

{As Amended by House Committee of the Whole}

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~~ {commits} acts or omissions that**
30 **violate this section {or aids or abets a person to commit acts or**

1 omissions that violate this section};

2 (2) a person described in subsection (a) shall be deemed a
3 supplier within the meaning of K.S.A. 50-624, and amendments
4 thereto; and

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

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

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

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

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

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

40 (3) One member shall be the chairperson of the standing house
41 committee on judiciary, if such chairperson is a member of the Kansas
42 bar, or such chairperson may ~~appoint~~ designate another member of the
43 standing house committee on judiciary who is a member of the Kansas

1 *bar to serve as a member in lieu of such chairperson for such*
2 *chairperson's then-current term as a legislator. If such chairperson is*
3 *not a member of the Kansas bar and there is not another member of*
4 *the standing house committee on judiciary who is a member of the*
5 *Kansas bar, the speaker of the house of representatives may designate*
6 *the revisor of statutes to serve as a member in lieu of a house member*
7 *for the speaker's then-current term as a legislator. The revisor of*
8 *statutes may designate an assistant revisor to serve in lieu of the*
9 *revisor.*

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

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

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

40 *(2) Any person who by reason of membership on such committee has*
41 *been accredited by the national conference of commissioners on uniform*
42 *state laws as a life member of that organization shall be an associate*
43 *member of the committee and shall receive the same travel expenses and*

1 subsistence expenses for attendance at meetings as regular members of the
2 committee, but shall receive no per diem compensation. Whenever any
3 regular member of the committee shall be so accredited by the national
4 conference of commissioners on uniform state laws, such member shall
5 thereupon become an associate member and a vacancy shall exist in the
6 regular membership of the committee. Such vacancy shall be filled by
7 appointment by the commission with the advice of the president of the bar
8 association of the state of Kansas.

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

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

1 present.

2 The provisions of article 12 of chapter 46 of the Kansas Statutes
3 Annotated, and amendments thereto, applicable to special committees
4 shall apply to the joint committee on special claims against the state to the
5 extent the same do not conflict with the specific provisions of this act
6 applicable to such committee.

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

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