

February 17, 2011

The Honorable Tim Owens, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 559-S  
Topeka, Kansas 66612

Dear Senator Owens:

**SUBJECT:** Fiscal Note for SB 158 by Senate Committee on Utilities

In accordance with KSA 75-3715a, the following fiscal note concerning SB 158 is respectfully submitted to your committee.

SB 158 establishes the Full and Fair Noneconomic Damages Act. The purpose of the Act is to ensure that individuals receive full and fair compensatory damages, including damages for pain and suffering. The bill defines compensatory damages and punitive damages. The two are to be treated independently of one another by the courts. In cases in which punitive damages are requested, defendants would have the right to request bifurcation of a trial to ensure that evidence of misconduct is not inappropriately considered by the jury in its determination of liability and compensatory damages.

Because SB 158 would require a bifurcated trial in certain cases when requested by the defendant, it is expected that the lengths of trials in those cases would increase. This would result in additional time spent by court reporters and judges on those cases. However, an accurate estimate cannot currently be given as to the number of requests that would be made or the additional time that would be spent on those trials. Until the courts have had an opportunity to operate under the provisions of SB 158, a precise statement of fiscal effect on the Judicial Branch cannot be given.

Sincerely,



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

cc: Mary Rinehart, Judiciary