

February 1, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 74 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 74 is respectfully submitted to your committee.

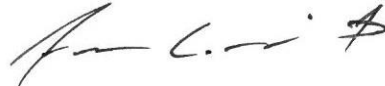
SB 74 would allow any person, other than an attorney permitted to charge a contingent fee representing a party, that has a right to receive compensation that is contingent on and sourced from any proceeds of that civil action, by settlement, judgement, or otherwise, is jointly liable with the party whom they have an agreement for costs assessed under KSA 60-2002 and for any monetary sanction imposed under KSA 60-211(c), 60-226(f)(3), or 60-237(d)(3).

The bill would add a new provision related to discovery that requires third-party agreements, except as stipulated or ordered by the court, to be provided to the opposing party without waiting for a discovery request.

The bill would also specify that third parties who have a funding agreement subject to disclosure under KSA 60-226(b)(3)(B) must reasonably compensate a person who is neither a party nor a party's officer for the cost of responding to a subpoena to produce designated documents, electronically stored information, or tangible things, to permit the inspection of premises, or to appear at a deposition. Reasonable costs would include costs of identifying, collecting, reviewing, and producing the requested materials; measurable costs of disruption to the nonparty's normal business operations; costs of travel to appear at a deposition; and fees charged by outside counsel directly related to compliance with the subpoena.

The Office of Judicial Administration indicates enactment of SB 74 could have a fiscal effect on the operations of the Judicial Branch because there could be additional litigation; however, the Office estimates any fiscal effect would be negligible.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary