

February 14, 2012

The Honorable Marc Rhoades, Chairperson
House Committee on Appropriations
Statehouse, Room 351-S
Topeka, Kansas 66612

Dear Representative Rhoades:

SUBJECT: Fiscal Note for HB 2553 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2553 is respectfully submitted to your committee.

HB 2553 would require the Attorney General to provide representation to the Nemaha-Brown Watershed Joint District in the case of Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas v. Michael Black, et al., federal district of Kansas case No. 06-CV-2248. If passed the bill would take effect after publication in the *Kansas Register*.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	\$25,000- \$50,000	\$25,000- \$50,000	\$100,000- \$200,000	\$100,000- \$200,000
FTE Pos.	--	--	--	--

The Office of the Attorney General has previously determined that the Watershed District is not an instrumentality of the State of Kansas and is therefore not entitled to Kansas Tort Claims Act defense. Due to a probable conflict of interest on the part of the Office of the Attorney General, the defense of this case would need to be outsourced. Estimates noted in the table above are based on an estimated range of attorneys' fees and expenses that would be required to defend the Watershed District through the trial and appeal stages of the case, and would be financed by the State General Fund. There would also be staff costs associated with

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the monitoring and management of the Kansas Tort Claims Act agreement. Any fiscal effect associated with HB 2553 is not reflected in *The FY 2013 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: Megan Henry, Attorney General's Office
Dawn Palmberg, Water Office