

February 4, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2106 by House Committee on Federal and State
Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2106 is respectfully submitted to your committee.

HB 2106 would enact the Trespasser Responsibility Act. The bill would provide that a possessor of land does not owe a duty of care to a trespasser and is not liable for injury to a trespasser, except under certain described circumstances in HB 2106. A possessor of land would not be liable for natural conditions of the property, natural situations, or dangerous conditions any reasonable person knew or should have known.

HB 2106 has the potential for increasing litigation in the courts because of the new criteria created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2106 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Meagan Pinegar, Attorney General's Office