



January 23, 2013

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 18 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 18 is respectfully submitted to your committee.

SB 18 would amend existing law concerning the conditions under which a temporary restraining order can be issued without notice or bond. The bill would establish the conditions under which the court could issue this restraining order, and would require orders issued without notice to:

1. State the date and hour it was issued;
2. Describe the injury and state why it is irreparable;
3. State why the order was issued without notice; and
4. Be promptly filed in the clerk's office and entered into the record.

The order would expire at the time the court sets, which could not exceed 14 days unless the court extended the time for a like period for good cause or the adverse party consented to a longer extension. Reasons for the extension must be entered in the record. The bill would also require that the preliminary hearing be held as soon as possible and take precedence over all other matters of the same character and that the person making the request must proceed with the motion. If the person making the request would not proceed, the order would be dissolved.

In addition, if the adverse party moved to dissolve or modify the order, the bill would require that a two-day notice or shorter, as set by the court, be given to the person who obtained the order. The court would then hear and decide the motion promptly. The bill would also require that the person making the filing give security in an amount the court considers proper to pay costs and damages sustained by any party found to have been wrongfully restrained. The State of Kansas or an agency, officer or employee of the state would not be required to give security.

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According to the Judicial Branch, passage of SB 18 would impose some additional duties on the court in terms of entering temporary orders into the record. The agency is unable, however, to estimate a precise fiscal effect on expenditures resulting from passage of this bill. No fiscal effect on revenues is expected. Any fiscal effect associated with SB 18 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

cc: Mary Rinehart, Judiciary