

May 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 306 by Senator Baumgardner

In accordance with KSA 75-3715a, the following fiscal note concerning SB 306 is respectfully submitted to your committee.

SB 306 would amend certain definitions included in the Kansas Open Records Act. The bill would remove the term “officer” from the definition of a “public agency.” The bill would also remove the exemption of certain judges, as well as officers or employees of the state or political or taxing subdivisions of the state if these employees are not provided with an office that is open to the public at least 35 hours per week, from being considered as public agencies. The definition of “public agency” would then apply only to governmental or corporate entities and not to any person. The bill would insert “location” into the definition of “public record” to make clear that the location of the record is not an impediment to defining it as such and would include officers and employees of a public agency who are performing official duties related to the work of the public agency as those to whom the definition of “public record” would also apply. The bill would exempt the records of certain judges, as well as officers and employees of a public agency not provided with an office that is open to the public at least 35 hours per week, from inclusion in the definition of “public record.”

According to the Governmental Ethics Commission, passage of SB 306 would have no fiscal effect on the agency’s budget. If the bill were to be passed, the Attorney General indicates that it might have to defend the statute if challenged in court. The agency is unable to estimate what costs might be associated with that defense. Any fiscal effect associated with passage of SB 306 is not reflected in *The FY 2016 Governor’s Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Carol Williams, Governmental Ethics  
Willie Prescott, Attorney General’s Office