

February 1, 2017

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

Dear Senator LaTurner:

SUBJECT: Fiscal Note for SB 86 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 86 is respectfully submitted to your committee.

SB 86 would amend fees that public agencies may charge for copies of records when fulfilling open records requests. The bill would require that charges must not exceed \$.25 per page; costs for other records must not exceed the actual costs; and staff time must be charged at the lowest hourly rate of the person who is qualified to provide the records.

SB 86 also amends KSA 75-4318 regarding requirements for public meetings. The bill would require presiding officers of meetings to ensure that minutes are kept at each meeting.

The Office of the Attorney General indicates that the agency's fee schedule for copies of records is similar to the fees in the bill; therefore, the Office does not anticipate a change to revenues. However, the bill could result in increases of requests for Attorney General's Opinions or complaints under the Kansas Open Records Act (KORA). If the number of opinion requests or complaints significantly increases, additional staff could be required to handle the added workload. Also, any increase to the number of complaints could result in the collection of additional fines related to KORA. It is not possible to predict the number of opinion requests or complaints that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined.

The Office of Judicial Administration estimates that the bill would decrease revenues for the Judicial Branch as a result of limiting the per page and staff time charges. However, the Office is unable to estimate the fiscal effect.

Legislative Administrative Services states that the bill would have a negligible fiscal effect on its operations. However, the agency notes that the bill would require the Legislative

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Coordinating Council to change its current fee structure for copies of open records. Legislative Administrative Services notes that it currently charges \$.50 for the first page and \$.15 for every subsequent page. The reasonable fee for staff time is \$20 per hour with a minimum charge of \$10 for the first hour.

Other agencies report that SB 86 would have either a negligible or no fiscal effect on complying with open record requests. The Department of Administration indicates that its current fee structure would be allowed to continue under the bill. Any fiscal effect associated with SB 86 is not reflected in *The FY 2018 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: Brianna Landon, Corrections
Justin Law, Agriculture
Dale Dennis, Education
Willie Prescott, Office of the Attorney General
Jackie Aubert, Children & Families
Karen Clowers, Legislative Services
Ashley Michaelis, Judiciary
Colleen Becker, Department of Administration
Dan Thimmesch, Health & Environment