

March 6, 2017

The Honorable Blaine Finch, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519-N  
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2335 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2335 is respectfully submitted to your committee.

HB 2335 would amend the Kansas Code of Civil Procedure by adding exemplary and punitive damages to the types of damages that may be awarded in a wrongful death action. In addition, it would remove the \$250,000 damage cap on nonpecuniary losses in those actions. In the event the trier of fact awards exemplary or punitive damages in a wrongful death action, the court would determine the amount of the damages in accordance with existing statute that describes the factors to be considered when assessing those damages. When exemplary or punitive damages are awarded, 50.0 percent of any remaining amount would be deposited in the State General Fund following the payment of all allowable costs to the party recovering the award. The bill would also make clarifying amendments to other statutes in accordance with the changes outlined above.

The Office of the Attorney General indicates SB 128 would have a fiscal effect on the state's Tort Claims Fund if the allowance of exemplary or punitive damages and the removal of the cap on all nonpecuniary damages supersedes the language of the Kansas Tort Claims Act (KTCA), which currently limits damages to \$500,000 in certain cases brought against the state. The agency clarifies that the removal of the cap would have no effect on the payout if the economic damages awarded in a particular case did not exceed \$250,000, as the overall KTCA cap would still apply. Any fiscal effect associated with HB 2335 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Linda Kelly, Corrections  
Shelia Sawyer-Tyler, KBI  
Kim Torrey, Highway Patrol  
Ashley Michaelis, Judiciary  
Willie Prescott, Office of the Attorney General  
Brock Ingmire, League of Municipalities  
Melissa Wangemann, Association of Counties