

February 19, 2015

The Honorable Ralph Ostmeyer, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Ostmeyer:

SUBJECT: Fiscal Note for SB 201 by Senator Hensley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 201 is respectfully submitted to your committee.

SB 201 would amend the Open Records Act by adding to the definition of public record. The definition would include any recorded information made, maintained or kept on a personal electronic device by a public agency in furtherance of the public agency's duties related to functions, activities, programs or operations funded by public funds.

Estimated State Fiscal Effect				
	FY 2015 SGF	FY 2015 All Funds	FY 2016 SGF	FY 2016 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$44,561 - \$94,561	\$44,561 - \$94,561
FTE Pos.	--	--	--	0.50

The Office of the Attorney General states that the passage of SB 201 could have a fiscal effect if there were legal challenges to the law. The Attorney General would have to defend any challenges and would have to use the services of the Solicitor General due to the constitutional issues involved. The potential cost of the litigation would be approximately \$50,000 per year.

Also, the Office of the Attorney General anticipates an increase in open records requests and complaints filed with the office. These complaints would be especially difficult to investigate and would require specialized expertise in digital records; therefore, an additional

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0.50 FTE cyber investigator position would be needed at a cost of \$39,079 for salary and benefits. Other expenses associated with the position would be \$5,482 in FY 2016 and \$2,734 in FY 2017. Any fiscal effect associated with SB 201 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a long horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Attorney General's Office