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Laura Kelly, Governor

March 11, 2026

The Honorable Tom Kessler, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Kessler:

SUBJECT: Fiscal Note for HB 2685 by Representative Rhiley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2685 is respectfully submitted to your committee.

HB 2685 would enact the Public Official Accountability Act. A public official would be personally liable in a civil action for damages caused by any unconstitutional action or action outside of appropriate duties. The civil action would be brought in the district court of the county in which the alleged action occurred or where the plaintiff resides and would also be brought within two years of the alleged action. The Attorney General or district attorney could intervene if the case involves significant public interest.

Qualified immunity, sovereign immunity, or any other form of official immunity would not be a defense to liability under the Act. However, judicial and legislative immunity would be a defense if the action is related to a core function. This Act would create a new cause of action under state law and would not affect federal immunities for claims under 42 U.S.C. § 1983 (civil action for deprivation of rights) or similar federal statutes.

Liability would only apply if the plaintiff proved by a preponderance of the evidence that the official's conduct was knowing, willful, or in reckless disregard of the law, and not a good faith error in judgement. The Act would not apply to actions taken in good faith pursuant to a court order, warrant, or statutory directive that is valid at the time of such action. Damages could include compensatory damages, punitive damages, attorney fees, and court costs. Punitive damages would not exceed three times compensatory damages or $500,000, whichever is greater.

If the plaintiff prevails, the court would award attorney fees and costs. If the action is found frivolous, the court could award the defendant reasonable attorney fees and costs. Public entities could not indemnify officials found liable under the Act, except for compensatory damages if the official acted without malice. The provisions of the Act would be severable.

Estimated State Fiscal Effect			
	FY 2026	FY 2027	FY 2028
Expenditures			
State General Fund	--	$145,562	$149,929
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	$145,562	$149,929
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	1.00	1.00

The Office of the Attorney General states that because the bill would create a new cause of action it would require 1.00 Assistant Attorney General position at a cost of $145,562 from the State General Fund in FY 2027. The estimate includes $133,905 for salaries and wages and $11,657 for related operating expenditures. For FY 2028, the agency estimates a 3.0 percent increase in costs, for a total of $149,929 from the State General Fund.

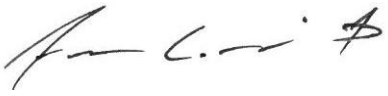
The Office of Judicial Administration states that the bill could increase the number of cases filed in district courts which could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could result in the collection of docket fees that would be deposited into the State General Fund. However, the Office cannot estimate a fiscal effect.

The Kansas Commission on Peace Officers Standards and Training, Legislative Administrative Services, Legislature, Legislative Coordinating Council, Kansas Bureau of Investigation, and Kansas Highway Patrol all state that the bill would not have a fiscal effect. Any fiscal effect associated with HB 2685 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties states that the bill could discourage individuals from working for or running for elected office due to the risk of defending lawsuits from their personal funds. The Association cannot estimate the fiscal effect the bill could have on hiring individuals for these positions. The League of Kansas Municipalities states that because the bill would expand

civil liability for public officials, it could lead to increased litigation costs, insurance costs, and administrative burdens for cities. However, a precise fiscal effect cannot be estimated.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary
Wendi Stark, League of Kansas Municipalities
Bruce Chladny, Kansas Association of Counties
Paul Weisgerber, Kansas Bureau of Investigation
Sherry Macke, Kansas Highway Patrol
Mike Brown, Peace Officers Standards & Training
Tom Day, Legislative Services