

January 28, 2015

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 15 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 15 is respectfully submitted to your committee.

Since July 1, 2014, the Judicial Branch has collected a \$195 fee from any party filing a motion for summary judgment. SB 15 would impose a \$195 fee for any dispositive motion filed with a district court, which would continue the fee for a motion for summary judgment and expand it to cover other types of motions that serve the same or a similar purpose. The bill would define dispositive motion to mean a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment or a motion for judgment as a matter of law. The State of Kansas and all municipalities would be exempt from paying this fee, and any person who is unable to pay the fee would be permitted to file a poverty affidavit in lieu of the fee. The fee would not apply to cases filed under the Kansas Code of Civil Procedure for Limited Actions. SB 15 would take effect upon publication in the *Kansas Register*.

The Office of Judicial Administration estimates that SB 15 would increase revenues to the Judicial Branch by approximately \$574,000. The Office bases its estimate on the dismissal motion activity of Sedgewick County, which, if applied statewide, would impose the \$195 dispositive motion fee on 2,943 filings ( $\$195 \times 2,943 = \$573,885$ ). However, the Office indicates it has been tracking the number of summary judgment motions since the new fee went into effect and it remains unclear why it has generated 68.0 percent less than originally estimated. Therefore, until the courts have had an opportunity to operate with the provisions of SB 15 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. Any fiscal effect associated with SB 15 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Mary Rinehart, Judiciary