

SENATE BILL No. 107

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning the attorney general; relating to legal representation
2 charges; legal services; creating the attorney general's state agency
3 representation fund.
4

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

6 Section 1. (a) The attorney general may determine, fix and establish a
7 system of legal representation charges and collect such charges from any
8 state agency to which the attorney general provides legal services. The
9 attorney general may determine the amount of legal representation charges
10 due from a state agency by use of a schedule of fees and costs for legal
11 services published by the attorney general or by entering into an agreement
12 with a state agency for payment by such agency for legal services.

13 (b) As used in this section:

14 (1) "State agency" means the state of Kansas and any department or
15 branch of state government, or any agency, authority, institution or other
16 instrumentality thereof;

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

20 (3) "legal services" means any form of legal advice, representation or
21 counseling involving an attorney-client relationship, including, but not
22 limited to, general counsel services and representation of a state agency in
23 any administrative law matter. "Legal services" includes legal services
24 provided at the attorney general's discretion at the request of a state agency
25 and legal services the attorney general is required by law to provide to a
26 state agency. "Legal services" shall not include any representation
27 provided pursuant to the Kansas tort claims act, K.S.A. 75-6101 et seq.,
28 and amendments thereto.

29 (c) The amounts collected under this section shall be remitted by the
30 attorney general to the state treasurer in accordance with the provisions of
31 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
32 remittance, the state treasurer shall deposit the entire amount in the state
33 treasury to the credit of the attorney general's state agency representation
34 fund, which is hereby created. Moneys in the attorney general's state
35 agency representation fund shall be expended by the attorney general for
36 operations of the office of the attorney general.

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

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

5 Sec. 2. This act shall take effect and be in force from and after its
6 publication in the Kansas register.