

February 13, 2017

The Honorable Jacob LaTurner, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator LaTurner:

**SUBJECT:** Fiscal Note for SB 107 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 107 is respectfully submitted to your committee.

SB 107 would allow the Office of the Attorney General to establish a system of legal representation charges to be paid by any state agency for legal services provided by the Office. The Office may determine the amount of the charges and publish them in a schedule of fees and costs. Legal services would exclude any representation provided under the Kansas Tort Claims Act. Amounts collected from the charges would be deposited into the Attorney General's State Agency Representation Fund, which would be a new fund created by the bill.

The bill would have a fiscal effect on the Office of the Attorney General and the agencies, boards and commissions that use the Office's services. However, the fiscal effect is unknown until a schedule of fees is determined. The bill would allow the Office to receive additional revenue to fully offset expenditures from providing legal services to state agencies. Currently, there is no mechanism for the Office to recover these costs and the Office must rely on State General Fund appropriations or use special revenue funds that are intended for other purposes. State agencies, board and commissions that currently use the Office of the Attorney General's services would incur additional expenditures; however, the total costs are difficult to estimate because the level of legal services that would be used by agencies under the bill and the associated charges are unknown.

The Office of Judicial Administration states that, under current law, the Office of the Attorney General has routinely accepted Judicial Branch cases including tort, mandamus, habeas, and federal civil cases. The Judicial Branch does not expect this practice would change as a result of SB 107. However, if the Office of the Attorney General determines that certain cases are outside of the Kansas Tort Claims Act and declines to offer representation in those cases, the

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Judicial Branch estimates it would need approximately \$61,000 from the State General Fund to contract for outside representation.

The bill would become effective upon its publication in the *Kansas Register*. Any fiscal effect associated with SB 107 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a long horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Willie Prescott, Office of the Attorney General