



**To:** Senate Judiciary Committee

**From:** Nathan Eberline – Associate Legislative Director & Legal Counsel

**Date:** January 23, 2012

**Re:** Senate Bill 18 (Civil Procedure and Restraining Orders)

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Dear Senate Judiciary Committee:

I am writing to propose an addition to Senate Bill 18. Under the bill, the new language for K.S.A. 60-903(f) would read as follows:

(f) Security. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained. The state of Kansas or an agency, officer or employee thereof, is not required to give security.

Since Kansas counties and cities act in conjunction with the State, it is similarly situated when seeking temporary restraining orders. The Kansas Association of Counties would like additional language, so the concluding sentence reads: “The state of Kansas, Kansas counties, Kansas cities, or an agency, officer, or employee thereof, is not required to give security.” This change prevents local government from paying itself when acting on behalf of the state.

If this committee adds municipalities to the bill, KAC supports the change. Thank you for your consideration.

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785-272-2585  
Fax 785-272-3585