

February 15, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2345 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2345 is respectfully submitted to your committee.

HB 2345 would create the Supported Decision-Making Agreements Act. The bill would recognize supported decision-making agreements for a person 18 years of age or older and provide a statutory framework for the requirements for such decision-making assistance agreements. A supported decision-making agreement could serve as a less intrusive means than a guardianship or conservatorship for assisting adults who need assistance with life decisions, such as healthcare, financial, support services, living arrangements and work arrangements. In addition, the bill would provide for decision-making assistance agreements to work in conjunction with a guardianship/conservatorship if the guardian or conservator does not object to the decision-making assistance agreement in any manner.

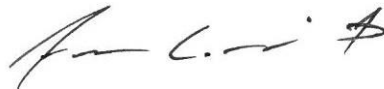
The Kansas Department for Aging and Disability Services indicates that HB 2345 would not have a fiscal effect on the agency. There could be more referrals to the providers' counsel to review the agreements and provide advice on the authorities of the supportive decision-maker. The fiscal effect on providers for additional referrals and advice cannot be determined.

The Office of Judicial Administration indicates that HB 2345 could have a fiscal effect on the Judicial Branch because it may create litigation around the scope of such agreements; create litigation regarding liability of persons under the agreements; create additional work for judges in guardianships or conservatorships if the wards are entering into these agreements; and create more criminal cases since it creates a new crime. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since a portion of this crime carries a misdemeanor penalty, there could also be more supervision of

offenders required to be performed by Court Services Officers. The bill could result in the collection of supervision fees in those cases filed under the provisions of the bill. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2345, an accurate estimate of the fiscal effect on expenditures and revenues by the Judicial Branch cannot be given. The bill could also result in the collection of docket fees, fines and supervision fees which would be deposited in the State General Fund or other state funds.

The Kansas Sentencing Commission indicates that HB 2345 could result in additional prison admissions, additional prison beds, and additional journal entry workload of the Commission but the fiscal effect of the bill cannot be determined. The Department for Children and Families indicates that HB 2345 would not have a fiscal effect on the agency. Any fiscal effect associated with HB 2345 is not reflected in *The FY 2024 Governor's Budget Report*.

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
Leigh Keck, Department for Aging & Disability Services
Scott Schultz, Sentencing Commission
Kim Holter, Department for Children & Families