



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

January 24, 1975

Opinion No. 75-22

Mr. Keith S. Krause
Executive Director
Water Resources Board
4th Floor, Mills Bldg.
Topeka, Kansas

Dear Mr. Krause:

You inquire concerning permissible uses of funds appropriated for fiscal 1975 to the Kansas Water Resources Board. The appropriation of \$281,724 for other operating expenditures, see L.74 ch.13 §12, includes an amount itemized in budget documents, apparently, in the amount of \$11,134 designated for "fees--professional services."

Specifically, you inquire whether these funds may be used to obtain legal services and counsel. Legal services constitute professional services, and in our view, are a lawful purpose for which funds may be expended as identified above. I enclose a copy of an opinion issued by Attorney General John Anderson, Jr., dated September 9, 1960, concerning this same question, and in which he reached the same conclusion. We continue to adhere to his cautionary statements therein concerning the authority of an attorney whose services are thus obtained, to represent the Board in matters before state or federal courts of the state.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:bw

Enclosure:



STATE OF KANSAS

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September 9, 1960

Mr. J. T. Fowler
The Home State Bank
Arcadia, Kansas

Re: Banking, Administration

Dear Mr. Fowler:

We apologize for not sooner replying to your letter of August 25, 1960. Necessary absences of members of my staff has resulted in this delay.

As a member of the State Banking Board, you have asked about the authority of the Bank Commissioner to retain the services of an attorney. There is no specific provision in the statutes for an attorney to represent the Commissioner before the courts, other than this office or the county attorneys. G. S. 1949, 19-702, G. S. 1949, 75-702, State, ex rel. v. City of Kansas City, 136 Kan. 190. However, we have examined the budget submitted by the Bank Commissioner to the 1960 session of the legislature. We find that \$1300 was requested for "fees, professional and other services." This item was approved by the legislature and funds appropriated for such use. The services of an attorney are professional services. Therefore, the Commissioner is authorized to spend this appropriated amount for the professional advice of an attorney, or other professional services, such as those of an accountant, consulting banker, etc.

What is said in the preceding paragraph about expenditure of appropriated funds for the professional services of an attorney should not be construed as an expression of authority in such an attorney to represent the Commissioner as a state official in matters before the courts.

Very truly yours,

JOHN ANDERSON, JR.
Attorney General

CNH:an

cc:

Mr. C. H. Hobart
Assistant Attorney General
State Department of
Administration
Building

Mr. J. A. O'Leary
State Bank Commissioner
10th Floor, State Office Bldg.
Topeka, Kans.