

January 26, 2016

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 334 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 334 is respectfully submitted to your committee.

SB 334 would require the Judicial Branch to ensure that the Attorney General is given notice and opportunity to appear prior to a district court declaring that a state statute or constitutional provision is invalid because it would violate the State of Kansas Constitution, the United States Constitution or any other provision of federal law. If a court enters any judgment, order, determination or declaration in violation of these provisions, the Attorney General could apply to the court within a reasonable time to have the decision set aside or rescinded. The Attorney General would have at least 21 days to appear or intervene. Additional time could be given as provided by court order. However, nothing in the provisions would require the Attorney General to appear or intervene in any action.

According to the Office of the Attorney General, existing court rules already require notice to the Attorney General for most circumstances in which the validity of a state statute is called into question. While SB 334 would likely expand the notice requirement to situations not covered under current law, the Office estimates that this would not result in added expenditures for the agency.

The Office of Judicial Administration indicates that the bill would require additional staff time by district and appellate court judges and clerks to provide notice to the Attorney General. However, the Office is unable to estimate the specific fiscal effect from the bill. Any fiscal effect associated with SB 334 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Willie Prescott, Attorney General's Office