



STATE OF KANSAS

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March 14, 1977

ATTORNEY GENERAL OPINION NO. 77- 78

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

Re: Legislature--Committees--Rules

Synopsis: Proposed Rule 18, being considered for adoption by the Joint Committee on Special Claims against the State, regulating the compensation paid by claimants to attorneys and other persons representing such claimants before the Committee, goes beyond the authority of the Committee to adopt rules governing its own procedures. Any such regulatory authority must be exercised by valid and constitutional legislative enactment rather than by committee rules which govern only the parliamentary and procedural conduct of business before the Committee.

* * *

Dear Senator Hein:

In Opinion No. 77-71, I responded to your initial question concerning proposed rule no. 18, which is being considered for adoption by the Joint Committee on Special Claims against the State. That proposed rule states as follows:

"Any person, firm or corporation submitting a claim to the committee on Special Claims Against the State of the Kansas Legislature may be represented by counsel or other duly authorized agents and shall not be paid more than five per cent (5%) of the amount paid to claimant; provided, however, if any

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person, firm or corporation may appeal to the committee on Special Claims Against the State in writing stating reasons for such adjustment in attorney compensation fees, any violation of Rule 18 that amount received over the amount stated in Rule 18, will be deducted from the full amount of claimant's claim." [Words apparently omitted in original.]

In my earlier opinion concerning this proposed rule, I advised that under K.S.A. 1976 Supp. 46-267, any agreement which provided for compensation which was in any way contingent on the result obtained by "lobbying," as defined in 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" was prohibited, and thus, the proposed rule was unnecessary.

You inquire further, however, whether, those provisions aside, the proposed rule falls within the authority of the Joint Committee. In my judgment it does not. The committee is authorized, of course, to adopt rules governing its procedures. However, except for the initial language permitting claimants to appear by counsel or other duly authorized agents, the rule does not relate in any fashion to the procedure of the committee in the consideration and processing of claims. On the contrary, the rule purports to regulate private contractual agreements between claimants and their attorneys or other agents. I know of no authority whereby a legislative committee may by a rule purportedly concerning its procedures undertake to regulate the compensation of lobbyists or others appearing before it. If such authority may be exercised, it must be done by a valid and constitutional legislative enactment, and not in the guise of rules governing the procedural conduct of the business of the committee.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj