A. 22-**
23 **4507, and amendments thereto, for attorneys appointed by the court**
24 **to perform services for an indigent person.**

25 (b) As used in this section:

26 (1) "State agency" means any department of state government or
27 any agency thereof that collects fees for licensing, regulating or
28 certifying a person or profession;

29 (2) "legal representation charges" means any costs, fees, expenses
30 or other financial liability incurred by the attorney general, including,
31 but not limited to, attorney fees, to provide legal services to a state
32 agency; and

33 (3) "legal services" means any form of legal advice,
34 representation or counseling involving an attorney-client relationship,
35 including, but not limited to, general counsel services and
36 representation of a state agency in any administrative law matter.

1 "Legal services" includes legal services provided at the attorney
2 general's discretion at the request of a state agency and legal services
3 the attorney general is required by law to provide to a state agency.

4 "Legal services" shall not include any representation provided
5 pursuant to the Kansas tort claims act, K.S.A. 75-6101 et seq., and
6 amendments thereto, or the defense of civil rights claims pursuant to
7 K.S.A. 75-6116, and amendments thereto.

8 (c) The amounts collected under this section shall be remitted by
9 the attorney general to the state treasurer in accordance with the
10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
11 of each such remittance, the state treasurer shall deposit the entire
12 amount in the state treasury to the credit of the attorney general's
13 state agency representation fund, which is hereby created. Moneys in
14 the attorney general's state agency representation fund shall be
15 expended by the attorney general for operations of the office of the
16 attorney general.

17 (d) Nothing in this section shall impose an obligation for the
18 attorney general to provide legal services to any state agency.

19 (e) The attorney general may adopt rules and regulations as
20 necessary to implement this section.

21 Sec. ~~2~~ 3. This act shall take effect and be in force from and after its
22 publication in the statute book.