

January 29, 2016

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 361 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 361 is respectfully submitted to your committee.

SB 361 would amend the definition of “public record” as it is used in the Kansas Open Records Act (KORA). Public record would include any recorded information kept by any officer or employee of a public agency that relates to public business.

The Office of the Attorney General states that there could be a legal challenge by officers or employees who are required to produce records under the provisions of SB 361. The Office notes that the language in the bill used to define public records has not been tested in court. The Office estimates a legal challenge could require expenses of approximately \$10,000. However, the agency indicates that those expenditures could be handled using existing staff.

The Attorney General’s Office anticipates fielding an increased number of phone calls from individuals seeking information and clarification of the provisions contained in SB 361. Also, additional requests for opinions and training are expected. If the number of phone calls and requests for opinions and training exceeds current workload capacity, it may be necessary for the Office to hire additional attorneys.

The Office expects passage of the bill would result in increased KORA complaints. However, because the number of complaints that may arise is unknown, the fiscal effect relating to investigating and resolving the complaints is difficult to estimate with any precision. Any fiscal effect associated with SB 361 is not reflected in *The FY 2017 Governor’s Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Faith Loretto, KPERS
Ashley Michaelis, Judiciary
Willie Prescott, Attorney General’s Office