

January 22, 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 20 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 20 is respectfully submitted to your committee.

SB 20 would amend current law regarding poverty affidavits in lieu of a docket fee. The bill would allow the court to issue an order authorizing the filing of a petition and establishing the amount of the filing fee to be paid. The bill would also require the plaintiff to set forth a factual basis upon which would the inability to pay the docket fee would be based and to provide financial information in the affidavit, which would then be sworn by the plaintiff. The bill would also require the court to review these petitions and dismiss a petition if the court finds:

1. The allegation of poverty is untrue;
2. The petition is frivolous, malicious, or brought in bad faith;
3. The petition fails to state a claim on which relief may be granted; or
4. The petition seeks monetary relief against a defendant who is immune from such relief.

Following the court's review of the petition, service of process would not be issued unless the court grants it.

According to the Judicial Branch, passage of SB 20 would not cause additional expenditures for the agency. Because passage of the bill would change the requirements for filing a poverty affidavit in lieu of paying a docket fee, it could have a negligible effect on docket fee collections. While the actual number of cases in which these affidavits are filed is

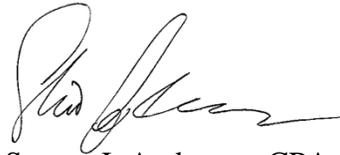
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believed to be relatively small, the agency states that until the courts have been able to operate under the provisions of the bill, an accurate estimate of the possible effect on its revenue would not be able to be determined. Any fiscal effect associated with SB 20 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

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

cc: Jeremy Barclay, Corrections
Mary Rinehart, Judiciary