

January 31, 2025

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 70 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 70 is respectfully submitted to your committee.

The Kansas Open Records Act (KORA) currently states that a fee for copies of public records that is \$0.25 or less is a reasonable fee. SB 70 would specify that a fee for electronic copies of public records of \$0.125 or less is a reasonable fee. The bill would add to the list of records that public agencies are not required to disclose, any records of agencies involved in administrative adjudication of civil litigation if the investigation is formally closed, and the agency has determined no violation of administrative rules and regulations occurred. The bill would change the date that a county or district attorney must report to the Attorney General all complaints received during the preceding fiscal year concerning violations of the KORA and the Kansas Open Meetings Act (KOMA) from January 15 to December 15 of each year.

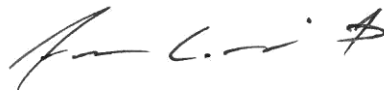
The bill would also amend KOMA to specify that when a public body or agency subdivides itself into subordinate groups, the total membership of the subordinate group would be used to determine if a majority of membership participated in a meeting. The bill would also specify that a private entity would only be considered a subordinate group of a legislative or administrative body if they are under the control of such body. A public body or agency that voluntarily elects to live stream its meetings would be required to ensure that all aspects of the open meeting are available for the public to observe. The bill states that a public body or agency that has entered a closed or executive meeting would not be guilty of KOMA violation if the meeting concludes five minutes earlier or later than provided in the motion to go into closed or executive meeting.

The Department of Revenue, Department of Wildlife and Parks, Department of Insurance, Board of Nursing, Department for Children and Families, Secretary of State, and Department of Corrections indicate enactment of the bill would have a minimal fiscal effect on the agencies that could be absorbed within existing resources.

The Office of the Attorney General, Department of Administration, Department of Health and Environment, Department for Aging and Disability Services, Board of Healing Arts, Department of Labor, Kansas Bureau of Investigation, Highway Patrol, Department of Education, and Legislative Administrative Services indicate enactment of the bill would not have a fiscal effect on the agencies. Any fiscal effect associated with SB 70 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill could affect expenditures and revenues for counties, but the effect cannot be estimated. The League of Kansas Municipalities indicates enactment of the bill would decrease fees for public records below actual costs. However, a precise fiscal effect cannot be estimated.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Jill Simons, Board of Nursing
Jennifer King, Department of Corrections
Samir Arif, Department of Administration
Dawn Palmberg, Department of Labor
Kyle Strathman, Insurance Department
Gabrielle Hull, Department of Education
Lynn Robinson, Department of Revenue
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Tom Day, Legislative Services
Sherry Macke, Kansas Highway Patrol
Paul Weisgerber, Kansas Bureau of Investigation
Kim Holter, Department for Children & Families
Leigh Keck, Department for Aging & Disability Services
Amy Penrod, Department of Health & Environment
Becky Pottebaum, Board of Regents
Sandy Tompkins, Office of the Secretary of State
Susan Gile, Board of Healing Arts
Matt Bingesser, Office of the Attorney General
Martin DeBoer, Department of Wildlife & Parks