

March 10, 2014

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

Dear Representative Kinzer:

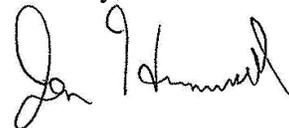
SUBJECT: Fiscal Note for HB 2711 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2711 is respectfully submitted to your committee.

HB 2711 would be known as the Public Speech Protection Act and would apply to any claim based on an action involving participation and petition. The actions would include any expression occurring in a government proceeding, public form, or place open to the public. Also included would be expressions regarding issues, findings, determinations, rulings, interpretations, law rules, policies, program activities, or contract that were or are being considered, enacted, decided, executed or administered by the government. The bill defines what must be included in a written verification made under oath by a party asserting a claim in a civil action and the procedures for those verifications. A party may bring a motion to strike a civil claim and the bill defines what would be required in that process. The court would award the prevailing party the cost of litigation and reasonable attorney fees and additional relief as the court considers necessary. The provision of this Act would be applied and construed liberally to effectuate its general purposes.

The Office of Judicial Administration notes that the passage of HB 2711 would increase the amount of work required of district court personnel. Courts would be required to hear civil claims which require written verification of violations of the Act along with any other motions or hearings falling within the provisions of the bill. This would increase the time spent by district court personnel in processing, researching, and hearing cases. There would also be the collection of additional docket fees, as the bill imposes new requirements in cases that would otherwise be filed under current law. However, it is not possible to predict how complex or time-consuming the cases would be. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2711 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary