



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 1, 1977

ATTORNEY GENERAL OPINION NO. 77- 71

The Honorable Ronald R. Hein
State Senator
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Legislature--Committees--Rules

Synopsis: A rule proposed for adoption by the Joint Committee on Special Claims restricting compensation which a claimant may pay to an attorney retained to represent the claimant before the committee is unnecessary, for such contingent fee agreement is already prohibited by K.S.A. 1976 Supp. 46-267.

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Dear Senator Hein:

You advise that the Joint Committee on Special Claims is considering adoption of a rule providing in substance that any person, firm or corporation who submits a claim to the Committee may be represented by counsel or other duly authorized agents, and such counsel or agent shall not receive more than five percent of the amount awarded to the claimant. The proposed rule would further provide that any person, firm or corporation may apply to the Committee for adjustment, *i.e.*, presumably an increase, in the compensation which may be paid to the attorney or other representative, if a written application giving reasons for such adjustment is made to the Committee and the application is approved, or modified and approved.

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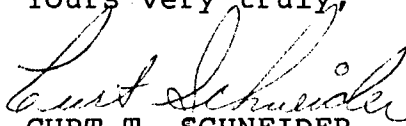
The proposed rule is unnecessary, for K.S.A. 1976 Supp. 46-267 already provides thus:

"No person shall pay or accept or agree to pay or accept compensation, or any part thereof, for lobbying which is contingent upon the result achieved or attained."

"Lobbying" is defined by K.S.A. 1976 Supp. 46-225 to include "promoting or opposing in any manner (1) action or non-action by the legislature on any legislative matter"

Thus, payment of compensation which is contingent upon approval by the Joint Committee of all or part of the claim is prohibited, and a rule restricting the amount of such contingent fees is mere surplusage.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj