

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

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Session of 2017

**SENATE BILL No. 50**

By Committee on Judiciary

1-20

1 AN ACT concerning ~~the legislature~~ attorneys; relating to the Kansas  
2 consumer protection act; unauthorized practice of law; membership  
3 of the advisory committee on uniform state laws and the joint  
4 committee on special claims against the state; amending K.S.A. 46-  
5 407a and K.S.A. 2016 Supp. 46-912 and repealing the existing  
6 sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

9 **New Section 1. (a) A person who is not licensed or otherwise**  
10 **authorized by the Kansas supreme court to practice law in this state**  
11 **shall not do any of the following:**

12 **(1) Commit any act or omission that is prohibited by the Kansas**  
13 **supreme court, either by court rule or by common law, as being the**  
14 **unauthorized practice of law;**

15 **(2) hold out to the public or otherwise represent, expressly or by**  
16 **implication, that such person is admitted to practice law in this state;**

17 **(3) solicit payment or other consideration, whether in cash or in-**  
18 **kind, for services that would constitute the unauthorized practice of**  
19 **law in this state if performed at or about the time of such solicitation;**  
20 **or**

21 **(4) offer or attempt to do any act prohibited by this subsection.**

22 **(b) A violation of subsection (a) constitutes an unconscionable act**  
23 **or practice in violation of K.S.A. 50-627, and amendments thereto,**  
24 **whether or not it involves a consumer, a consumer transaction or a**  
25 **supplier, as defined in K.S.A. 50-624, and amendments thereto.**

26 **(c) For the purposes of this section:**

27 **(1) "Person" means an individual who, or any corporation,**  
28 **agency, partnership, association or other legal entity that, knowingly**  
29 **aids or abets a person to commit acts or omissions that violate this**  
30 **section;**

31 **(2) a person described in subsection (a) shall be deemed a**  
32 **supplier within the meaning of K.S.A. 50-624, and amendments**

1 thereto; and

2 (3) an individual, sole proprietor, partnership, corporation,  
3 limited liability company, the state or a subdivision or agency of the  
4 state aggrieved by a violation of subsection (a) shall be deemed a  
5 consumer within the meaning of K.S.A. 50-624, and amendments  
6 thereto.

7 (d) Any remedies or penalties imposed pursuant to this section  
8 shall be in addition to, and not instead of, any remedies or penalties  
9 available under the contempt power of any court.

10 (e) The provisions of this section shall not apply to statewide,  
11 judicial district or municipal court-supervised public assistance offices  
12 and programs, victims assistance programs operated by a county or  
13 district attorney, court clerk, county law library, legal aid services  
14 providers, legal outreach programs operated by a state or local bar  
15 association or an employee of any such entity acting within the scope  
16 of employment.

17 (f) This section shall be part of and supplemental to the Kansas  
18 consumer protection act.

19 ~~Section 1.~~ Sec. 2. K.S.A. 46-407a is hereby amended to read as  
20 follows: 46-407a. (a) (1) There is hereby established an advisory  
21 committee to the Kansas commission on interstate cooperation. Such  
22 committee shall be composed of five members.

23 (2) Three of such members shall be members of the Kansas bar to be  
24 appointed by the commission with the advice of the president of the bar  
25 association of the state of Kansas and the incumbency of each such  
26 member of the committee shall extend until the first day of February of the  
27 odd-numbered year following appointment and thereafter until a successor  
28 is appointed. ~~The other two members shall be: (1) The chairpersons~~  
29 ~~chairperson~~ of the house and senate standing committees ~~committee~~ on  
30 judiciary, except that each such chairperson may appoint another member  
31 of the ~~house~~ committee on judiciary of the same house who is an attorney  
32 to serve as a member in lieu of such chairperson for such member's then-  
33 current term as a legislator; and (2) a member of the Kansas bar to be  
34 appointed by the president of the senate with the advice of the chairperson  
35 of the senate standing committee on judiciary to serve as a member for  
36 such president's then-current term as a legislator.

37 (3) One member shall be the chairperson of the standing house  
38 committee on judiciary, if such chairperson is a member of the Kansas  
39 bar, or such chairperson may ~~appoint~~ designate another member of the  
40 standing house committee on judiciary who is a member of the Kansas  
41 bar to serve as a member in lieu of such chairperson for such  
42 chairperson's then-current term as a legislator. If such chairperson is  
43 not a member of the Kansas bar and there is not another member of

1 the standing house committee on judiciary who is a member of the  
2 Kansas bar, the speaker of the house of representatives may designate  
3 the revisor of statutes to serve as a member in lieu of a house member  
4 for the speaker's then-current term as a legislator. The revisor of  
5 statutes may designate an assistant revisor to serve in lieu of the  
6 revisor.

7 *(4) One member shall be the chairperson of the standing senate*  
8 *committee on judiciary, if such chairperson is a member of the Kansas*  
9 *bar, or such chairperson may ~~appoint~~ designate another member of the*  
10 *standing senate committee on judiciary who is a member of the Kansas*  
11 *bar to serve as a member in lieu of such chairperson for such*  
12 *chairperson's then-current term as a legislator. If such chairperson is*  
13 *not a member of the Kansas bar and there is not another member of the*  
14 *standing senate committee on judiciary who is a member of the Kansas*  
15 *bar, ~~such chairperson may appoint, with the advice of the president of~~*  
16 *~~the senate, a {current or} former member of the legislature who is a~~*  
17 *~~member of the Kansas bar to serve as a member in lieu of such~~*  
18 *~~chairperson for such chairperson's then-current term as a legislator~~*  
19 *the president of the senate may designate the revisor of statutes to serve as*  
20 *a member in lieu of a senate member for the president's then-current*  
21 *term as a legislator. The revisor of statutes may designate an assistant*  
22 *revisor to serve in lieu of the revisor.*

23 *(b) The members of such committee shall be the official*  
24 *representatives or delegates of the state of Kansas to the national*  
25 *conference of commissioners on uniform state laws. Such committee shall*  
26 *account to and advise with the Kansas commission on interstate*  
27 *cooperation and it shall be its duty to investigate and consider the*  
28 *advisability or uniformity of the laws of the several states and to make*  
29 *recommendations on all subjects where uniformity may be desirable and*  
30 *practical. Such committee shall report to the Kansas commission on*  
31 *interstate cooperation from time to time on its activities and make such*  
32 *recommendations as it deems advisable for appropriate legislation.*

33 *(c) (1) Members of the committee shall be paid compensation and*  
34 *travel expenses and subsistence expenses or allowances for attendance at*  
35 *meetings of the committee as authorized by K.S.A. 75-3212, and*  
36 *amendments thereto.*

37 *(2) Any person who by reason of membership on such committee has*  
38 *been accredited by the national conference of commissioners on uniform*  
39 *state laws as a life member of that organization shall be an associate*  
40 *member of the committee and shall receive the same travel expenses and*  
41 *subsistence expenses for attendance at meetings as regular members of the*  
42 *committee, but shall receive no per diem compensation. Whenever any*  
43 *regular member of the committee shall be so accredited by the national*

1 conference of commissioners on uniform state laws, such member shall  
2 thereupon become an associate member and a vacancy shall exist in the  
3 regular membership of the committee. Such vacancy shall be filled by  
4 appointment by the commission with the advice of the president of the bar  
5 association of the state of Kansas.

6 (3) All amounts authorized under this section shall be paid by the  
7 Kansas commission on interstate cooperation.

8 Sec. ~~2~~ 3. K.S.A. 2016 Supp. 46-912 is hereby amended to read as  
9 follows: 46-912. There is hereby established the joint committee on special  
10 claims against the state which shall have seven members consisting of  
11 three members of the senate and four members of the house of  
12 representatives. The representative members shall be appointed by the  
13 speaker, and the senator members shall be appointed by the senate  
14 committee on organization, calendar and rules. Of the members of the  
15 house, three members shall be from the majority party with the remaining  
16 member from the minority ~~part~~ party. Of the members of the senate, two  
17 members shall be from the majority party with the remaining member  
18 from the minority party. ~~Not less than one representative member and not~~  
19 ~~less than one senator member shall be attorneys licensed to practice law in~~  
20 ~~the state of Kansas.~~ Not less than one representative member shall be a  
21 member of the house committee on appropriations and not less than one  
22 senator member shall be a member of the senate committee on ways and  
23 means. In the biennium commencing with the convening of the regular  
24 session of the legislature in 1979, and in the biennium commencing with  
25 the convening of the regular session of the legislature each four years  
26 thereafter, the chairperson of the joint committee shall be a representative  
27 member designated by the speaker of the house of representatives. In the  
28 biennium commencing with the convening of the regular session of the  
29 legislature in 1981, and in the biennium commencing with the regular  
30 session of the legislature each four years thereafter, the senate committee  
31 on organization, calendar and rules shall designate a senator member to be  
32 the chairperson of the joint committee. If a chairperson shall die, resign or  
33 otherwise be incapable of serving as chairperson for the full two-year  
34 period, a successor shall be designated to fill the unexpired portion of such  
35 period in the same manner as the original chairperson was selected. The  
36 joint committee shall meet in the interim between legislative sessions on  
37 the call of the chairperson as authorized by the legislative coordinating  
38 council. Any four members of the joint committee shall constitute a  
39 quorum. Any action of such joint committee may be taken by an  
40 affirmative vote of a majority of the members present, if a quorum is  
41 present.

42 The provisions of article 12 of chapter 46 of the Kansas Statutes  
43 Annotated, and amendments thereto, applicable to special committees

1 shall apply to the joint committee on special claims against the state to the  
2 extent the same do not conflict with the specific provisions of this act  
3 applicable to such committee.

4 ~~Sec. 3.~~ **4.** K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 are hereby  
5 repealed.

6 ~~Sec. 4.~~ **5.** This act shall take effect and be in force from and after its  
7 publication in the Kansas register.