

February 9, 2026

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 462 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 462 is respectfully submitted to your committee.

SB 462 would establish certain actions that would not be considered a public nuisance. These actions include the design, manufacturing, distributing, selling, labeling or marketing of a product sold unless the product is an illegal product; the down-stream, post-sale misuse or disposal of a product that is outside the defendant's control; an action or condition that is authorized, approved, licensed or mandated by law; the aggregation of individual injuries or private rights; or any other claim, action or condition that does not constitute or give rise to a cause of action for public nuisance under common law. In a public nuisance claim, the plaintiff would have to provide evidence that the defendant's actions were the actual and proximate cause of the alleged public nuisance. The bill would detail what a court would consider when determining actual and proximate cause.

A political subdivision could file a public nuisance claim only when a public nuisance is wholly contained within that political subdivision. When a public nuisance is not wholly contained within a political subdivision, the Attorney General would be the only person that could file a claim. The Attorney General would require written approval from the Governor prior to filing such claim. If a public nuisance action was filed by a political subdivision or the Attorney General, the court would not award monetary damages, or the cost of abating a future public nuisance. A public nuisance claim could be initiated by a private person only if the person substantiated a special injury and a court could only award damages for compensatory damages for the special injury that has not been reimbursed by a governmental agency. The bill would define special injury as an injury of a different kind resulting from an injury sustained by the general public

exercising the same public right. A public nuisance that involves a continuing or recurring condition would be deemed to occur at the time the plaintiff first discovered the condition. Any subsequent recurrences would not restart the period of limitation.

The bill would apply to claims that are pending on or filed after July 1, 2026. If a pending public nuisance claim initiated by a political subdivision in which the public nuisance wholly occurred in that subdivision could only be brought by the Attorney General, then the Attorney General would be the plaintiff. The Attorney General would request that the case be dismissed unless the Attorney General obtained written approval from the Governor.

Estimated State Fiscal Effect			
	FY 2026	FY 2027	FY 2028
Expenditures			
State General Fund	--	\$513,228	\$528,625
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$513,228	\$528,625
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	4.00	4.00

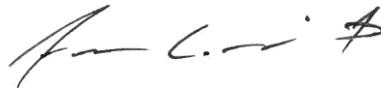
The Office of the Attorney General indicates that to fulfill the obligations of the bill it would require \$513,228 from the State General Fund and 4.00 positions in FY 2027. Of that amount, \$267,809 is for 2.00 Assistant Attorney General positions; \$63,756 is for 1.00 Legal Assistant position; and \$63,756 is for 1.00 Trial Assistant position; and \$117,907 for related operating expenses that include office space, technology, vehicle, and travel expenses. The Office estimates expenditures of \$528,625 in FY 2028, which is an increase of 3.0 percent above the FY 2027 amount.

The Office of Judicial Administration states that the bill would have a negligible fiscal effect on expenditures, which could be absorbed within existing resources. The bill would also have a negligible fiscal effect on revenues to the Office and the State General Fund. The Office of the Governor states that the bill would not have a fiscal effect. Any fiscal effect associated with SB 462 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties states that the bill would limit the ability of a county to abate a public nuisance and bar monetary recovery for damages. However, a fiscal effect cannot be estimated. The League of Kansas Municipalities states that the bill would have a negligible

fiscal effect on cities to develop, implement, and train on new procedures related to public nuisance. The League cannot estimate a precise fiscal effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Ethan Belshe, Office of the Governor