

February 15, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

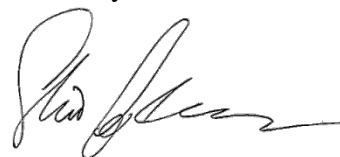
SUBJECT: Fiscal Note for HB 2185 by House Committee on Local Government

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2185 is respectfully submitted to your committee.

In addition to the Attorney General or a county or district attorney, HB 2185 would allow any individual to bring an action against and collect payment of a civil penalty from any public agency that knowingly violates any of the provisions of the Kansas Open Records Act or intentionally fails to furnish information as required by the Act. The Act gives the court the option to award court costs and a reasonable sum as attorney fees for services rendered in this action, as well as in an appeal, to the person filing the suit if it is determined that the Act is violated. The bill would remove the option and require that the court award court costs and attorney fees to the person who prevails in the civil suit filed for violations of the Act.

According to the Office of Judicial Administration, because HB 2185 would expand who can recover a civil penalty and make the award of attorney fees and costs mandatory, passage of this bill could result in an increased number of cases filed under the Open Records Act. Passage of the bill could also cause an increase in revenues resulting from additional docket fees collected by the district courts. An accurate estimate of the number of additional cases and the resulting effect on expenditures and revenues for the Judicial Branch cannot be provided, however, until the courts have had an opportunity to operate under the provisions of the bill. Any fiscal effect associated with HB 2185 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



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

cc: Mary Rinehart, Judiciary